



THE UNIVERSITY OF
MEMPHIS

Minutes of the Faculty Senate

Presiding: Jeffrey Marchetta (Mech Engr)

Date: 4-20-2021

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

Senators Present: Alena Allen (Law), 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 Gray (Philosophy), Denis D. Grélé (World Lang & Lit), Melissa Hirschi (Social Work), Stephanie Huette (Psychology), Eddie Jacobs (Electrical & Computer Engineering) 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), Patrick Murphy (CEPR), Michael Perez (Anthropology), Steven L. Nelson (Leadership), Esra Ozdenerol (Earth Sciences), Zabiholah Rezaee (Accountancy), Steven 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), Kris-Stella Trump (Political Science), Stephen J. Watts (Criminal Justice), & Máté Wierdl (Mathematical Sciences), and Daryn Zubke (Music).

Senator Present by Proxy: David Goodman (Communications), proxy David Appleby.

Senators Absent: Brian Janz (Business Info. Tech) and Curt Schuletheis (Mil Sci-Naval Sci).

Faculty Senate Information Officer: To be determined.

Guests: Thomas Nenon (Provost's Office), Robert Jackson (Information Tech Services), Stanley Hyland (UMAR), James Orr (Academic Affairs), David M. Kemme (Board of Trustees, Faculty Rep.), Gloria F. Carr (Faculty Ombudsperson), Meghan Cullen (Staff Senate), and Martha Robinson (Lambuth Liason), Pankaj Jain (Fin, Ins, & Real Estate). Susan Neely-Barnes (Social Work), Wendy Atkins-Sayre (Communications), Keri Brondo (Anthropology), Karen Weddle-West (VP Student Academic Success), Gretchen Peterson (Sociology), James Kierulff (Graduate School), Robin Poston (Graduate School), Firouzeh Sabri (Physics and Materials Science), Darren Wibberding (Dean of Students), Brian Ruggaber (Theatre & Dance), and Bert Burraston (Criminal Justice).

The four-hundred-and-seventy ninth meeting of the University of Memphis Faculty Senate was held on Tuesday, April 20, 2021 via the Zoom video conferencing platform due to restrictions imposed in response to the COVID-19 global pandemic.

04.20.21.01 CALL TO ORDER (2:40 P.M.)

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

04.20.21.02 APPROVAL OF AGENDA

The agenda was approved as written.

04.20.21.03 APPROVAL OF MINUTES

Faculty Senate – March 23, 2021

The minutes of the March 23, 2021 Faculty Senate (FS) meeting were approved as written.

04.20.21.04 PRESIDENT'S REPORT

Return to Campus Update

President Marchetta reported that he is on the Health Preparedness Committee, which is meeting weekly. The plan right now is to return to fairly normal instructional offerings in the fall. The caveat is that things can change. Masks will likely still be required on campus, including in the classrooms. Regarding a potential vaccine mandate, state politics aren't favorable, and the legislature may specifically prohibit such a mandate in higher education. He expects that there will not be a mandate. There will be an information campaign to encourage the university community to get vaccinated. Campus activities and student events may require approval and have restrictions.

Senator Patrick Murphy asked if there will be social distancing in classrooms. Provost Thomas Nenon replied that he hoped not. The experts they have been consulting do not believe it's likely to be necessary.

Senator Stephen Watts asked about an email received about a week ago regarding a university vaccination site that was quickly followed by another email clarifying that vaccinations weren't mandatory. He asked if there was outside or inside pressure. Provost Nenon responded that several people called for clarification.

Senator David Appleby asked if we could see more messaging encouraging vaccinations for the university community. Provost Nenon responded that he wanted to make it clear that how much we'll be able to do will depend on having as many members of our university community taking necessary precautions, especially vaccinations.

Senator Michael Perez asked what kind of accountability we will have for mask non-compliance. Provost Nenon responded that if they are mandated, the university will have the same enforcement mechanisms in place that were in place in the past semester.

Senator Máté Wierdl asked if he could put a statement into his syllabus to "very strongly recommend students get vaccinated to attend his class." Provost Nenon responded that he doesn't think it would be necessary. He's concerned about the necessity or wisdom of such language. Senator Wierdl followed up by suggesting that students don't regularly read emails from administration, but they do read syllabi. Provost Nenon responded that administration will be communicating the message in multiple ways, not just through email. Students will all know the importance of vaccination and that we're encouraging it.

Senator Zabi Rezaee asked if there is any way that faculty could have a standardized statement to put in their syllabi. Provost Nenon responded that it's a good suggestion. He can work with Dr. Justin Lawhead, Dean of Students and Chief Health and Safety Officer, and the Office of Legal Counsel to provide something for everybody, depending on how things look in the community.

Senator Denis Grélè asked if there will still be a need for remote classes. He also asked if faculty should be prepared to go remote. Provost Nenon responded that he did not anticipate a need to prepare to transition to remote instruction. It's not a likely scenario. A couple faculty members approached him suggesting that synchronous learning might be the best choice for some courses. In sections where there are already multiple modes of instruction, it's possible that a remote section might be added to see how well it works. He noted that there are a few pilots of this approach in the College of Arts and Sciences.

Compensation Update

President Marchetta reported that the Senate passed a motion in anticipation of a potential 4% raise pool. He stressed that the state budget hasn't been passed yet, so this is all speculation. The state proposal states that only about 65% of the 4% raise pool would come from the state. These are estimates. A 4% raise pool is about \$8.4M and the state would provide about \$5.4M of that. The university would have to come up with remaining 35%. Because of budget reductions related to COVID-19 (\$50M budget shortfall), the plan would be to fund a total salary raise pool of about 3%. He clarified that even if the 4% raise pool is approved by the state, the university would only have funding to provide for a 3% raise pool. Based on a recent FS motion, administration is proposing a 2% across the board raise, an additional flat amount to everyone, no merit pool, and a small pool set aside for compression and equity. He added that the intent of the recent FS motion on instructor promotions will go into effect beginning in the fall of 2022. This gives colleges time to develop clear guidelines for those promotions. He stressed that all of this is an intermediate update and subject to change.

Senator Wierdl asked if the 2% across the board increase is contingent on a 4% raise passed by the state. He asked if it is guaranteed. President Marchetta responded that everything is contingent upon what the state legislature passes. Senator Wierdl followed up by asking if faculty would get 2% across the board raises if the 4% raise pool is approved. President Marchetta confirmed that that's what is being proposed.

Provost Nenon commented that he appreciates President Marchetta bringing this forward to the Senate. He believes that we need to provide advancement opportunities for instructors. We need one year of discussion so that all stakeholders are aligned. We've started setting funds aside.

Megan Cullen, Staff Senate President, commented that the Staff Senate, based on a survey, voted to propose an end to across the board raises and moving to flat amount raises based on income levels. The Staff Senate also agrees with no merit increases given insecurities they have with the process of evaluations as a result of the COVID-19 situation.

LMS Update

President Marchetta reported that he invited Dr. Robert Jackson, Chief Information Officer (CIO), and Provost Nenon to the meeting to provide an update. Provost Nenon reported that he's disappointed with negotiations with D2L. The timetable for the transition to Canvas will need to be moved up. They tried to avoid it, but D2L is not willing to negotiate an extension for a reasonable cost. D2L tried to force the university to stay with them for five more years. As a result, our contract with D2L will expire at the end of the year (December 2021). The university will be investing in faculty workshops and a tool implemented by an outside vendor to

automatically migrate courses from D2L to Canvas. Dr. Jackson reiterated that ITS (Information Technology Services) will continue partnering with Academic Affairs to make the expedited transition as smooth as possible. These efforts might be incorporated into summer institute training. ITS will bring more information forward as details are figured out. Provost Nenon reiterated that he's very disappointed. This couldn't have come at a worse time. He's fully aware of the extraordinary effort faculty have made over the past year and he didn't want to migrate this fast. He will do everything he can during the fall semester to mitigate as much extra effort and hardships on faculty. President Marchetta added that the Senate voted to go live in the summer (2022). In order for us to have done that, we would have needed to come to an agreement with D2L to extend the current contract, but D2L tried to gouge us. It will impact everyone. Some of the funding that was offered to D2L for the extension will be spent on faculty training. He supports the choice even though it's inconvenient.

