

**Administrative Council  
September 2, 2020 - 3:35 p.m.  
ZOOM Meeting  
Minutes**

<b>Voting Members Present</b>		
Dan Allcott	Michael Allen	Jeremy Blair
Sandra Bohannon	Debra Bryant	Wei Tsun Chang
Daniel Brent Drexler	Dennis Duncan	Joshua Edmonds
Mary Lou Fornehed	Steven Frye	David Hajdik
A.J. Donadio (for Kim Hanna)	Madison Harris	Alexis Harvey
Elizabeth Honeycutt	Tammy Howard	Janet Isbell
Brian Jones	Nancy Kolodziej	Aaron Lay
Chad Luke	Holly Mills	Tony Nelson
Lachelle Norris	Anthony Paradis	Sally Pardue
Richard Rand	Jeffery Roberts	Bedelia Russell
Mike Rogers	Joseph Slater	Sandra Smith-Andrews
Claire Stinson	Dan Swartling	Suzan Swartzentover
Jennifer Taylor	Dan Warren	Lenly Weathers
Angie Wells	Mark Wilson	Jeannette Wolak
Lisa Zagumny		
<b>Voting Members Absent</b>		
Steven Norris		
<b>Resource Persons / Others Present</b>		
Kevin Braswell	Chris Brown	Lori Bruce
Yvette Clark	Mike Gotcher	Leslie Hardin
Amy Hill	Greg Holt	Sharon Huo
Jerry Keeton	Donna Schrock	Katie Williams
Diane Smith	Mark Stephens	Holly Stretz
Jerri Winningham	Lee Wray	Darron Smith
Philip Oldham		

**Summary:**

Approved agenda

Approved April 8, 2020 minutes

Received new Title IX Policy & Grievance Procedures Policy No. 144. Out-of-cycle approval.

Received new Families First Coronavirus Response Act Policy No. 616. Out-of-cycle approval

Received revised Prohibited Discrimination Policy No. 141. Out-of-cycle approval

Received revised Student Conduct Policy No. 302. Out-of-cycle approval

Approved revised Intellectual Property Policy No. 732

Received revised Concussions Policy No. 952. Out-of-cycle approval

Approved revised University Library Committee Procedures

Approved revised Staff Advisory Committee Procedures

**Proceedings:**

Chair Sandra Smith-Andrews called the ZOOM meeting to order at 3:35 p.m. with introductions of new members. Dennis Duncan made a motion to approve the agenda for September 2, 2020. Lisa Zagumny seconded. Motion APPROVED.

Zagumny made a motion to approve the April 8, 2020 minutes. Bedelia Russell seconded. The following abstained: A.J. Donadio, Michael Allen, Janet Isbell, Anthony Paradis, Dennis Duncan and Chad Luke. Motion APPROVED.

Greg Holt presented the new Title IX Policy & Grievance Procedures Policy No.144. This policy was approved out-of-cycle due to The Department of Education releasing new Title IX regulations on May 5, 2020 that were to be effective on August 14, 2020. Holt indicated that significant changes were made to the procedural process of Title IX. This policy follows the statutory language of the regulations which required the policy to be in place by August 14, 2020. Smith-Andrews pointed out that due to the policy being approved out-of-cycle, there were no actions required by the Council on this policy; this is an information only item.

Smith-Andrews asked President Oldham to explain how out-of-cycle approvals work. President Oldham explained that generally this happens infrequently but can be due to unexpected changes at the Federal level that necessitate a rapid response on our part. Oldham added that in policy, we have the ability to create emergency rules but we want to inform everyone at the earliest possible time of those changes. If subsequent actions are deemed appropriate by anyone, they can certainly suggest that and there will be further review.

Leslie Hardin presented the new Families First Coronavirus Response Act Policy No. 616 noting that an out-of-cycle approval for this policy was due to legislation that passed in March 2020. This policy followed the new legislation and allowed employees that are subject to a quarantine up to 80 hours of paid leave and also expanded the Family Medical Leave Act for individuals having problems with childcare. This statute expires at the end of this year, unless extended. Richard Rand asked if the 80 hours were in addition to sick leave or if deducted from the sick leave bank. Hardin replied that it does not come from sick leave, but is paid leave. Rand asked about faculty. Hardin replied; faculty would use if they were quarantined and unable to work

or if COVID symptoms made the employee unable to work. Employees should work with their supervisors.

