

Faculty Senate Business Meeting
February 25, 2019

Members Present:

Douglas Airhart, Debra Bryant, Andrew Callender, Wei Tsun Chang, Corinne Darvennes, Ahmed ElSawy, Stuart Gaetjens, Mark Groundland, David Hajdik, Ann Hellman, Paula Hinton, Barbara Jared, Christy Killman, David Larimore, Regina Lee, Lori Maxwell, Christine Miller, Holly Mills, Lachelle Norris, Linda Null, Brian O'Connor, Joseph Ojo, Sally Pardue, Richard Rand, Mohan Rao, Jeff Roberts, Troy Smith, Sandi Smith-Andrews, Barry Stein, Holly Stretz, Zac Wilcox, Kim Winkle, Jeannette Wolak

Members Absent:

Ismet Anitsal, Deborah Ballou, Michael Best, Jeremy Blair, Tammy Boles, Troy Brachey, Chris Brown, Steven Frye, Melissa Geist, Shelia Hurley, Seth King, Ben Mohr, Leeann Shipley, Cara Sisk

Guests:

Jeff Boles, Jason Beach, Mark Creter, Sharon Holderman

Call to Order

Senate President Smith called the meeting to order at 3:35 p.m.

Approval of Agenda

Senate President Smith asked that the Call for New Business be moved to Other Such Matters. Senator Roberts moved the Agenda be moved as amended and Senator Hinton seconded it. The amended agenda was APPROVED.

Approval of Minutes from the Senate Business Meeting on January 28, 2019 and the Notes from the Senate Meeting with President Oldham on February 18, 2019

Senator Darvennes moved that both the minutes and the notes be approved and Senator Hinton seconded. These were APPROVED.

OLD BUSINESS

A. Choosing the new Faculty Trustee

The outgoing Faculty Trustee, Senator Melissa Geist, thanked Faculty Senators and the campus community for their support. She also offered the following helpful observations for the incoming Faculty Trustee:

- Contentious discussions—such as budget matters and salary issues—must take place in a public forum
- It is important to continue to educate the Board of Trustees on relevant issues of higher education since many do not have experience in Academia as faculty members or as administrators
- It is your right to meet with President Oldham directly. Trustee Geist's public statements to the Board were also made privately to the President
- Trustee Geist clarified that the Faculty Trustee represents the campus, not just the faculty. The budget (spending more than is being made), for example, is a

campus-wide, university problem. It has been her role as Faculty Trustee to represent the university and openly question aspects of its administration that needed questioning

- The next challenge is probably conveying how tightly budgeted academic units are as opposed to the more loosely budgeted administrative units

Each of the three candidates—Mark Creter, Sally Pardue, and Holly Stretz—gave a five-minute presentation on their qualifications and motivations for becoming the next Faculty Trustee. Afterwards, they left the room and the Faculty Senate proceeded to vote by secret ballot. Some discussion ensued whether the Faculty Senators should talk about each candidate or not. No discussion of the candidates took place and the Faculty Senators continued to vote. A Senator asked whether the results could be divulged during the meeting. The Procedures listed on the Faculty Senate Website were consulted. If no nominee gets 50% of the votes, than a second round of voting must take place between the top two nominees. As someone received over 50% of the votes, Senate President Smith thanked the Nomination Committee for their work and indicated that he will follow procedure and inform the winner and President Oldham of the results.

B. Update on Policy 219 (Emeriti Faculty) Revisions

Senator Roberts reported on his meeting with Associate Provost Sharon Huo, Yvette Clark, the Executive Director of Information Technology (IT), **and Senator Linda Null. They determined that the academic units would with the administration of e-mail matters for their Emeriti faculty.** Hence, Senator Roberts expanded Item K to indicate this change. See attached. Senator Roberts noted **that questions of space for Emeriti faculty will be addressed at a later date.** Associate Provost Huo had indicated her approval and will move these proposed changes through the appropriate channels. Senator Roberts moved to approve Policy 219 as amended and Senator Hinton seconded it. The motion PASSED.

C. Update on Policy 207 (Tenured Faculty)

Senator Roberts updated the Faculty Senate on the work being done in the committee tasked to develop a policy for Tenured Faculty. The purpose of Policy 207 is to defend tenure and to put in a provision to deal with tenured faculty who abuse their tenure status. Senator Roberts indicated that the words, “post-tenure,” do not appear in this policy. The committee intended to keep the policy flexible, while also including several safeguards against abusing tenure. Sections 2, 7, 8 are new. A major change is that in the revised policy, a tenured faculty must have an overall unacceptable rating for the departmental chair to initiate **formal** remediation for improvement. Currently, a tenured faculty member needs three “unacceptables” before **formal** remediation can begin. Senator Roberts noted that an evaluation policy is still missing between Policy 205 (Tenure-Track Faculty) and Policy 207 (Tenured Faculty); that is, a policy that governs how faculty members are evaluated on a yearly basis.

