

September 12, 2022
Faculty Senate Business Meeting

Via TEAMS

In attendance: President Maxwell, Secretary Killman, Past-President Luna, President-Elect Allen, Senators Fennewald, Shipley, Upole, Brachey, Pickering, Swartling, Alley, Park, Rand, Turner, Comer, Smith-Andrews, Canfield, Hasan, Liu, Ojo, Reames, Sisk, Winkle, Mullen, Witcher, Manginelli, Frye, Hajdik, Adams, Mills, Langford, Lee, Fornehed, Howard, Null, T. Smith, Crockett, Weathers, Spears, Meadows, Hermann-Turner, O'Connor, Hutson, Craven, Loftis, Burch, Ding, Isbell, Allcott, and Rajabali.

Guests: Mark Creter, Robert Cardana

Absent: Senators Duncan and S. Smith

Call to Order: 3:35pm

President Lori Maxwell welcomed new senators and thanked all for attending. Addressed recording business meetings. Will check with legal counsel before continue recording.

Before approval of minutes:

1. Collective thank you to Dr. Kris Craven for 2 years of service as faculty senate secretary. We owe her a huge debt of gratitude.
2. Dr. Christy Killman stepped up to serve as faculty senate secretary this year.

Minutes [Notes] circulated from last meeting of last year (April 25, 2022)

Approval of the notes from meeting with the President as circulated. Motion by Smith-Andrews, 2nd by Fornehed. No discussion. Motion passed.

President-elect Michael Allen, serves as parliamentarian.

Motion to approve the revised agenda by Null, 2nd by Adams. No discussion. Motion passed.

Old business...

Summary of merit raises was sent to senators in the initial SWOT document over the summer. First meeting with President Oldham next week. Issues? Address merit raises 2020-21. Last fall rumors of pay raises above what was approved by board of trustees had been allocated. State of Tennessee and Board of Trustees authorized raises on a 1-7 percent scale with average being 4%. Those raises on a merit scale were distributed. Rumors indicated that some individuals were given raises above the 7%. Data was provided to then Faculty Senate President Luna that indicated that this was in fact the case. Approximately \$360,000 in raises above the allocated amount. Faculty senate was provided with redacted information indicating the \$360K amount. This was reported to Internal Audit. Faculty senate met with President Oldham twice. 1st indicated he was unsure of the data. 2nd indicated this was marketplace raises – individuals had to be retained because of pressures from the market. The overwhelming percentage of these raises went to individuals in planning and finance which is under CFO. And HR reports to CFO.

Faculty Senate brought forth a potential vote of no confidence against CFO Stinson, but tabled the vote pending information from internal audit. President Oldham assured Internal Audit would have a resolution of this within a few weeks. A whistleblower at TTU reported the information to State Office of Comptroller, which supersedes Internal Audit on campus. Therefore, there will not be a report from Internal Audit. June 2022, President Maxwell contacted Comptroller's office for information because of the pending vote of no confidence and was told the investigation is continuing. That's where we are now.

Comment:

The people who got the biggest raises are the people in charge of giving the raises and that's the problem, and they are not in academic affairs. There was a motion of no confidence in the April meeting which was tabled pending results of an audit, so senate should delay any action until results are obtained. The question of whether Faculty Senate would have access to results of an audit was raised.

President Maxwell explained that state audit was currently in charge of the audit and would report to the board of trustees, who would not be required to share any findings, whereas President Oldham had indicated that faculty senate would be given information when the audit was with internal audit on campus.

Comment:

Having Dr. Stinson come talk to us would not likely be of any benefit at this time.

Trustee Allcott shared that the board of trustees does get an audit report which is not public. As a member of the board, he is bound by code of conduct where he is not allowed to comment on behalf of the board except in public meetings. He suggested a freedom of information application that could potentially be found if this body needs to go that direction.

President Maxwell responded to questions in the chat. The meeting in the spring was attended by President Maxwell, Senator Luna (past president), Dr. Stinson, Dr. Bruce, President Oldham, Lee Wray, Denna Metts and a couple others. They were instructed to not talk about where the money for the raises came from. Basically, the state gives a % of funding and university gives % of funding. An estimation of how much the university must contribute to the raise pool must be turned in way ahead of time. This is the amount needed to match what the state gives for the raise pool.