Hardin presented the revised Prohibited Discrimination Policy No. 141 noting that this policy was approved out-of-cycle due to the timing of the new Title IX regulations and the addition of Policy No. 144, which were presented earlier in the agenda. The policy revisions reflect the new language of the regulations.

Katie Williams presented the revised Student Conduct Policy No. 302 noting that it was also an out-of-cycle revision due to the new Title IX regulation implementation. The new Policy No. 144 removes references to sexual harassment and sexual misconduct that fall within the scope of the new regulations and this policy revision replaces all the Title IX processes that were referenced in the Student Conduct policy previously. This revision needed to be implemented by August 14, 2020 due to the Title IX regulations.

Holly Mills motioned for approval of the revised Intellectual Property Policy No. 732. Mark Wilson seconded. Jennifer Taylor addressed the Council recognizing that there were already questions in the chat and indicated she would do her best to answer but stated she had been in her position for a month. Taylor noted that the policy had been in revisions from a previous TBR policy for a few years and that she may call on Smith-Andrews for history. Taylor stated that the policy was about scholarly work and copyrightable works and protecting those rights and interests especially if something was to be commercialized. Taylor added that her understanding was that the biggest change had to do with ownership of course materials developed, specifically online course materials. Taylor commented that through many reiterations, it is her understanding that the revisions are recommended by Faculty Senate and is a version that addresses the issues. The policy indicates that Tennessee Tech owns all online courses where online delivery is the only mode available and if the faculty/staff developed them. If used, there will be a memo of agreement. Any distribution or licensing of Tech-owned course material would be with the consent of the authors. Faculty authors would be compensated in accordance with royalty and income per policy. Faculty/staff owners of the material would have a non-exclusive license to use.

Rand commented that the Senate only saw this on Monday. While the Executive Committee worked with the Administration on this version of the policy, he would not characterize it as the "Senate putting forward..." this policy. Rand stated he would like the minutes to reflect this accurately adding that he had no objection to how this came about. He just wanted the minutes to reflect that the Senate did not have an opportunity to debate/discuss/vote on this.

Rand pointed everyone to IV.H. Scope Employment where it defined "...but excluding miscellaneous Course Materials and Scholarly Works." Then, under V. IP Ownership it says the IP belongs to Tennessee Tech if V.A.1 "developed within the Scope of Employment, except Scholarly Work". Rand asked why the "miscellaneous course material" was left out in that section. President Oldham responded that this may be something that needs to be cleaned up. President Oldham continued that in principal everyone seemed to agree on the terms of this

policy but if approved, may need to clean up language at a later date. President Oldham indicated that the attempt was to make it clearly identifiable what the University would seek to have some ownership of versus just miscellaneous class notes, lecture slides; to really focus on complete courses just not miscellaneous content.

Rand directed the group to V.E.3 “...with consent of the authors” and asked what if the author does not consent. President Oldham indicated that would be an issue that would need to be resolved. Rand questioned whether this policy allowed the University to take a course that a professor had been teaching and assign it to someone else, including those materials. President Oldham indicated that it could be possible but thought it would be very unlikely. Rand asked about the contracts that some faculty had previously signed that indicated they were “agreeing to abide to Policy 732”, which included a phrase “and we hereby acknowledge any copyrightable work other than scholarly works as manifested in textbooks and journal articles, will be the intellectual property of Tennessee Tech”. Rand noted that that phrasing seemed to contradict this new policy adding if we pass this new policy, will those faculty who signed those earlier contracts be given an opportunity to sign a new contract that deletes that second phrase? President Oldham indicated that he did not currently have an answer but that obviously those things needed to come into alignment but currently we did not have a policy, adding this would need to be looked at should the policy be approved.