Senator Grélé asked if all the work we have on D2L will be lost. President Marchetta responded that we're going to archive recent courses in D2L for a certain period of time. Once archived, they can be transitioned/migrated into Canvas. Once the D2L contract ends, we will not be able to access it, but we can access the archives. He expects that at least two years of course shells will automatically be archived. Dr. Jackson added that he is working with a 3rd party vendor to create the archives. Timelines and availability of archived materials will be forthcoming.

Parliamentarian Mark Sunderman commented that by going live with Canvas in spring 2022 and the contract for D2L ending in December, there won't be any overlap. He's concerned that we won't be able to migrate courses to allow for enough time to work on classes. Also, in some cases we don't need two years of course shells, but in other cases we need more. President Marchetta responded that there will certainly be cases where some will have to go back further than two years. Faculty might have to submit a helpdesk ticket to ITS to go back further than two years. They are trying to make Canvas available to us as early as June. Parliamentarian Sunderman expressed that he wants to make sure he has early enough access to make sure everything is ready in time for classes. He also asked what an archive looks like. Provost Nenon replied that there are two different processes. First, material is migrated from D2L into Canvas. He hopes we'll be able to do that automatically for the last version of a course taught over the past two years. He will ask if there are any other courses faculty want migrated. If migration works, archives will be moot. Archives will be available in case the automatic migration isn't sufficient or a class wasn't migrated. He stated that he had to make this decision last Thursday.

President-elect Jill Dapremont commented about the summer workshops. She asked if there will be a limited amount of faculty that will be able to participate and whether they would be incentivized. Also, for courses that were developed with master courses, she asked if faculty would be able to submit a helpdesk ticket request through ITS to migrate or archive. Dr. Jackson responded that because of the timing changes in the schedule, he is still working with the committee on the details, but there will be some method where faculty will be able to request certain content be migrated or archived and ITS and Academic Affairs will do everything possible to make it happen. Provost Nenon added that training and incentives will be made available to all faculty who want it. He can't promise a big stipend, but it will be available to all faculty.

Senator Scott Marler asked if gradebooks will be archived. He looks back at grades when making recommendations for students. He suggested that faculty export their gradebooks if there's no intention to automatically archive gradebooks in D2L. President Marchetta agreed that that's always a good practice.

Senator Steven Nelson commented that in the Department of Leadership, their classes are all online. He begged for a smooth transition. He noted that a disproportionate number of students in his department are over thirty years old. He asked if students will be trained. He also expressed concern about gradebook retention. Provost Nenon responded that this is critical for almost every department on campus and it's critical that we get it right. We will focus on training, including helping faculty export grades. It's crucial that the adjustments are easy for students. Evaluations of Canvas indicate that it's easier to use for both faculty and students. Most students will need no training. He's hoping that the transition will be smooth enough that it doesn't impact performance evaluations. President Marchetta added that they just got this information very recently and D2L left us with little choice. That's why the information is being brought to the Senate so quickly.

04.20.21.05 PRESENTATIONS AND DISCUSSION

Faculty Diversity Initiatives, Dr. Karen Weddle-West

President Marchetta yielded to Dr. Karen Weddle-West, VP Student Academic Success, who updated the FS on faculty diversity initiatives (See Appendix).

Senator Scott Sundvall thanked Dr. Karen Weddle-West for all of the work on this initiative. He hopes that this will serve as a launching board for additional reform for irradiating racism on our campus. Dr. Karen Weddle-West responded that every colleague that served was happy to serve. The university is, to a very large extent, committed to this effort. She wants this to help the broader community, too.

Senator Fawaz Mzayek asked about recommendation #4 (Increase the general knowledge of students about African American and people of color in the US.). He expressed that it's important not just for students, but also faculty. He asked about increasing general knowledge to a broader audience. Dr. Karen Weddle-West responded that Dr. Beverly Cross, Lillian and Morrie Moss Chair of Excellence in Urban Education, is leading the effort to develop rubrics to assess how inclusive different areas are.

Senator Watts requested training for all faculty on search committees. President Marchetta clarified that Tiffany Baker Cox, Director, Institutional Equity & Chief Compliance Officer, did begin training for department chairs and search committee chairs this spring semester. This training will be required for all members of search committees going forward. Dr. Karen Weddle-West reiterated the importance of training. She referred Senators to the slide for Goal 2 which covers training issues.

President-elect Dapremont thanked Dr. Karen Weddle-West for her presentation. It helps clarify that we are all on the same page with regard to diversity, equity, and inclusion across campus.

Senator Alena Allen reported that she has been harassed by university police. She asked if Dr. Karen Weddle-West has looked into the treatment of faculty of color by university police. Dr. Karen Weddle-West expressed that it's an excellent recommendation. She offered to help Senator Allen address her concerns and asked Senators to contact her offline with any similar issues. Dr. Karen Weddle-West offered to convey the concern to Dr. Justin Lawhead, Dean of Students and Chief Health and Safety Officer.

Senator Martha Robinson commended Dr. Karen Weddle-West and President-elect Dapremont on their outstanding reports. She asked about the timeline for implementing the recommendations. Dr. Karen Weddle-West responded that they don't have a timeline. They are

awaiting more information about when to start moving and how to move. The reports are thousands of pages long. She expects to hear something soon and will share information as soon as she gets it. President Marchetta encouraged Dr. Karen Weddle-West to reach out to the Senate for representatives on the implementation committees as they are being formed. Dr. Karen Weddle-West asked faculty to continue to volunteer for implementation committees if they wish.

Graduate Student Assistantship Changes, Dr. Robin Poston & Dr. James Kierulff

President Marchetta yielded to Dr. Robin Poston, Dean, Graduate School and Professor, Department of Business Information and Technology, and Dr. James Kierulff, Director of Graduate Student Services, who made a presentation on graduate student assistantship changes (See Appendix).

Senator Rezaee asked Dr. Poston to, in simple language, explain how he will pay for graduate students in the future. Dr. Poston responded that he should be able to pay graduate students in the same way as in the past. Dr. Kierulff clarified that the funds that used to be given to departments will be given directly to those with budgets for graduate students.

Senator Sundvall asked if this applies to terminal master's students. He commented that terminal master's students teach classes in the English department. He's concerned that \$10/hour isn't an adequate wage for them. He asked how they arrived at the plan, given how much some departments rely on terminal master's students. He asked what peer universities we are being compared to (current peer universities or R1 peer institutions). R1 institutions provide more benefits to graduate assistants (i.e. health insurance). Dr. Poston responded that they could continue to pay what they currently pay. \$10/hour is only a minimum. Peer institutions were used only for comparing tuition rates. Few universities publish their minimum rates. She has been working with Provost Nenon on providing health care to graduate students and they will continue to work on that issue.

Senator Coriana Close asked if the term GA should continue to be used. Dr. Poston responded that she would work on communicating this issue in the next graduate school meeting. The term GA still exists, but the reality is that we are trying to move away from it. The goal is to optimize the use of our funds. She suggested that students should have skin in the game by paying part of their tuition. She has talked with colleagues at other universities and they are having their graduate student budgets slashed. Our graduate student budgets are being optimized. Colleges have flexibility to use funds as they believe is best. She reiterated that there are three options for paying graduate students.

Senator Mike Golias asked about graduate students funded by external funds. He asked how many years they will be charged for out of state tuition and if there is a fund to cover the difference. He asked how this will affect PhD programs. Dr. Poston responded that she can't predict the future. Those are discussions that will be had down the road. UTK (University of Tennessee at Knoxville) uses the same system that is being implemented here. Provost Nenon added that for now, any difference between in state and out of state will be covered. We will use SRI (Strategic Resource Investment) to help make decisions in the future.