When the university turns into the state the amount needed for raises, the university estimates the total number of employees that might be at the university, in the future, and at the time of the raises. This happens at the end of a fall semester for the next year. Because it's an estimation, the best case TTU might have the number of employees. People could retire, leave or other and additionally there may be additional money – like \$360K. This is how there is a residual amount. What was actually needed to give the 1-7% raises was less than what was estimated and what the university has to distribute. So, the way the residual amount was distributed was not necessarily illegal or wrong. It's just interesting that the funds went to the

one area that is in charge of distributing the money instead of any going to the academic side of the house.

Trustee Allcott shared that the board is working to have a formula for the president's raises instead of throwing money at him, which is good. The plan is to develop some goals and standards in place to eliminate the current flimsy situation. He also questioned what happens if the president reaches the goals required for the raise, but the state doesn't allocate the money. Money comes from the university. There is a Perception that when people get raises and there are give backs in the fall because we don't meet enrollment or worried there is going to be a state budget cut, deans have to give back and then all of a sudden it doesn't really happen, and that's all ok, but Academic affairs does not recover the money back, it just rolls into the budget. He also made the point that there are lines budgeted that are not filled, controlled by HR, where money disappears to creating a direct conflict of interest because it looks like they not allowing hires so that there is a 'slush fund' and academic affairs is not getting positions/hires. It's been said that's not where the found money comes from. There is a general perception that's where the money comes from. There were some comments about this topic made at the June board meeting so the board is somewhat aware of the perception problem.

Comment:

Reminder that all departments put into that pot, but it's not getting redistributed out. The term "discretionary spending" used, but who's discretion not identified. How was the pot handled this year? Need not to be stuck talking about 1 year, rather the overarching problem. Faculty senate should ask President Oldham and Dr. Stinson for a full accounting of what happened to this year's entire merit pool and expect getting that information not to be an issue.

We know there were residual funds in 20-21 that went mainly to one division on campus instead of fairly distributed across all divisions. Were there residual funds this year and how were those distributed? Seems to be multiple layers of problems, especially since the academic side of the house is not included in the discretionary spending while the academic side of the house is/has suffered budget cuts.

Comments:

Funds being cut from academic units were once called lapse funds and that is how departments paid for a lot of things. That money has been stripped from academic units year after year causing loss of GA positions, abilities to purchase needs items and all sorts of things. The question was raised that if there is money left over for "discretionary spending", why is it not being distributed back to the academic units? There is a need for a full accounting.

In this same timeframe the units have lost student fees and control of fees that also helped fund various needs at the unit level. It was recommended to poll department chairs to see what all was lost or relinquished in the past few years.

The idea of the \$360K shell game played in 2021 related to the various descriptors (equity, market equity, discretionary spending, etc) was brought up. At least one dean asked to give equity raises and was denied. This means that these equity raises were not only not distributed on the academic side of the house, but they were, in fact, denied on academic side of the house.

A situation from a previous year was brought up. President Oldham was addressing the Faculty Senate around the time that Lee Wray was being appointed Board Secretary. There had been a line lapsed in the President's office and the entire amount was given to Lee Wray on top of his regular salary. So, he got a \$50K raise, just like that. President Oldham, at the time, was unaware that this is not how things work in the real world, rather 'we' arrange funds when someone retires to go as far as possible and do the best we can.

There needs to be clarification related to the issues multiple departments are having with the hiring process. Progress is blocked by the unit that got the raises which seems fishy and makes one think that hires are being blocked so that lapse money can go someplace else. Several senators share the lack of confidence, with the indication that enrollment is up, yet searches are being denied.

Concern for the research office and the personnel issue in that unit was expressed. The fact that research faculty across campus and any PIs who have active grants are nervous and even losing grant opportunities is a major concern and promotes some of the current trust issues now. The lack of fiscal confidence and understanding when enrollment is up and budgets are cut is a concern. A need for transparent accounting of how funds are being spent is needed and constantly taking from colleges and units must stop.

Money is part of a much bigger issue related to leadership. It appears that only a select few have been taken care of with the raises of '20-'21. When 32 of 53 raises more than 7% went to the same department is a problem. The issue that some administrative associates (and many others), who are heavily relied upon and keep things operating, make less than some graduate assistants, and less than a living wage.