Taylor acknowledged that this policy will be reviewed annually and could be cleaned up at that time. Bedelia Russell pointed to VI.F. “This policy shall be administered by the Intellectual Property Advisory Committee” (IPAC) and asked if these changes were made by that committee. Russell also directed the group to E. Online Course Materials where it seemed lacking some operational definitions on how we define online. In particular, with such an emphasis currently on Hybrid and Tech Flex, why would we pull out online course materials specifically?

Smith-Andrews commented that this policy was written before COVID and is focused on protecting the works that faculty were doing outside of the fully online class. IPAC had been working for four years on the policy revision. Smith-Andrews added that in the Spring with COVID breaking there was extensive conversation with President Oldham and the Faculty Senate Executive Team and others to review what IPAC had prepared and to bring it forth as soon as possible. Smith-Andrews indicated that this revision was discussed extensively in Senate this past Monday. Russell stated that she has heard from multiple individuals that Faculty Senate was bringing the policy forward and the policy clearly states that it is to be administered by IPAC. Michael Allen, IPAC Chair, noted that IPAC had been revising for six years and that it was originally tied to TBR policy. As faculty and various committees reviewed the revisions, it was realized that the policy did not include online, hybrid and the types of course material now being created. Allen added that at that time, we took the policy back and lumped it into the term, “scholarly work”.

Jeannette Wolak suggested a friendly amendment to resolve Richard Rands first point, changing IP Ownership item 1 to “developed within the Scope of Employment except miscellaneous Course Materials and Scholarly Works.” Wolak asked Rand if this would bring it parallel with item H in Section IV and Rand agreed it would.

Smith-Andrews commented that Dr. Taylor was in the process of creating an ad-hoc committee to start looking at cleaning up the policy. Zagumny wondered if this was something that should be tabled until next time so that the new Vice President for Research Taylor would get a chance to work with everyone. Smith-Andrews commented that the policy had been in revision for six years and the thought was to have a current policy in place that could be used as a starting point adding that it had been vetted extensively as to content. Holly Stretz commented that the existing policy does not cover where we are related to COVID and the faculty deserve this. Zagumny pointed out that there was already IPAC in place. Smith-Andrews suggested that the ad-hoc committee could be members of IPAC and others to clean up and make the policy clearer, due to so many constituents having worked on it, it is somewhat disjointed. Michael Allen stated that IPAC is ready for the Council to vote on this policy.

Rand asked if it was in our record for today that the overall intent of this policy was to allow faculty to own the materials that they create for their classes? Smith-Andrews added, except when significant University resources are used, adding that it is specifically spelled out when faculty own it or when Tennessee Tech owns it. Rand asked if it was the intent that faculty own that material and President Oldham confirmed that was correct. A vote was taken and recorded as: 32 AYE: 1 NAY – Bedelia Russell; 3 ABSTAINED – Lisa Zagumny, Daniel Warren and A. J. Donadio. Motion APPROVED.

Mark Wilson presented the revised Concussions Policy No. 952 noting an out-of-cycle revision was obtained. The policy reflects the NCAA annual adjustments to their Concussion Policy which must be effective prior to the start of fall practices.

Zagumny motioned to approve the University Library Committee Procedures. Mark Wilson seconded. Chris Brown presented as Chair of the committee. Brown noted that the Library Procedures had not been updated for many years and reviewed the minor changes. Chris Brown questioned if all procedures had to be approved by Administrative Council. Diane Smith confirmed after reviewing standing committee procedures that the majority of committee procedures are approved by Administrative Council even though they may report to the Academic Council. ABSTAINED – Dan Warren. Motion APPROVED.

Rand motioned to approve the Staff Advisory Committee Procedures. Wilson seconded. Angie Wells presented the changes in procedures which were regarding the Vice-Chair position. Motion APPROVED.

Richard Rand motioned to adjourn. Holly Mills seconded. Adjourned at 4:23 p.m.

Diane Smith recorder

Documents on file with minutes:

Agenda

Minutes of April 8, 2020

New Policy:

Title IX Policy & Grievance Procedures Policy No. 144

Families First Coronavirus Response Act Policy No. 616

Revised Policy:

Prohibited Discrimination Policy No. 141

Student Conduct Policy No. 302

Intellectual Property Policy No. 732

Concussion Policy No. 952

Procedures:

Revised University Library Committee

Revised Staff Advisory Committee

ZOOM Chat History of Meeting

# Sept 2, 2020 Zoom Chat History

15:34:51 From Holly Mills : Allow for distancing! I love it.