Senator Wierdl asked why a graduate student's work is worth less than others? He asked about paying them \$15/hour instead of \$10/hour. Dr. Poston responded that we need to move in that direction over time, but some areas are paying \$7.25/hour and an increase to \$15/hour would

crush them. Provost Nenon responded that if you include the tuition reductions, they are making at least \$20/hour. They are trying to make sure that the financing for the students is better but might not be able to give away as many full tuition scholarships.

Senator Sundvall asked for clarification that there will be no changes for terminal master's students. Dr. Poston responded that it's up to the department.

Senator Golias asked if faculty can use external funding to compensate students whatever they want. Dr. Poston responded that yes, they could.

Senator Murphy noted that graduate and PhD students made decisions to come to the university based on what we have been doing. He asked if we are taking this into account. Dr. Poston responded that Provost Nenon has indicated that current contracts will continue to be honored.

04.20.21.06 STANDING COMMITTEE UPDATES & REPORTS

Executive Committee

President Marchetta reported that the EC has no report.

Faculty Policies Committee

President Marchetta yielded to Senator Eugene Buder, chair of the Faculty Policies Committee, who reviewed their report (See Appendix).

President Marchetta put forth a motion to accept the report.

The motion to accept the report was adopted by a vote of 37 yes, 0 no, and 1 abstain.

Administrative Policies Committee

President Marchetta yielded to Senator Ted Burkey, Administrative Policies Committee, who summarized their report (See Appendix).

President Marchetta put forth a motion to accept the report.

The motion to accept the report was adopted by a vote of 37 yes, 0 no, and 0 abstain.

Budget and Finance Committee

President Marchetta yielded to Senator Rezaee, chair of the Budget and Finance Committee, who thanked Senators for having meetings with their units and completing the SWOT (Strengths, Weaknesses, Opportunities, and Threats) forms. He has received completed forms from all but two Senators. He is preparing a synopsis report for each college, will meet with deans, and then go from there. He's trying to get some KPIs (key performance indicators) on administrators from OIR (Office of Institutional Research). He will bring recommendations from the deans to the FS in August or September and then make recommendations to the Provost's Office.

Academic Support Committee

President Marchetta yielded to Senator Michael Perez, chair of the Academic Support Committee, who summarized their report (See Appendix). He also reported that MS (Microsoft) Teams will be used for the Senate discussion board to allow non-senators access to view the discussions without posting rights. President Marchetta added that management of the MS Teams Senate discussions will be administered by the FS Office.

Senator Wierdl asked if Senators will have to manage faculty access to the MS Teams Senate discussions for their department. President Marchetta reiterated that administration of the discussions will be handled by the FS Office. Any faculty member that wants to join the MS Teams Senate discussions as a guest will be allowed to view all content.

President Marchetta put forth a motion to accept the report.

The motion to accept the report was adopted by a vote of 33 yes, 0 no, and 1 abstain.

Library Policies Committee

President Marchetta yielded to Senator Gerald Chaudron on behalf of Senator David Goodman, chair of the Libraries Policy Committee, who reported that they have nothing to report.

Academic Policies Committee

President Marchetta yielded to Senator Grélé, chair of the Academic Policies Committee, who reported that the Academic Policies Committee continues to work on the revision of the Student Evaluation of Teaching Effectiveness (SETE). They have contacted the Department of Educational Psychology and are very pleased that Dr. Eli Jones, who was Chair of the working group that started this study, has decided to continue to work with the Committee on this project. The Committee is meeting with him on Thursday, April 22 to create a new working group that will be able to continue the work that has already been done. At this point in time, the Committee is hopeful that it will be able to put this working group together before summer begins.

Research Policies Committee

President Marchetta yielded to Senator David Gray, chair of the Research Policies Committee, who reported that the Committee has submitted two motions for New Business.

04.20.21.07 OLD BUSINESS

Faculty Trustee Election

President Marchetta reported that there is one candidate for the position of Faculty Trustee, Dr. David Kemme. He called for the election.

Dr. David Kemme was elected as Faculty Trustee with 33 votes.

Faculty Trustee Kemme thanked everyone in the FS for their support. He commented on the outstanding work that the FS has done all year. He's available anytime to talk and has met with some departments to discuss various issues. He has provided input to University President M. David Rudd and Provost Nenon over the past couple years. Much of that input comes from his interaction with faculty. He thinks it's important that University President Rudd, Provost Nenon,

and other C-level administrators appreciate the work of the FS and that the FS, Board of Trustees, and administration are working well together. He can't discuss management issues but can discuss policy issues. The most important issue now is the search for the new university president. He's glad to see that President Marchetta and President-elect Dapremont are on the search committee. He expressed that we are on a very good path. He's happy to continue working for another two years as faculty trustee. It's an honor and privilege. He also wants to encourage others to run for Faculty Trustee in the next term.

04.20.21.08 NEW BUSINESS

(M2020.21.30) Motion to Recommend Approval of Changes to HR5011 Proposed by Human Resources – Research Policies Standing Committee

President Marchetta yielded to Senator Gray who presented the motion.

Originator: Research Policies Committee

Whereas,

Human Resources (HR) is recommending changes to policy HR5011 Extra Compensation and Outside Employment. The Research Policies Standing Committee has consulted with the Director of HR and recommends approval of the proposed changes.

Be it resolved that,

The Faculty Senate recommends approval of the policy changes in the attached document to HR5011 Extra Compensation and Outside Employment, proposed by Human Resources.

Recipients:

Policy Review Board Faculty Senate Representative, William Pat Travis

Maria Alum, Chief Human Resources Officer

The motion is adopted by a vote of 33 yes, 0 no, and 1 abstain.

(M2021.21.31) Motion to Recommend Creation of Ad-Hoc University Committee to Review IDCR/Faculty Buyout Distribution and Allocation – Research Policies Standing Committee

President Marchetta yielded to Senator Gray who presented the motion.

Originator: Research Policies Committee

Whereas,

Indirect Cost Recovery (IDCR) and Faculty Buyout (FB) funds are the only sources of funding continuity for research faculty. IDCR and FB funds are often used by Principal Investigators (PIs) to fund graduate students and postdocs, invite speakers, and pay for travel, equipment, and materials. Monies from these funds are crucial for maintaining labs and research productivity. Research investigators should have substantial autonomy in determining how to utilize IDCR/FB funds and how these funds are taxed—especially during the transitional periods between grants.

Whereas,

The recent pandemic and the possibility of other financial risks required a redistribution and tax on monies that affect the university, colleges, departments, PIs, faculty, postdocs, and students.

Whereas,

The intention of the University of Memphis to become a Carnegie R1 institution requires the creation of favorable research conditions to attract high-quality professors.

Be it resolved that,

The Faculty Senate recommends that an Ad-hoc University Committee be formed to review current practices and provide recommendations to the administration related to IDCR/Faculty Buyout Distribution and Allocation (D&A). Further, it is recommended that the committee will:

1. consist of representatives of the Faculty Senate, Division of Business and Finance, the Division of Research and Innovation, the Project Management Group, and other interested faculty, chairs, and deans.
2. review current practices and recommend new practices and policies to formalize the process by which IDCR and FB funds are distributed and allocated to support the University of Memphis' research mission.
3. consult with colleges to modify the distribution and allocation processes as are required for the functioning of those colleges.
4. make recommendations which consider the needs of researchers regarding autonomy and taxation of IDCR/FB funds, especially during transitional periods, and the number of years that distributed funds are available to PIs.
5. disseminate the results of their efforts publicly on The University of Memphis website.

Recipients:

Faculty Senate

Tom Nenon, Provost

Helen Johnson, Office of the Provost

Jasbir Dhaliwal, Executive Vice President, Division of Research and Innovation

Raaj Kurapati, Executive Vice President and CFO, Division of Business and Finance

The motion is adopted by a vote of 34 yes, 0 no, and 1 abstain.

(M2021.21.32) Motion to Recommend Amendment of Faculty Handbook Section 2.5 – Faculty Policies Standing Committee

President Marchetta yielded to Senator Buder who presented the motion.

Originator: Faculty Policies Committee

Whereas,

The current language in the Faculty Handbook on Chairs of Excellence at the University of Memphis states nothing about appointment or review retention criteria.