Discussion ensued and Senators gave the following feedback:

- Where do Lecturers fall in Policy 207? Senator Roberts will add “**tenure-track lecturers**” into the wording of VIII.3.

- A suggestion was made to include something else in section VII.D.2.B. in addition to the teaching evaluations from the previous 5 years because often these evaluations do not reflect actual teaching ability. Senators recommended adding instructional materials and data such as enrollment numbers and course difficulty to this section.
- Will the online IDEA system preserve evaluations for years? Yes
- The voting percentages of the committees looking at the FDP (Faculty Development Plan) and FIA (Faculty Improvement Assessment) are different. FDP requires a 2/3 vote of the FDP evaluation group to confirm satisfactory performance. There is no mention of any voting percentages in the FIA committee. Is a faculty member's performance deemed acceptable with a simple majority? Yes.
- **Senator Roberts noted that the previous policy allowed for appeals for all faculty members terminated for adequate cause. The new policy does not guarantee an appeal if a faculty member is terminated for adequate cause. See section VIII.B. Any proposed termination has to be proceeded by a hearing. If the faculty member does not show up for it (absent good cause), they will not get an appeal.**
- In Section VI.C., the wording of “an unapproved leave of absence, which includes a failure to report for service at the designated date of the beginning of any academic term” is ambiguous. What is the specific date? Discussion ensued on whether this was the first day of classes or when the university opened for the term. Senators considered the phrase “to report” as being available, which was interpreted to include accessing e-mail. This needs further clarification.
- Section VIII.B.5 includes the statement “willful failure to perform assigned duties.” Does this include not showing up for class, once...twice...? Senator Roberts responded that, ultimately, Human Resources investigates whether a policy was violated or not. The Provost decides. See Section VIII.C.
- Does the statement “incompetence in teaching” (VIII.B.6) overlap with earlier, similar statements? The use of “incompetence” is necessary according to State law.

D. Intellectual Property

Sharon Holderman reported on matters concerning copyright and the ownership of course materials. Policy 732, Intellectual Property, is in effect, but it needs updating (it still mentions TBR). This policy does not mention anything about ownership of course materials. Therefore, this type of ownership defaults to federal law, which dictates that Tennessee Tech owns course materials (syllabi, lectures, any recordings, tests, PowerPoints, etc.) and can dictate how they are used. These materials can be any format, including online materials. Federal law dictates that this is a work-for-hire relationship. Course material must remain at Tennessee Tech if faculty members leave, unless they get permission from the university. The IPAC (Intellectual Property and Copyright) committee had recommended that Tennessee Tech keep ownership of course syllabi and all other material were to remain with the faculty members. This policy recommendation never made it to the Administrative Council. Office of Research houses Policy 732. Ms. Holderman has heard that members of the Administrative Council will not pass any

changes to it unless this policy states that faculty members own course materials. Policy 732 needs updating to remove TBR from it. Ms. Holderman noted that, nationally, about half of the universities retain course materials and half are faculty-owned. IPAC has met with the Provost to develop a process wherein faculty can apply to retain ownership of their course materials or vice versa, faculty will own course materials and the university might petition for ownership in some circumstances. Ms. Holderman gave three examples of how other universities handle this issue. Baylor University gives copyright ownership of course materials to the creator (faculty), but if university resources were used in the creation of these materials, then the owner automatically gives the university the right to use this copyrighted work. University of Tennessee, Knoxville retains copyright ownership of course materials. Creating courses and content are a part of employment. Stanford University owns course materials, but their policies state that faculty can share professionally with others outside of the university, but others cannot use it. The IPAC is happy to re-edit Policy 732, but they are still waiting to see how the administration wants to resolve ownership of course materials. The following discussion ensued with Sharon Holderman:

- If you are using copyrighted material in your class, does this policy apply? Federal law applies here. Policy 732 deals more with the creation of copyrighted material on campus.
- If faculty members publish textbooks and then use this copyrighted material in their classroom, does this policy apply? Well, this brings up a conflict-of-interest issue. This, though, is not specifically addressed in Policy 732.
- Does the university own the lecture notes that I have created? If you are hired to teach a class and you must devise a lecture for this class, then, by federal law, the university owns the lecture because it is a work-for-hire. To clarify, in order for something to be copyrighted, it must be tangible (recordings, hand-written notes).
- Is the IPAC committee also interested in knowing how Tennessee Tech faculty think about ownership of course materials, especially as this issue related to academic freedom in the classroom? Academic freedom and copyright are related issues, but separate because something created in the classroom (opinions, debated issues) is not tangible. Once the material becomes tangible, someone owns the copyright on it. The reason the IPAC committee is asking the administration for its stance is because every policy must go through administrative offices, not just the Administrative Council.
- Consistently courts across the nation have ruled in favor of the retaining of ownership of course materials by faculty members. Kae Carpenter will ultimately need to contribute in this dialogue. The IPAC committee has not consulted her on this policy, but other areas of administration are discussing this issue with her. The Provost clarified that, in the past, Tennessee Tech has never exerted ownership of course materials. At this point, no decisions have been made regarding ownership of course materials.
- In the pressures of a budget-constrained university, the temptation to sell faculty members' work is strong. This is the perceived undercurrent of Policy 732.
- An exception in Policy 732 indicates that publications (scholarly works) do not come under university ownership. How does the scholarship of teaching research

fall in the policy? The IPAC committee needs to figure a way to allow faculty to own their course materials, except for their syllabi.