Comment:

President Oldham applauded for raising graduate student pay, but the deeper issue is staff in the academic units paid so low it's an embarrassment. Discussion continued and the fact that people once loved working at Tech because they felt valued was brought up. Some senators agreed that is not the perception on campus now.

Academic units have suffered such cuts over the past few years, that there is nothing left to give. It's a problem that HR reports to the CFO instead of the president. This body has discussed with President Oldham taking action to change the reporting structure. Initially he said he was agnostic about it. There is concern as to how faculty senate can REALLY get the attention of this administration as an advisory body. Suggestions from the Faculty Senate are welcome.

Question:

Will Internal Audit be willing to share preliminary findings?

Comment:

Not likely they will share. It is clear that they are not going to share numbers or findings since the audit is now at the state. Nothing that might be a conflict with the state audit would be shared out. There is a feeling that they will not come back with any information for us.

President Maxwell called for questions for President Oldham for next week's meeting to be sent to either secretary Killman or to her.

New Business:

Faculty Senate welcomed Dr. Mark Creter, artistic director of the Backdoor Playhouse to speak to President Oldham's statement of last week pertaining to the drag show at the Backdoor Playhouse. Dr. Creter thanked the group for the opportunity to speak and gave the following prepared statement.

A lot of things have been said about the Backdoor Playhouse, the Tech Players Drama Club, the Lambda Gay-Straight Alliance, and the University in the last few days. I have mostly held my tongue in the hopes that it would blow over as "controversial" things so often do in this day and age of social media outrage. I make the following statement not to refute the statement released by President Oldham. The President is my Boss, and he absolutely has the right and responsibility to comment on any and all events that happen on his campus. As a 30-year member of the faculty of Tennessee Tech and resident of Cookeville, as well as a man who has spent more time in the Playhouse than anyone on this campus, it is also my right and responsibility to comment on this latest event.

In the past 30 years as the Artistic Director of the Backdoor Playhouse I have overseen shows that were beloved by campus and community (Chicago, Rocky Horror Show, A Midsummer Night's Dream) and publicly criticized by a small faction of campus and community (The Vagina Monologues, Angels in America, Betty's Summer Vacation). But to be clear, all the beloved shows had critics and all the difficult shows had ardent fans. That is the nature of live theatre and live performance: it engages, pleases, and, often, enrages audiences, or, to put it more simply, it makes you feel things. The recent reactions to a 1-minute clip from a 2 hour drag show performed in the Backdoor Playhouse has left me disturbed and dismayed. How can a 1-minute clip inspire such anger and resentment? How can outraged viewers of this 1-minute clip ignore the obviously enthusiastic response from the audience to the clearly camp performance happening on the stage? I have sat in the audience for many drag shows over the years and all I experienced was joy, both the joy of the performers getting to perform their art for an often loud and enthusiastic audience and the joy of that audience getting to share their enthusiasm with numerous talented performers. The drag shows performed at the Backdoor Playhouse are not about hate and intolerance but exactly the opposite: playfulness, fun, and self-acceptance.

And yet, here we are.

Our work with Upper Cumberland Pride, whose stated purpose is "to address, educate, coordinate, and provide aid to the LGBTQIA+ Community of the Upper Cumberland Region of Middle Tennessee," is the type of community service in which the Backdoor Playhouse has participated for years. We have offered the Playhouse for use by other theatres, public readings by bookstores, recitals by dance studios, alumni organized film screenings, marriage ceremonies, public television's WCTE, and church-related organizations such as Young Life and the Wesley Methodist Foundation. It is often as simple an equation as "you have a planned performance/presentation, and we have a theatre." The Backdoor Playhouse always serves as a safe space for all organizations.

Since Wednesday afternoon, I have tried to focus my energy on the many positive responses (clearly not issued as loudly as the trolling naysayers) that I have received from former students, long-time alumni, colleagues from here and other Universities, and even complete strangers who are simply appalled by these attacks. I have also tried to be there for my students, who are shaken by the anger and vitriol coming their way.

In my time working in the Backdoor Playhouse on the campus of Tennessee Tech, I have never witnessed anything obscene, lewd, or illicit. Now, does that mean there has never been a perception of obscenity or lewdness? Of course not. As one audience member's outrage is another's empowerment, one person's absurdity is another's obscenity. Any theatre director who tells you they can predict how an audience will react to a production is lying.