Be it resolved that,

The Faculty Senate recommends changes to Section 2.5 such that the tracked language will amend the third paragraph in section 2.5, and the redundant subheading will be removed as follows

2.5 Chairs of Excellence

2.1.1 Role of the Chair of Excellence

...

Faculty holding appointments as Chairs of Excellence are expected to perform at levels exceeding those for the Full Professor rank within their units, to mentor and graduate doctoral students, and to lead within their faculty, receiving may receive salary supplements and various forms of fiscal and staff support accordingly for their research and/or other scholarly activity. Faculty holding Chairs of Excellence are expected to continue to perform at the same level of research and/or scholarly excellence that led to their appointment in a Chair of Excellence. In STEM areas, Chairs of Excellence are expected to support research students, labs, and post-docs, and to lead colleagues in programmatic developments at federal levels.

Faculty members holding Chairs of Excellence will be evaluated annually by their department chair or the head of their academic unit. In addition to the annual review, the Provost will form a committee to conduct a more comprehensive review of the Chair's work every seven (7) years. The committee will include the Provost, Executive Vice President of Research & Innovation, Dean, and Department Chair (or in cases where there is no departmental unit, the person who conducts the chair's annual evaluation). Documents submitted for review should include the Chair's original contract, copies of annual performance evaluations, an updated curriculum vitae, and a brief status report. This report should summarize the Chair's professional work over the previous seven years in light of expectations stipulated in the contract, any revisions which had been made in those plans over the intervening years, and the directions the Chair plans to take over the upcoming years in his/her professional work

...

Recipients:

Faculty Senate

Tom Nenon, Provost

Helen Johnson, Office of the Provost

Senator Sundvall moved to table the motion.

The motion to table fails by a vote of 14 yes, 17 no, and 3 abstain.

The motion is adopted by a vote of 21 yes, 8 no, and 4 abstain.

(M.2020.21.33) Motion to Recommend Amendment of Faculty Handbook Sections 1.7, 2.11, 2.12, and Appendix A – Faculty Policies Standing Committee

President Marchetta presented the motion.

Originator: Faculty Policies Committee

Whereas,

The information on University Standing Committees in the current Faculty Handbook is out of date. University Standing Committees are established by various administrative divisions to facilitate input and recommendations from a variety of constituencies. The charge, composition,

and procedures for the standing committees are the responsibility of the official in charge of the division.

Whereas,

An important function of the Faculty Senate resides in its responsibilities to appoint representatives to university standing committees that relate to policy, procedures, or other matters of interest to faculty. For the current list of University Standing Committees, the number, terms, and term limits for faculty appointed representatives have previously been negotiated by the Faculty Senate with the administration at the time when the standing committees were formed. The Faculty Handbook is the only official source which preserves the historical agreements in Faculty Senate appointed representation in University Standing Committees.

Whereas,

The current Faculty Handbook states the Faculty Senate can appoint 1 member to the University Undergraduate Council and 1 member to the University Council for Graduate Studies. Previous Faculty Senates and Senate Presidents have made both formal and informal requests to increase Faculty Senate appointed representation on both Councils.

Be it resolved that,

The Faculty Senate recommends the following changes:

- 1) An increase in the number of Faculty Senate appointed representation on the University Undergraduate Council from 1 to 2, each with a term of 2 years.
- 2) An increase in the number of Faculty Senate appointed representation on the University Council for Graduate Studies from 1 to 2, each with a term of 2 years.
- 3) Amendments and additions to Faculty Handbook, as indicated in the attached documents, to reflect the change in representation on both councils and to update sections 1.7, 2.11, 2.12, and Appendix A which relate to University Standing Committees.

Recipients:

Tom Nenon, Provost

Helen Johnson, Office of the Provost

The motion is adopted by a vote of 24 yes, 1 no, and 4 abstain.

(M2020.21.34) Motion to Add Term Limit to Faculty Trustee – Executive Committee

President Marchetta yielded to President-elect Dapremont who presented the motion.

Originator: Executive Committee

Whereas,

As required by Tennessee Focus Act, the University of Memphis Faculty Senate developed [guidelines](#) related to qualifications, expectations, and selection of the faculty trustee in Fall 2016.

Whereas,

The Faculty Senate at East Tennessee State University adopted a 2 term limit for their Faculty Trustee. The Faculty Senate at Austin Peay State University adopted a 2 term limit for their Faculty Trustee. The Faculty Senate at Tennessee State University adopted a 2 term limit with a 4 year gap before the same person could serve as the Faculty Trustee again.

Whereas,

Term limits with a well-crafted succession planning for trustees can help achieve the proper balance between stagnation and a sudden infusion of new ideas on the board, according to the [Association of Governing Boards of Universities and Colleges](#).

Be it resolved that,

With the authority granted by Tennessee Focus Act, the Faculty Senate approves amendment of its Faculty Trustee guidelines in the Section '**About**' with the term limit indicated in red as follows:

About

The Faculty Trustee is one of the ten members of the University of Memphis Board of Trustees and serves a two-year term. **A Faculty Trustee who has served three full terms in succession as a member of the Board shall, for a period of two (2) years, be ineligible for election or appointment to the Board.** As required by statute, the University of Memphis Faculty Senate has the sole responsibility for the selection of the Faculty Trustee. The Board is responsible for the management and governance of the University, as allowed by and subject to limitations imposed by applicable federal and state law and certain powers and duties maintained by the Tennessee Higher Education Commission. As the primary conduit between the Board and faculty, the Faculty Trustee will communicate and consult with the Faculty Senate on Board-related matters. The Faculty Trustee must balance perceived obligations to represent the faculty interests expressed by the Faculty Senate with the broader fiduciary interests of the institution.

Recipients:

Faculty Senate Office

Melanie Murray, Secretary, University of Memphis Board of Trustees

The motion is adopted by a vote of 23 yes, 4 no, and 2 abstain.

(M2020.21.35) Motion to Recommend Approval of Amended Policy GE2035 Proposed by the Office of Legal Council – Senator Scott Marler

President Marchetta yielded to Senator Scott Marler who thanked Senators Golias, Weirdl, and Erno Lindner for their work on this motion and presented the motion (See Appendix for attachments to the motion).

Originator: Senator Scott Marler

Whereas,

All institutions of higher education in the State of Tennessee were directed to develop policies related to free speech on campus in accordance with Campus Free Speech Act.

Whereas,

The institutional policies must, at a minimum, conform to the provisions of the statute sections §§ 2403, 2404, 2405, and 2408 which are attached.

Be it resolved that,

1) Despite concerns about possible restrictions on faculty speech as contained in Subsections a9 and a10 of the statute, the Faculty Senate acknowledges the policy in the attached document to

GE2035 Policy Affirming Principles of Free Speech for University Students and Faculty, proposed by the Office of Legal Counsel, and instructs its representative on the Policy Review Board to recommend approval; and

2) the word “must” should be replaced by the word “shall” in the second paragraph under Faculty Responsibilities in the university policy; to wit: “Although faculty are free in the classroom to discuss subjects within areas of their competence, faculty ~~must~~ shall be cautious in expressing personal views in the classroom and ~~must~~ shall be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, faculty’s views cannot claim the authority accorded statements they make about subjects within areas of their competence; provided, that no faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and comprises a substantial portion of classroom instruction;” and

3) The Faculty Senate recommends that the Office of Legal Counsel include the following paragraph of clarification in the university’s policy: “The intent of this policy is not to discourage what is ‘controversial.’ Controversy is at the heart of the free academic inquiry which the entire policy is designed to foster. The policy serves to underscore the need for teachers to avoid persistently including material that has no relation to their subject.”

Recipients:

Policy Review Board Faculty Senate Representative, William Pat Travis

Melanie Murray, University Council

The motion is adopted by a vote of 25 yes, 0 no, and 0 abstain.

04.20.21.09 ANNOUNCEMENTS

Final Meeting of 2020-21 Senate and First Meeting of 2021-2022 Senate – April 27th

President Marchetta announced that the FS will meet in a week to close out the current term and begin the next term.