- Is there a clause in the contract of incoming faculty that refers to Policy 732? Yes.
- A Faculty Senator shared two specific instances when her teaching materials were sold, the first instance by a student and the second by another student with a disability. If students, or someone else, record a lecture, they do not own it since they did not create it. Federal law prohibits students from selling recorded lectures.
- Is it to the faculty members' advantage to have the university own course materials to gain access to legal protections? Yes, faculty members will have the full backing of university counsel. However, it is always the copyright owners' choice on how they want to protect their material.

At the conclusion of the discussion, Senator Geist moved to create a Faculty Senate Resolution that supported the faculty's ownership of course materials, except for syllabi. Senator Smith-Andrews seconded it. Ms. Holderman asked whether a process could be included wherein the university could ask for the faculty member's permission to use the course material. There was no objection. The resolution was APPROVED and reads

The Faculty Senate of Tennessee Technological University as part of the planning process for revising university policies related to Intellectual Property has resolved that ownership of all faculty-developed course materials reside solely with the creator, except for class syllabi. Transfer or sharing of said materials may occur at the sole discretion of the original creator.

E. Strategic Plan working group update

Dr. Jeff Boles gave an update on the work of the strategic planning committees. Senior leadership and faculty have been progressing on diversity inclusion, as reported to the Faculty Senate earlier. They have passed a Study Abroad implementation plan. He noted the importance of faculty feedback in all stages of the development of the Strategic Plan.

Dr. Jason Beach, the Chair of goal 2 ("Innovation in All We Do"), reported on the progress of his group. See attached. He highlighted the need for and importance of SWOT (Strengths, Weaknesses, Opportunities, and Threats) analyses. All areas of the university will provide this strategic planning tool. The aim is to improve efficiency or to achieve national prominence in their area. Dr. Beach indicated several definitions in the handout as well as some examples for academic departments to consult for their own possible use. The following discussion ensued with Dr. Beach:

- Who is doing this and what will be done with it? The Chairs of the working groups present the plans they have devised at the committee level to upper administration, who will in turn decide how and when the plan will be implemented.
- The College of Engineering will have a new Dean in August. Should they wait until this new Dean is in place before they work on their SWOT analysis?

- Dr. Boles indicated that the SWOT analysis is an opportunity for Colleges and Departments to highlight their goals and accomplishments to the upper administration and the campus in general. This is an information-gathering process from the ground up.
- When will we know about the Study Abroad implementation moves? Karen Lykins has a communication plan that will include news releases once items have been finalized.
- It would be nice to know what financial resources are being used and moved to sponsor any new initiatives. Most of the proposals from group 2 of the strategic plan have not cost the university any extra money. At this time, when proposals costing money come to upper administration, these proposals are being collected for consideration during the summer.
- How do aspects of the SWOT analysis move forward? The group is still working on how to implement the content in the SWOT analyses.
- Costs do exist when producing a SWOT analysis. It takes valuable time to do so. In order to capture everyone's input in a unit might mean that everyone go on a retreat to complete their SWOT analysis. Some areas are already doing this. IE (Institutional Effectiveness) reports already fulfill some of the goals of a SWOT analysis. IE reports are tied to the former "Flight Plan," so might not be the best tool moving forward.
- The message that a SWOT analysis produces should be unified for outside stakeholders. Our university name, for example, has many variations within policies: Tennessee Tech, Tech, Tennessee Tech University, etc. Dr. Beach noted that he also gave the handout to outside groups that work with Tech to provide the perceived strengths and weaknesses of our university.
- The College of Business has completed these types of analyses in depth and faculty within this College are willing to help. A Senator from this College offered the following recommendations:
 1. Be careful with overextending items in each quadrant, 2-4 should suffice.
 2. Think about things that make a difference, that make your unit distinctive

Dr. Beach is happy to help individuals units with their SWOT analyses.

- Dr. Beach shared that members of his group are noting as many innovative activities happening around campus to create an innovation inventory. The group is also polling department chairs about innovative activities going on in their units. They defined innovation as what each program is doing that sets it apart from similar programs in peer institutions. A Senator pointed out that unique and innovative do not necessarily mean the same thing. Faculty should share their feedback with their department chairs, who will convey it to group 2 of the strategic planning committee.
- Can we see the SWOT analyses from groups outside of Tennessee Tech? Dr. Beach has them and is willing to share the results once he can obscure the specific identities of the companies/outside groups.

The meeting adjourned at 6:04 p.m.

Respectfully submitted,
Mark Groundland, Secretary