But again, here we are. The President has promised an investigation to seek out the obscene, the lewd, and the explicit. In my heart, I know none will be found, but the perception and the reality are often very different things. In the meantime, we here at the Backdoor Playhouse, the home for theatre on campus for the last 68 years as well as the recurring venue for many community events, will continue to provide a safe and creatively nurturing environment for our many talented students as well as members of our artistic community and beyond, and provide strong, creative, and challenging works for our campus, Cookeville, and all the Upper Cumberland.

Mark H. Creter | Artistic Director, Backdoor Playhouse

President Maxwell called for questions for Dr. Creter.

Comment:

Have been stopped by individuals who commented about the children present at the event that had been marketed as a family friendly event. A recommendation of age appropriateness like with music and in movies could take care of some of the public outrage.

Dr. Creter responded saying that is reasonable and he understands the comment, and said any children who were in attendance, were there with their parents or guardians. The 2 that are seen near the stage in the social media video are children of the performers.

Question:

Did any of the parents have objections to the performance?

Answer:

Dr Creter replied, "Not a single one." He proceeded to share that there was no nudity in the show and that the performers are playing characters. It's unfair that the 2 student groups who sponsored the event are being blamed for the content of the show. Content, in its entirety, is created by the performers. Dr. Creter went on to explain that he would like to have a symposium where people could attend to learn more about this performing art.

Further, the complaints originated from a couple in Memphis with last name of Starbuck and a video clip they found online that they shared with the caption "look what is going on at Tennessee Tech". There had been 220K views at the time of the meeting. Complaints came from a 1 minute and 14 second clip from a 2-hour show.

Comment:

University Policy 120 – Minors on Campus was brought up with the question as to whether or not the show was in compliance with Policy 120.

Response:

Dr. Creter responded that his understanding about that policy is related to unattended children, which was not the case here.

The question was raised asking about inviting someone from the opposite side of the issue to the symposium to which Dr. Creter replied this the symposium is a recent idea but yes, he would consider that. He went on to say that President Oldham has said events by these student organizations have been suspended, but they haven't according to other administrators on campus.

Senator Shipley has fielded several questions and comments but supports that this is a parenting issue. She shared that her unit is in the business of social work and reinforced that parents have rights and should not be judged because they may not be doing what 'we' think they should.

Dr. Creter explained that one thing he has noticed, many young people have bad relations or are not open with their parents.

Comment:

Dr. Creter has met with Dr. Polk-Johnson about this issue and he was asked to share how the meeting went and what was learned in that meeting.

Response:

Dr. Creter did, in fact, meet with Dr. Polk-Johnson the previous Friday afternoon. He inquired about the word "investigation", and was assured that what is going on is not an investigation,

even though that is the language used on social media. She said it's a conversation. He went on to say that there was good conversation about the procedures used to secure the Backdoor Playhouse – students properly arranged for the space as they always have. Also discussed was the involvement of the Tech Players, which provided technical support for the show.

Dr. Creter went on to say that he has encouraged the Lambda group and the faculty advisor to talk to Dr. Polk-Johnson but they feel scared by the content of the message delivered by the President. Creter continued saying that there have been many drag performances on campus in years past without any incident.

Comment:

Perhaps a drag show, later on, dramatizing this whole reaction – that is dramatic in itself, is in order. Observation that stand out are 'scared and chilling effect' (related to freedom of speech and censorship). Censorship always seems to come from high moral ground. One issue from the video clip that has not yet been addressed is that it looks like someone's religious sensibility is being hurt. People have said that the drag show is being a mockery of Christianity and asks if this is the reason for public outcry.

Response:

Dr. Creter responded what was seen as an attack on religion because of wearing a monk habit and throwing a cross and the wearing of a drag costume after that, coupled with the use of the song by Hossier, "Take Me to Church" are the perceived reasons for the public outcry. He went on to say that the song is actually about tolerance. These are scary times as there has never been anyone dictating what shows could be done on campus. Trustee Alcott commented that the President's statement sent a shudder through the LGBTQ community on campus and wonders if that was his intent.