15:39:03 From Richard Rand : When we get to Policy 732, I have 5 specific questions/comments. At least three of them are substantive, I believe. two questions are in the category of clarifications.

15:46:41 From Joseph Slater : Sorry I didn't answer everyone. I forgot to lock my door before the meeting.

15:50:44 From Bedelia Russell : I also have a question on Policy 732.

15:54:06 From Bedelia Russell : Is someone from the Intellectual Property Advisory Committee available to speak to the changes?

15:57:01 From Michael Allen : Bedelia, I am the chair of that committee.

15:58:49 From Jeanette Wolak : So, would a friendly amendment to resolve Richard's first point would be: changing IP Ownership item 1 to "developed within the Scope of Employment except miscellaneous Course Materials and Scholarly Works." Would this bring it into parallel with Item H in Section IV.

16:01:06 From Richard Rand : Jeanette, I believe the answer to your question is "yes", for that particular element. I think the contract issue becomes really relevant if this passes, because the contracts would directly contradict the new policy.

16:02:35 From Richard Rand : Why focus on just online course material? What about materials that we use for both? Or just for the on-campus course?

16:03:16 From Holly Stretz : The term "flex" is newer than this policy. "Online" is the more general term, materials presented online. Nothing more specific than that. May be a place for wordsmithing in the future.

16:06:14 From Richard Rand : The Senate only saw this on Monday. While the Executive Committee worked with the Administration this version of the Policy, I would not characterize it as the "Senate putting forward . . ." this policy. I would like the minutes to reflect this accurately. I have no objection to how this came about. I just want the minutes to reflect that the Senate did not have an opportunity to debate/discuss/vote on this.

16:07:11 From Jennifer Taylor : Thanks for the correction Richard.

16:07:41 From Lisa Zagumny : I have a quesation

16:10:04 From lbruce : Sandy said that Dr. Taylor will be forming a committee to review and recommend changes? There is a standing university committee (IPAC) who has that role (as mentioned in this policy). Have they had a chance to review this final version?

16:10:41 From Michael Allen : No, we meet next week.

16:12:06 From lbruce : Thanks Michael.

16:13:11 From Anthony Paradis : Can we vote in the chat here?

16:14:35 From Richard Rand : Can we have a statement for the minutes that the intent of this is to give faculty ownership of the material that they develop FOR THEIR CLASSES?

16:14:55 From Michael Allen : Aye!