04.20.21.10 ADJOURN

The meeting adjourned at 6:27 pm.

Appendix

Faculty Diversity Initiatives, Dr. Karen Weddle-West



Eradicating Systemic Racism and Promoting Social Justice Initiative

Working Group Report

Recruiting, Hiring and Retaining Tenured and Tenure-Track African American Faculty and Other Faculty of Color

December 18, 2020

Co-Leads

Kandi Hill-Clarke, Dean, College of Education

Damon M. Fleming, Dean, Fogelman College of Business and Economics

Working Group Description

The University of Memphis celebrates academic excellence via diversity and proudly boasts the annual recognition of the “Top Producers of African American Graduates.” Yet the University strives to achieve a higher level of diversity amongst the faculty. The UofM, therefore, is committed to recruiting, retaining, and promoting an increased number of African American and other faculty of color. The primary goal of this workgroup is to identify best practices to diversify the professoriate and to create a strategic plan of action to reach this goal.

Working Group Members

- Kandi Hill-Clarke (co-lead), Dean and McRae Professor of Education, College of Education
- Damon M. Fleming (co-lead), Dean and Professor of Accounting, Fogelman College of Business and Economics
- Richard J Bloomer, Dean, College of Health Sciences
- Beverly Greene Bond, Professor of History, College of Arts and Sciences
- Rosie Phillips Davis, Professor of Counseling, Educational Psychology and Research
- Linda Jarmulowicz, Dean, School of Communication Sciences and Disorders
- Enrica N Ruggs, Assistant Professor of Management, Fogelman College of Business and Economics
- Kevin M Sanders, Director, Rudi E. Scheidt School of Music
- Katharine Traylor Schaffzin, Dean, Cecily C. Humphreys School of Law
- Richard Joseph Swiegard, Dean, Herff College of Engineering
- Lan Wang, Chair, Department of Computer Science

Doctoral Student Researchers

Doctoral student researchers supported the working group under the supervision of Dr. Enrica Ruggs

- Della Clark, PhD student (year 1), Department of Marketing and Supply Chain Management
- Ashley Robinson, PhD student (year 1), Department of Management
- Feigu Zhou, PhD student (year 1), Department of Management
- Darel Hargrove, PhD student (year 1), Department of Management

• Diversity, Equity and Inclusion (DEI) Faculty Working Group Strategic Goals and Recommendations

Goal 1: Enhance faculty employee data management and access						
Strategy & Benchmark	Phase 1	Evidence	Phase 2	Evidence	Phase 3	Evidence
Strategy: Make faculty employee data easily accessible	Determine what data are needed, currently available, to support these data, and options for access	Collaborate with OIR, OIE, HR, Provost Office, and other possible relevant providers	Develop accessible dashboard s or other tools for analyzing available data	New Power BI dashboards available all users.	Create a common space to share data, reports, and evidence-based best practices	University webpage or secure virtual space to make the data and other information accessible that is available by Fall 2021

Goal 2: Diversity, Equity, and Inclusion Training and Development						
Strategy & Benchmark	Phase 1	Evidence	Phase 2	Evidence	Phase 3	Evidence
Strategy: Provide DEI training for faculty search processes Benchmark: All relevant parties complete appropriate training	Identify current training and development available at the University	No training is currently required or available at the University	Define training and development and clearly outline training plan (e.g., every year for search committee members, every 2 years for all faculty)	Training should include Deans Associate/Assistant Deans, Department Chairs, Faculty search committee members, and all faculty	Identify and implement DEI training solutions (face-to-face and online)	All defined groups have completed training beginning Fall 2021

Goal 3: Faculty Search Guidance and Procedures

Strategy & Benchmark	Phase 1	Evidence	Phase 2	Evidence	Phase 3	Evidence
Strategy: Provide written guidance and requirements for the faculty search process Benchmark: Faculty search handbook (and briefing) is published for the University	Determine the scope of guidance necessary for the faculty search process (consistency with enough flexibility to meet different professional needs)	Document the steps in the faculty search process and associated DEI pain points	Identify best practices to address the scope of guidance needed	Report based on third-party provider/consultant information or internal research recommendations	Prepare search process handbook and summarized guidelines for ease of use	Completed search process handbook available beginning Fall 2021

Goal 4: Enhance diversity in faculty hiring

Strategy & Benchmark	Phase 1	Evidence	Phase 2	Evidence	Phase 3	Evidence
Strategy: Build faculty diversity pipeline initiatives with strategic partners Benchmark: Increased diversity in faculty hiring over historical benchmarks, assessed annually and cumulative five years from implementation	Determine University baseline diversity data and past diversity of applicant pools (see results from Goal 1)	Analysis of (1) academic areas most in need to increase faculty diversity; and (2) opportunities to expand recruiting within different disciplines	Identify possible collaboration opportunities to develop attractive University pipeline initiatives	Report on relevant collaboration opportunities (e.g., academic programs, post-doc programs) to promote win-win partnerships (i.e., what can we offer to a partner and what do we need from a partner)	Identify possible universities (e.g., Minority Serving Institutions) and professional organizations (e.g., AACTE Holmes Scholars Program; PhD Project) to develop strategic pipeline initiatives for faculty recruiting	Established faculty pipeline initiatives and partnerships reported to Provost Office for documentation and listed on DEI faculty support hub (see Goal 1)

Goal 5: Mentoring and support to retain and promote Under-represented minority (URM) faculty

Strategy & Benchmark	Phase 1	Evidence	Phase 2	Evidence	Phase 3	Evidence
Strategy: Create sustainable post-employment support to promote faculty success Benchmark: Increased retention and promotion of URM faculty, assessed annually and cumulative five years from implementation	Identify current mentoring and support available at the University and external sources as well as demands for support from current faculty	Administer a university-wide survey to learn more about current practices	Identify best practices to address the scope of guidance needed (e.g., mentor training, mentoring, leadership positions, publication teams, sponsored research teams)	Report based on third-party provider/consultant information or internal research recommendations	Prepare faculty support handbook containing relevant information, tools, and other resources	Colleges and departments implement sustainable support as part of DEI plans beginning Fall 2021

Goal 6: University program for funding positions intentionally for URM faculty

Strategy & Benchmark	Phase 1	Evidence	Phase 2	Evidence	Phase 3	Evidence
Strategy: Create a process and funding model intentionally focused on hiring URM faculty Benchmark: Increased representation of URM faculty, assessed annually and cumulative five years from implementation	Define the program objectives, need, and case for support	Report on URM faculty hiring program	Identify best practices for URM hiring programs to address the case for support (e.g., visiting scholars programs, post-doctoral research programs, diversity fellows programs)	Report based on third-party provider/consultant information or internal research recommendations	Proposal for a URM faculty hiring program	Present the proposal to the Provost for consideration and funding (possibly to include funding from THEC)

University of Memphis Faculty Senate
Anti-Racism Committee Report
November 16, 2020

Committee Members:

- Jill Dapremont (Chair), Professor, Loewenberg College of Nursing),
- Gloria Carr (Ombudsperson, Associate Professor, Loewenberg College of Nursing),
- Harvey Felder (Professor, Rudi E. Scheidt School of Music),
- Ladrica Menson-Furr (Associate Professor, Education, Director of African and African American Studies),
- Stephanie Huette Assistant Professor, [Department of Psychology (Cognitive)],
- Gretchen Peterson (Professor and Chair, Sociology),
- Nirmalee Ivy Raddatz (Assistant Professor, School of Accountancy)

Faculty Senate Charge to Anti-Racism Committee

In July 2020, acting on behalf of the Faculty Senate (FS) during the summer recess, the FS Executive Committee (EC) formed and charged the FS Anti-Racism Committee to

Explore issues of systemic racism affecting faculty members. Develop recommendations for anti-racism actions to present to the administration for institutional changes.

Committee Recommendations for Faculty, Staff, Administration, and Governing Bodies

Recommendation 1: To institutionalize racial diversity among faculty.

Recommendation 2: Support the successful achievement of tenure among all faculty, specifically African American and People of Color.