Comment:

Senator Troy Smith stated for the record, that in the past on more than one occasion, President Oldham has been asked by members of faculty and this body to issue statements of support for students who are members of minority groups during times that those minority groups were under threat. He was generally asked to issue statements in support of their safety and affirming them. He went on to say that he is speaking about LGBTQ students on one occasion and Asian/Asian American students in both cases and there could be another case he isn't remembering. President Oldham would not do that. But now he is making an official statement that is the furthest thing from affirming students or speaking for their safety. At the very least, it is an ill-advised statement that he made that throws oil on fire. Students feel unsafe and wanting to withdraw from a university that is not supportive of diversity. Potentially, students, not just LGBTQ, feel thrown under the bus by this. He finished by saying that we have the responsibility to say something, to balance what the president said.

Response:

Students don't just feel thrown under the bus, but feel President Oldham has placed a target on their backs. And even though he didn't state the names, people have figured it out and used names of LGBTQ+ organizations on campus and they are terrified.

President Maxwell stopped general comments and steered the group to discussion of a proposed senate resolution. A recommendation to strike the comment related to private religious university from the proposed resolution was presented and discussion proceeded.

It was pointed out that there is a free speech on campus policy but it does not say anything about free speech of administrators, only students and faculty members. President Maxwell shared statements from policy 007 which are included in the resolution: students have right to free speech, we will not shield individuals from free speech, that we will allow students and faculty to invite guest speakers, that we will not disinvite speakers (which is the issue we are dealing with here). She continued by saying the resolution calls upon the President to restore those rights and that we ask him to publicly affirm freedom of speech protections to ALL students at Tennessee Tech. Given that some students feel they no longer have policy 007 rights, President Maxwell submits the resolution for a vote or revision.

Discussion:

The President is the grand representative of the University, so by his statement, he has imposed his rights over student rights. Perhaps asking for a time limit on the investigation could keep performances from being postponed indefinitely. The point was made that doing that would make the investigation legitimate. There was general agreement that there should not be an investigation.

In support of the resolution, stated we, as faculty, follow the policy and want the President to do the same. Students have done nothing wrong and we are calling out the fact of official acts that are in direct conflict to university policy. Someone disputed that the resolution is merely a reaffirmation of our commitment to free speech, rather directly addresses comments of the President. Perhaps the president's comment was knee jerk, but approving this resolution is equally knee jerk and jumping into the social media frenzy and will put us at odds with many people we depend on for support.

According to training done by university counsel, by using the official TTU Facebook page, the President was speaking on behalf of the university and in that statement, him saying 'suspend' does violate policy 007. People often forget that public universities are funded by taxpayer dollars and that should be left in the resolution language. Concern was expressed related to the 'taxpayer dollars' language since money is not the issue here, and hope we wouldn't call attention to money in this case. People have the right of free speech, regardless of who funds us. Language recommendation from Senator Troy Smith, "whereas we are a public, not private institution".

Senator Luna moved approval of the amended resolution.

Motion: Senator Luna, Second by Senator Mills

Discussion

It was requested that the amended resolution be read from the start. It was read by Senator Null (attached). A call for additional discussion led to feelings of the resolution not being worded strongly enough, that it's like Fitzgerald all over again and maybe we need to do another vote. Senator Hajdik reminded everyone that if you vote yes on this resolution, do not forget your vote. He cannot support the resolution in good conscious because it editorializes too much even though it's about the first amendment. Trustee Alcott stated that the resolution will remind President Oldham that he spoke outside the policy and he is bound by a code of honor even though his words sent a chill through campus and in contradiction to written policy, then he called for the vote.

President Maxwell led the vote, asking senators to vote aye or nays in the chat so that there would be a record of the vote. Secretary Killman counted the votes twice with 31 ayes, 9 nays and 5 who abstained. Motion carried.

Such Other Matters

President Maxwell brought attention to the need for 2 members for budget advisory committee, and asked if Senators Troy Smith and Smith-Andrews would continue from last year. Senator Troy Smith indicated his willingness to serve if all the meetings do not convene while he is in class. Senator Smith-Andrews stated willingness to serve again.

Senator Rand stated the way this meeting was conducted was admirable, and while we cannot require people to be civil and respectful, it is encouraged. This was civil and respectful and he expressed his appreciation. President Maxwell agreed and thanked the group for championing the ability to discuss and talk things out.

In comedic fashion, Senator Rand stated that he knows when he opens his mouth it sometimes scares people. Following suit, Senator Null encouraged to get that statement in the minutes. Senator Troy Smith added that Senator Rand never agrees with anything he says.

Senator Allen made the motion to adjourn and the meeting ended at 5:44pm.

Respectfully submitted by Christy Killman