16:14:59 From spardue : Policy 732: Aye

16:15:00 From Richard Rand : AYE

16:15:00 From Mark Wilson : aye

16:15:01 From Holly Mills : aye

16:15:01 From David : Aye

16:15:01 From Steven Frye : Aye

16:15:02 From Debra Bryant : Aye

16:15:02 From Janet Isbell : Aye

16:15:03 From Suzan Swartzentrover : AYE  
16:15:03 From brianjones : Aye  
16:15:03 From Dan Allcott : Aye  
16:15:03 From Bedelia Russell : Nay. - Bedelia Russell  
16:15:03 From Anthony Paradis : Aye  
16:15:03 From ehoneycutt : Aye  
16:15:04 From Sandra Bohannon : aye  
16:15:04 From Wei Tsun Chang : aye  
16:15:04 From Jeanette Wolak : Aye  
16:15:04 From Duncan : Aye  
16:15:05 From Nancy Kolodziej : Aye  
16:15:06 From Lachelle Norris : ye  
16:15:06 From Alexis Harvey : aye  
16:15:06 From Ms. Tammy Howard -Nursing : Aye  
16:15:07 From Michael Rogers : aye  
16:15:07 From Chad Luke : Aye  
16:15:07 From Brent Drexler : Aye  
16:15:09 From Aaron Lay : Aye  
16:15:09 From Jeremy Blair : aye  
16:15:10 From Lachelle Norris : aye  
16:15:12 From Lisa Zagumny : abstain  
16:15:14 From maryloufornehed : aye  
16:15:14 From Madison Harris : aye  
16:15:15 From jedmonds : aye  
16:15:16 From Daniel Warren : abstain  
16:15:19 From Andrew Donadio : Abstain  
16:15:19 From Tony Nelson : Aye  
16:19:59 From Sandi Smith-Andrews : Library Committee Procedures  
16:20:11 From Mark Wilson : Library Committee Procedures Aye  
16:20:11 From brianjones : aye  
16:20:11 From Ms. Tammy Howard -Nursing : Aye  
16:20:11 From ehoneycutt : Aye  
16:20:12 From Nancy Kolodziej : Aye  
16:20:12 From Holly Mills : aye  
16:20:12 From Debra Bryant : Aye  
16:20:12 From Jeanette Wolak : Aye  
16:20:12 From Anthony Paradis : Aye  
16:20:12 From Tony Nelson : Aye  
16:20:12 From Sandra Bohannon : aye  
16:20:12 From Alexis Harvey : aye  
16:20:12 From jedmonds : aye  
16:20:12 From Duncan : Aye  
16:20:12 From Andrew Donadio : Aye  
16:20:12 From Janet Isbell : Aye  
16:20:12 From David : Aye  
16:20:12 From Steven Frye : Aye - Steve Frye  
16:20:13 From Suzan Swartzentrover : Aye  
16:20:13 From Richard Rand : AYE  
16:20:13 From Chad Luke : Aye  
16:20:13 From spardue : Aye



16:20:13 From Lachelle Norris : aye  
16:20:13 From maryloufornehed : aye  
16:20:14 From Jeremy Blair : aye  
16:20:14 From Bedelia Russell : Aye. - Bedelia Russell (Library)  
16:20:14 From Dan Allcott : Aye  
16:20:15 From Lisa Zagumny : aye  
16:20:15 From Wei Tsun Chang : Aye  
16:20:15 From Joseph Slater : Aye  
16:20:16 From Brent Drexler : Aye  
16:20:17 From Aaron Lay : Aye  
16:20:20 From Michael Allen : aye  
16:20:22 From Michael Rogers : aye  
16:20:24 From Daniel Warren : abstain  
16:22:06 From Diane Smith : Staff Advisory Committee Procedures  
16:22:08 From Joseph Slater : Aye  
16:22:13 From Suzan Swartzentover : Aye  
16:22:15 From brianjones : aye  
16:22:16 From Tony Nelson : Aye  
16:22:16 From Holly Mills : aye  
16:22:16 From Sandra Bohannon : aye  
16:22:17 From Lachelle Norris : aye  
16:22:17 From Andrew Donadio : Aye  
16:22:17 From Janet Isbell : Aye  
16:22:17 From Richard Rand : AYE  
16:22:18 From Chad Luke : Aye  
16:22:18 From Mark Wilson : aye  
16:22:19 From ehoneycutt : Aye  
16:22:19 From Jeanette Wolak : Aye  
16:22:19 From Nancy Kolodziej : Aye  
16:22:19 From Wei Tsun Chang : Aye  
16:22:19 From Brent Drexler : Aye  
16:22:19 From Dan Allcott : Aye  
16:22:19 From Aaron Lay : Aye  
16:22:20 From Alexis Harvey : aye  
16:22:20 From Debra Bryant : Aye  
16:22:20 From Lisa Zagumny : aye  
16:22:20 From Jeremy Blair : aye  
16:22:21 From Madison Harris : Aye  
16:22:22 From David : Aye  
16:22:22 From spardue : aye  
16:22:23 From Steven Frye : Aye  
16:22:24 From maryloufornehed : aye  
16:22:24 From Anthony Paradis : aye  
16:22:25 From Ms. Tammy Howard -Nursing : Aye  
16:22:25 From Bedelia Russell : Aye. - Bedelia Russell (Staff)  
16:22:26 From Michael Allen : aye  
16:22:28 From Michael Rogers : aye  
16:24:44 From Joseph Slater To Sandi Smith-Andrews(privately) : Sorry I slowed it down by not answering. Amanda Fabrizio-Grzesik walked in with an unhappy donor (building) issue so I stepped out. Great meeting.