Recommendation 3: Address salary compression/inversion because of its adverse impact on all faculty and especially faculty who are African American and people of color.

Recommendation 4: Increase the general knowledge of students about African American and people of color in the US.

Graduate Student Assistantship Changes, Dr. Robin Poston & Dr. James Kierulff



Background

- Master's Student GA Working Group (Fall 2020-Spring 2021)
- Goal: optimize use of UofM Graduate Assistant (GA) funding especially at master's level keeping in mind strategic goals including Carnegie 1
- Some recommendations that were sent to Provost Nenon
 - Elevate efforts to secure external and/or grant funding opportunities for master's students.
 - Continue to reduce spend on Master's GAs moving funds to doctoral levels in programs where doctoral degrees exist. This is in light of retaining funding for terminal master's programs.
 - Adopt a minimum pay rate of \$10/hour for master's students, applies regardless of being paid monthly or hourly.
 - Require all qualified (non-international) graduate students offered a GA to apply for maximum financial aid by completing the FAFSA to obtain Work Study funding which helps UofM optimize the use of federal aid in lieu of UofM funds.



Flexibility in Supporting Graduate Students

At the Master's level, graduate students can be compensated through the following three *Compensation Categories* which are used for internal reporting and tracking purposes.

1. **Graduate Scholarship.** Funding is for *tuition assistance* only. These agreements can be offered for as many credit hours that are needed by a given graduate student with no hourly wage or monthly amount offered. Departments can determine how many credit hours are needed for each Graduate Scholarship agreement depending on what is needed to attract the student to the UofM. This compensation category is *a scholarship*; and may come with a service component.
 - a. Students compensated through this are NOT employees. They are receiving a scholarship.
 - b. A new electronic form is being added to the [eContracts system](#). When ready it will appear just below the "Graduate Assistant Appointments" link and be called "Graduate Scholarship".
 - c. This new electronic form will *replace* the [Request for Departmental Tuition Waiver](#) form *for Graduate students only*.
 - d. Graduate students will be responsible for paying any balances not covered in their Tuition Assistance Only Scholarship agreement.
 - e. The eContract system will allow the contract originator to add funds that will bring tuition down to the in-state equivalent rate. Departments will be given a static budget allocation for this.



Flexibility in Supporting Graduate Students

Cont'd.

2. **Graduate Assistants (GAs).** Funding is for *tuition assistance and stipend*. This compensation category continues in its current format, through the existing GA eContract system.
 - a. The eContract system will allow the contract originator to add funds that will bring tuition down to the in-state equivalent rate. Departments use static budget allocation for this.
3. **Student Workers Hourly Wage or Monthly Amount Only.** Funding is for *hourly wage or monthly amount only*. Graduate students compensated through hourly wage or monthly amount only can take part in exempt category efforts (teaching and research) as well as non-exempt (such as office help). Office help positions are discouraged and might be better filled with undergraduate students. This compensation will continue to be supported through the existing eContract system.
 - a. The eContract system will NOT allow the contract originator to add funds that will bring tuition down to the in-state equivalent rate.
 - b. The student will be responsible for their own tuition at the residency rate in which they are categorized.



Summary

- Offering these categories allows departments to offer outstanding students compensation, with the new categories allowing the option to pay lesser amounts for job functions that do not call for higher rates of tuition assistance and stipend compensation.
- Funding for some master's students is needed to support graduate program quality, help students with costs, recruit the best students to UoFM in a competitive field, and help attract and retain faculty.
- This also allows programs to attract more students who pay for part of their tuition and fees.
- The Graduate School will provide training as you prepare for Fall 2021 masters student hiring going forward. A training schedule will be forthcoming.

5

Contact Us!

Graduate Admissions

PHONE: 901.678.3685

FAX: 901.678.0378

EMAIL: graduateadmissions@memphis.edu



Graduate School

PHONE: 901.678.4212

FAX: 901.678.0378

EMAIL: graduateschool@memphis.edu

Mailing Address

FedEx Institute of Technology Building, Suite 201

Memphis, TN 38152



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Faculty Policies Committee Report

Report:

1. Dual Career Task Force

A motion passed at the faculty senate to charge Dual Career Task Force with dual career policy. Current members of the Task Force include Esra Ozdenerol from Earth Sciences, Jeni Loftus from Sociology, Diana Mabel Ruggiero for Foreign Languages, Abby L Parrill-Baker from CAS, Amanda Rockinson-Szapkiw from Education College and James Orr from Provost's office and Gena Watson from Human Resources. The Task Force will pursue reporting their tasks to the Faculty Senate continued next fall.

2. Code of Conduct

Committee wishes to enter on the record a version that we received after review by Office of Legal Council

Faculty Code of Conduct

I. Policy Statement, Purpose and Applicability

This **Faculty Code of Conduct** ("Code") shall be known as the University of Memphis Faculty Code of Conduct. The purpose of the 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. **The principles and types of unacceptable behavior delineated herein are intended to govern conduct by faculty and any corresponding corrective action, with the understanding corrective action should be reserved for misconduct that is either serious in itself, or is made serious through its repetition or its consequences. In the event of any conflict between this Code or University policy or applicable law, University policy or the applicable law shall govern.**

This Code applies to all faculty as defined herein.

Commented [LD1]: This was added to address some of the issues that were implied by some of the excluded content (e.g. particular rights of faculty)

Commented [LD2]: You had a similar statement which I have rewritten and broadened to clarify that law also supersedes.

II. Commitment to the Principles of Academic Freedom

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. Academic freedom, the freedom to discuss in the classroom matters deemed relevant to the business of a given class, is essential to fulfill the ultimate objectives of the University of Memphis. Intellectual inquiry, which sometimes results in disagreements or controversy, is essential both to the pursuit of knowledge, and to production of valuable work. Additionally, faculty members are entitled to their political rights, and to all the prerogatives of United States citizens. This Code is not intended to interfere with any of the principles included in the University's Academic Freedom policy.

Commented [LD3]: This section is intended to incorporate and/or address the principles that were covered in Professional Rights of Faculty. There were many legal issues with that section and thus it was omitted entirely but with language like this and that above included to address those principles from a general standpoint.

III. Definitions

1. The term "faculty member" or "faculty" means all University administrators with faculty appointments; 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.
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. **The term "teacher"** mean anyone who holds a faculty position described in the Faculty Handbook and who teaches students or supervises trainees.
4. **The term "trainee"** refers to students engaged in graduate or post-doctoral **activities supervised by faculty members.**
5. **The term "unit"** means a faculty member's assigned department, school or college.
6. The term "University" means the University of Memphis, and collectively, those responsible for its control and operation.
7. All other terms have their conventional meaning unless the text dictates otherwise.
Determination of a person's status as a "faculty member" or a "student" in a particular situation shall be determined by the surrounding facts.

Commented [LD4]: I made an attempt to make this more of a definition than a statement.

IV. Ethical Principles and Unacceptable Behavior

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.

The following subsections detail the responsibilities and expectations for faculty as it relates to their roles as educators, scholars, colleagues, members of the university and overall community and is followed by a non-exhaustive listing and illustrative examples of unacceptable behavior.

A. Faculty as Educators

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 unit 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 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.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Failure to meet the responsibilities of instruction, including, but not limited to:
 - 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.

Commented [LD5]: When applicable, I referred to existing University policy (which you can hyperlink to) instead of listing out particular infractions in the way they were originally laid out. Part of the concern is that some of your statements conflicted with University policy. Also, you would be required to monitor and make changes to comply with University policy if it changes which is an administrative burden.

I also omitted the entire section titled Standards of Conduct. Many of those statements were redundant of principles that had been stated elsewhere and also there was not much differentiation between those standards and the ethical principles.

- e. undue and unexcused delay in evaluating student work.
- 2. Violation of University policies related to equal educational opportunity, discrimination, harassment and disability accommodations.
- 3. Entering into a relationship with a student in violation of the University's Nepotism and Personal Relationship Policy.
- 4. 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.
- 5. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
- 6. Breach of the privacy rights of students in violation of the Family Educational Rights and Privacy Act.
- 7. Unauthorized or inappropriate use of self-authored instructional materials in violation of the Faculty Authored Educational Material policy.

Commented [LD6]: This was #7 under Community. It is just reworded and moved to the Educator's section.

B. Faculty as Scholars

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.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

- 1. Violation of canons of intellectual honesty.
- 2. Intentional misappropriation of the writings, research, and findings of others.
- 3. Research misconduct as prohibited by the University's Research Misconduct policy.
- 4. Engaging in any activities which may constitute a violation of the University's Conflict of Interest policy.

Commented [LD7]: This will cover conflict of commitment too which is in the University community section of the original draft

C. Faculty as Colleagues

"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.)

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
2. **Violation of University policies related to equal employment opportunity, discrimination and harassment.**
3. **Interfering with the academic freedom of faculty members.**
4. **Knowingly violating any academic unit, college, or University policy.**
5. Using the creative achievements of colleagues without appropriate consultation and credit.

Commented [EHB(8): Steven Nelson is concerned that sometimes a faculty member justly needs to adapt their instructional or research practices; not every policy is applicable to every situation.

D. Faculty as Members of the University Community

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.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Intentional disruption of functions or activities sponsored or authorized by the University.
2. Unauthorized use of University resources or facilities **in violation of state or federal law or University policy.**
3. Threats of physical harm, **verbal threats or gestures that would suggest physical harm, and other similar acts in violation of the University's Workplace Violence Prevention policy.**
4. Discrimination, harassment, or **retaliation against another member of the university in violation of University policy.**
5. Violation of University policy at a level that would warrant discipline if engaged in by **any** member of the University community.
6. Knowingly furnishing false information to the University, or forging, altering, or misusing University documents or instruments of identification.
7. Plagiarism, misrepresentation, and fraud in performance of responsibilities.
8. 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.
9. **Any grounds as enumerated in the State of Tennessee tenure statute, Tenn. Code Ann. 49-8-302.**
10. Disclosure of confidential information acquired by virtue of employment or other confidential sources, except as allowed by law.

Commented [LD9]: This was an attempt to incorporate all of the many listings you had where you used qualifiers (e.g. significant, serious) that were not used by our actual University policies.

E. Faculty as Members of the Greater Community

"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.) **Faculty should strive to conduct themselves as a responsible, productive member of the community.**

The following are examples of unacceptable behavior in violation of the aforementioned principles:

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. **Using the university's name or logo to create the impression of university sanction for private activity.**
3. **Conviction for a criminal act which clearly demonstrates unfitness to continue as a member of the faculty.**

V. Resolution of Allegations of Violations of Ethical Principles or **Unacceptable Behavior**

A. Interactions with Colleagues

When faced with significant ethical issues involving other faculty members, faculty should consider the following courses of action:

1. It is advised that before any action is taken, Faculty seeks advice from the Faculty Ombudsman. The University of Memphis Faculty Ombudsman 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.
2. **If the issue cannot be resolved through the Faculty Ombudsman**, faculty should discuss the issue with their immediate supervisor (e.g. department chair or director), except when it appears the immediate supervisor is involved. If the immediate supervisor is involved, the problem should be presented initially to the next higher managerial or administrative level.
3. If the ethical problem or conflict still exists, faculty should contact the appropriate University department such as the **Provost's Office**, Human Resources, or OIE (Office of Institutional Equity). **Faculty may also consult the Faculty Grievance Committee.**

Commented [LD(10]: The resolution provisions in the draft didn't provide any guidance for how to report by third parties who are uninvolved. Here I have combined some language from your document as well as other information to address the gap.

B. Reports of Code Violations

Any member of the University community that believes a faculty member has violated the Faculty Code of Conduct should make a written allegation to the appropriate academic administrator (e.g., department chair or relevant unit head, dean or Provost). The formal complaint shall be in writing and shall identify the relevant section(s) of the Faculty Code of Conduct and a full statement of the facts that allegedly constitute a violation. Materials elaborating on the evidence may be appended.

The academic administrator will conduct a careful investigation to determine whether an infraction has occurred. If possible, the matter should be resolved by the faculty member's direct academic administrator. **Imposition of corrective action, other than suspension (with or without pay), reduction of salary, and termination with adequate cause, should be carried out by the appropriate academic administrator in accordance with applicable policy.**

Commented [LD(11]: This needs to be discussed as there is no applicable policy except for de-tenure. And any such policy would have to be approved by the Board per statute. I have a draft one that I have shared.

Recommendation:

The Faculty Policies Committee recommends that discussions continue with incoming Chair of Faculty Policies Committee the Human Resources Director of Employee Relations, the Ombudsman, members of the Senate Executive Committee, and the Provost's Office, regarding the need for a University Grievance Policies (similar to HR 5052 only for Faculty), specifically referencing peer-to-peer-resolution processes operated by Senate in light of code of conduct language, but in collaboration with HR.

Administrative Policies Committee Report

Report on university policies concerning student behavior to the Academic Senate

At the request of the Faculty Senate Executive Committee the Administrative Policies Committee reviewed University policies, procedures, and resources available for University personnel with regard to student misconduct. A survey of faculty revealed there was confusion where and how to report various student behavior as well as the circumstances that could result in University actions. This document is not comprehensive and is intended to be an initial guide to faculty reporting options as well as University procedures and policies. University websites and departments should be consulted for complete and up to date information and links that may change. The Committee recommends that faculty have training in identifying and responding to at risk students.

1. Most responses to a concern for a student are not an emergency, and examples are noted in this section. Emergency responses are listed later under Section 3. Emergency Responses. Note the Dean of Students has a "Guide for Distressed Students"
<https://www.memphis.edu/deanofstudents/pdfs/guide-to-responding-to-students-in-distress.pdf>.

A guide to reporting concern can be found at a reporting site: <http://www.memphis.edu/report> where Submit and Report/Concern can be selected.

- Concerns regarding unusual behavior or distressed Students of Concern will be forwarded to the Dean of Students.
- General Student Misbehavior and/or non-academic Misconduct will be forwarded to the Office of Student Accountability.
- Reports of Hazing will be forwarded to the Office of Student Leadership and Involvement and the Office of Student Accountability.
- Reports of Academic Misconduct will be forwarded to the Office of Student Accountability.
- Complaints about Sexual Misconduct, including Sexual Assault, Sexual Harassment, Stalking, and Domestic/Dating Violence are investigated by the Office for Institutional Equity.
- Complaints of Discrimination, Harassment, and Retaliation are investigated by the Office for Institutional Equity.

If all else fails, the Students of Concern report is routed to the Dean of Students (DOS) and the Behavior Intervention Team (BIT) which notifies almost all of the offices that would receive cases of the report.

A confirmation is shown on screen when the report is received (there is a confirmation number at the bottom of the page) for tracking purposes along with contact information. If you include your contact information on the report, you will receive an automatically generated email letting you know the report has been submitted. Normally there is a follow up email sent typically after 2-7 days depending on BIT caseload.

Departments that respond to your report could potentially include the Behavior Intervention Team, Dean of Students/Chief Health and Safety Officer, Office of Student Accountability, Office for Institutional Equity, and Student Counseling Services. A notice may be sent to arrange a preliminary interview to obtain additional information, and the interviewee will be informed what actions may take place. Some options depend on further cooperation/participation.

2. University Response to Student Misconduct

This section summarizes some the procedures for cases where misconduct has been reported. There are waiting period guidelines in the investigation/meeting/action processes to accommodate preparation of responses, scheduling hearings, etc. There is at least a week delay between the report of an incident and a scheduled hearing.

An incident can lead to student discipline for policy violations under Student Code of Rights & Responsibilities and/or Title IX and could also be a BIT case and a criminal case.¹ For example, student A hits student B, and the instructor observes the hit. If the hit rises to aggravated assault (e. g. use of brass knuckles) the instructor would need to notify the police. On the other hand, uncivil dialog, while distasteful, is not actionable.

The Office of Student Accountability may initiate the student conduct process on the basis of written allegations. Following a meeting with a student, a notice may be issued that the student violated behavioral expectations and responsibilities. The student may elect a formal hearing to contest a determination for misconduct and/or sanctions.

The Dean of Students can impose interim actions prior to the conclusion of the student conduct process. Examples include a no-contact directive, a disciplinary hold, and interim restrictions. If there is an immediate threat to the health or safety of any individual arising from allegations of misconduct as determined by a safety and risk analysis, a student may be removed on an emergency basis from the University.

Some faculty may be concerned about confrontation with a student in a hearing. As noted in the proposed revision of Student Code of Rights and Responsibilities¹ a student has the right to resolve allegations through a Student Conduct Board Hearing. Even though a student can name a Complainant as a hearing witness, only the Student Conduct Board (not the student or Complainant) may talk directly with a witness during a hearing, unless required by law. In situations where credibility is a factor and the respondent is at risk of removal, witnesses are subject to cross-examination facilitated by the respondent's advisor of choice, which could be an attorney.

3. Emergency Responses

Faculty who have been physically assaulted by a student, or believe it is eminent, should call University Police Services. (901-678-4357) or 911.

Police (x3848) or Tiger Patrol (X4663) can accompany faculty where safety is determined to be an issue.

Emergency issues (such as: suicidal student, active threat, possession of weapons, medical emergency, etc.) should be called into Law Enforcement/First Responders for immediate response and then followed up with a report to the University <https://www.memphis.edu/report/submit-a-report/>.

¹ The procedures are described in a revised Student Code of Rights and Responsibilities proposed by the Office of Student Accountability. Approved by the Faculty Senate, October 27, 2020. Note that both proposed and current codes have hearing processes and rules, and both could lead to the same outcomes.

Academic Support Committee Report

Academic Support Standing Committee Report

4/16

Academic Support Sub-Committee Report

April 14, 2021

Blue Jeans Deprecation

Blue Jeans will be deprecated on **July 30, 2021**. Currently there are a limited number of active licenses. University faculty or staff who have active licenses and have videos housed in their Blue Jeans account will need to download their videos from Blue Jeans by **July 30, 2021**.

[Here are instructions on how to download your videos from Blue Jeans.](#)

Ensemble Video

ITS was notified this week that Ensemble has been purchased by Panopto who intends to deprecate Ensemble in July 2022. ITS will begin evaluating an appropriate product that can be used in Canvas LMS.

Upgrade of Window 10

Upgrades are going well. This project will complete by the end of May 2021.

Data Loss Prevention

ITS will soon implement new tools to further ensure data confidentiality. Microsoft Office 365 now offers DLP functionality to warn users when it detects potentially sensitive information. Outlook users will soon receive alerts if they compose or send emails that have restrictive data within the message or attachments. Eventually, sending of Outlook messages that violate DLP policies may be curtailed by blocking emails with detected restricted data. Users will be able to report false positives to avoid disruptions caused by misidentified information. To address legitimate needs for sending confidential documents, ITS will also be piloting a secure file-sharing portal and encrypted email.

More information about data security tools can be found on our [Data Loss Prevention Initiatives page](#). Details such as implementation schedules will be updated as necessary.

(M2020.21.35) Motion to Recommend Approval of Amended Policy GE2035 Proposed by the Office of Legal Council – Senator Scott Marler – Attachments to the Motion

The University of Memphis GE2035 Policy Affirming Principles of Free Speech for University Students and Faculty

Issued: Not Set

POLICIES

Responsible Official: Provost

Responsible Office: Provost

Purpose

The University of Memphis (“University”) is committed to the freedom of speech and expression for the University community. The purpose of this policy is to affirm certain principles of free speech for students and faculty at the University of Memphis in accordance with the First Amendment to the United States Constitution and Article 1, Section 19, of the Tennessee Constitution.

Definitions

Constitutional time, place and manner restrictions

Restrictions on the time, place, and manner of free speech that do not violate the First Amendment to the United States Constitution or Article 1, Section 19 of the Tennessee Constitution that are reasonable, content- and viewpoint-neutral, narrowly tailored to satisfy a significant institutional interest, and leave open ample alternative channels for the communication of the information or message to its intended audience.

Faculty or Faculty Member

Any person, whether or not the person is compensated by the University, and regardless of political affiliation, who is tasked with providing scholarship, academic research or teaching. For the purposes of this policy, faculty includes tenured and non-tenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors and those in comparable positions, however titled. For the purposes of this policy, faculty does not include persons whose primary responsibilities are administrative or managerial.

Free Speech

Speech, expression or assemblies protected by the First Amendment of the United States Constitution or Article 1, Section 19 of the Tennessee Constitution, verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. Free Speech does not include the promotion, sale, or distribution of any product or service.

Student

(1) An individual currently enrolled in a course of study at the University; and
(2) An organization that is comprised of individuals currently enrolled in a course of study at the University and is registered with the University.

Procedures	
University's General Commitment	<p>The University is committed to maintaining its campus as a marketplace of ideas for all students and faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.</p> <p>Students have a fundamental constitutional right to free speech and the University is committed to giving Students the broadest latitude to speak, write, listen, challenge, learn, and discuss any issues, subject to limitations set forth in this policy, state, or federal law.</p> <p>Students and faculty should make judgments about ideas for themselves, and act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.</p> <p>While the University greatly values civility and mutual respect, concerns about civility and mutual respect will never be used by the University as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed the ideas may seem. The University recognizes that it is not its role to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.</p> <p>Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on the institution's campus, they may not substantially obstruct or otherwise substantially interfere with</p>

the freedom of others to express views they reject or even loathe. To this end, an institution will promote a lively and fearless freedom of debate and deliberation and protect that freedom.

Faculty Responsibilities

Faculty play an integral role in the University's exercise of the principles of free speech. The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.

Although faculty are free in the classroom to discuss subjects within areas of their competence, they must be cautious in expressing personal views in the classroom and must be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, faculty's views cannot claim the authority accorded the statements they make about subjects within areas of their competence. No faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and comprises a substantial portion of classroom instruction.

What the University Will Do

In recognition of its commitment to the principles of free speech, the University will:

- Provide an atmosphere that is most conducive to speculation, experimentation, and creation by all students and faculty, who shall always remain free to inquire, study, evaluate, and gain new understanding;
- Maintain the generally accessible, open, outdoor areas of its campus as traditional public forums for free speech by students; and
- Allow all students and faculty to invite guest speakers to campus to engage in free speech regardless of the views of guest speakers.

What the University Will Not Do

In recognition of its commitment to the principles of free speech, the University will not:

- Establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature, although the University reserves the right by

policy to allow members of the University community to reserve certain outdoor spaces in advance;

- Restrict students' free speech only to particular areas of the campus, sometimes known as "free speech zones";
- Deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates;
- Charge students security fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition of listeners to speech. However, nothing in this Policy requires the University to fund costs associated with Student speech or expression; or
- Disinvite a speaker invited by a student, student organization, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed by students, faculty, administrators, government officials, or members of the public.

**Policy
Limitations/Exceptions**

Nothing in this Policy shall be construed as prohibiting the University from imposing measures that do not violate the First Amendment to the United States Constitution or Article 1, Section 19 of the Tennessee Constitution, including, but not limited to:

- Constitutional time, place and manner restrictions;
- Reasonable and viewpoint-neutral restrictions in nonpublic forums;
- Restricting the use of the University's property to protect the speech and rights of students and faculty and preserve the use of the property for the advancement of the institution's mission;
- Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article 1, Section 19 of the Tennessee Constitution; or
- Content restriction on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by faculty.

Commented [JMR(1): These provisions are verbatim from the state law. However, the law does not state that this must be in the policy. The other highlighted areas are required to be in UoM policy. With that said, it is simply outlining measures that can be taken that would not be in violation of the First Amendment. I.e., speech that is not protected by the first amendment. Not all speech is protected such as constitutional time, place and manner restrictions.

Regardless of whether this is in the policy, this policy concept would still be applicable.

Nothing in this Policy shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

Revision Dates

Subject Areas: