

Faculty Senate Minutes

April 12, 2016

Meeting convened Tuesday, April 12, 2016 at 7:02pm by Michael Barnett, Chair of the Faculty Senate.

Senators in attendance: Kris Belden-Adams, Patrick Curtis, Brice Noonan, Robert Doerksen, Sasan Nouranian, Greg Tschumper, Brad Cook, Tossi Ikuta, Feng Wang, Tom Garrett, Richard Gordon, Ann Fisher Worth, Mary Hayes, Jay Watson, Andrew O-Reilly, Yang-Chieh Fu, Oliver Dinius, Darren Grem, Noell Wilson, Antonia Eliason, Stacey Lantagne, Dennis Bunch, Lorri Williamson, Savannah Kelly, Kristin Rogers, Dwight Frink, Milam Aiken, Lifeng Yang, Sasha Kocic, Heather Allen, Amy Fang-Yen Hsieh, Adam Estes, Michael Gardiner, Michael Repka, Meagan Rosenthal, Travis King, James Bos, Breese Quinn, Ben Jones, Danielle Maack, Jody Holland, Amy Fisher, Marcos Mendoza, Minjoo Oh, Mark Ortwein, Joe Sumrall, Michael Barnett

Senators excused: Mary Roseman, Allan Bellman, Tom Garrett

Senators absent: Rachna Prakash, Charles Ross, Ahmed Al-Ostaz, Jim Lumpp, Robert Magee, Ashley Dees, Tejas Pandya

Approval of March 8, 2016 Minutes

Minutes of March 8, 2016 meeting were approved by the Faculty Senate as a whole without comment.

Announcement: Dean of Students has asked for a faculty member to serve as a representative for the Faculty Senate for the search committee for a position involving student dispute resolution. Senator Heather Allen volunteered for the committee.

Presentation by Dr. Josh Gladden, Interim Vice-Chancellor of Research and Sponsored Programs

Taking a few minutes to get my face in front of you – I've been tenured for about 10 years in the physics department. I would like to talk about some of my priorities – have only been in the position for less than a month now, but we are ramping up to the end of the school year.

One of the roles is to strengthen internal relationships between Office of Research and the rest of campus. There will be some initiatives that we would love for you to pay attention to that will be developed and fleshed out this summer, primarily. There will be a national search for this position, so not sure how long I will be interim director, so thinking in a 9 month time frame.

Would like to strengthen relationship with other departments, not just sciences, including arts, humanities and social sciences.

Some of the programs in place right now include travel grants for faculty travel; investment grants, which we started last summer, which are designed to get something started; there is a new pilot program called Conversations with Program Officers, in which we are helping faculty get in touch with federal program officers in their relevant fields to have conversations about their priorities in particular

areas. One of the things we will be starting hopefully this Fall will be a reconstituted, reinvigorated faculty fellows program for research development, where we find representative faculty in a broad spectrum of expertise and departments and have them spend time in the office of research working to facilitate opportunities in those particular areas and help communicate better with faculty in those areas.

Question: How much latitude are you being given to make changes during your interim status?

Answer: I've had some conversations – and Dr. Wilkin wants to see some things happen – he wants to keep moving forward in the same vein as our transition last year. Keeping the momentum growing and going is where we want to be.

Question: Is that process of submitting suggestion open?

Answer: Of course – I am open to meet with everyone, and I do answer every email, although it may not be within 24 hours. Perhaps we should have some standard mechanism by which people can offer suggestions.

Question: Can you speak in broad strokes about how the university classifications as an R1 institution will change priorities in 5 years or 10 years?

Answer: Very clear priority will be maintaining that R1 status and this is reclassified every 5 years. This is important for recruitment and shows we can be trusted with all kinds of projects, big and small. Formula for calculating that is fairly complicated – dollars, PhD production, size of faculty. It is important to us.

Question: We didn't just squeak over the bar for that category, did we?

Answer: They do not tell us how close you are to the bar. We don't know. But I don't think we leapt over it – every other university with a med center jointly reports, and this got us over the bar.

Question: Does this affect in any way any of the grants, like some of the NIH grants?

Answer: Very good question, and the answer may be yes – we will have to look at each one and see if any are specific.

Presentation by Donna Gurley, Associate General Counsel, Regarding the Amendments to the IHL Weapons on Campus Policy and Mississippi State Legislature House Bill 1523 and the Implications for Our Campus Environment

Want to talk a bit about the current state of guns on campus, what the lay of the land is and what the issues are.

I am sure several of you remember before the passage of the Enhanced Carry Permit, there was a Concealed Carry Permit (which there still is) – allows you to carry a firearms concealed in a number of places but not just anywhere. There were places you couldn't carry, even with that – Universities, schools, churches, bars, liquor stores. It was a crime to carry a concealed firearm in those types of places.

Two years ago, the Enhanced Carry Permit was passed. You had to start with a regular Concealed Carry Permit, and then you have to go through state training to get the enhanced permit. With the enhanced, you can carry in the places you couldn't carry before. Training programs were offered across the state. Now we have quite a few individuals with Enhanced Carry Permit – it is impossible to get a list of those people as they are protected by state law.

The approach we have taken because we don't want to open up campus to firearms, since the Concealed Carry Permit is a civil statute, and the Enhanced Carry Permit said it is not a crime, we viewed it that this doesn't mean that some of these places can't say "I don't want firearms on our property." We continued to have a policy that said no firearms on campus. We wouldn't arrest you, but would ask you to take your gun off campus, and if you didn't, you'd be found to be trespassing.

Fast forward two years – we've known that the legislature hasn't been very happy with our interpretation of the law. There have also been a series of AG opinions that have been very confusing – not written by same people, not consistent, and very hard to interpret. More and more, though, it appears that the AG's opinion is that people with Enhanced Carry Permits should be able to carry on campuses and that putting on a sign or passing a policy isn't going to do the trick.

We have this new policy from IHL that says you can't carry unless you are an "Authorized person" – which includes those with valid, unexpired state firearms permits with instructor certified stickers on the back. Even so, the policy says, they can't carry these types of firearms in any institutional facilities or areas that are deemed non-public. Students and employees aren't allowed to have guns on campus, whether or not they have Enhanced Carry Permits.

IHL was really thinking that there might be a point where the legislature told IHL and the universities to let Enhanced Carry Permit people to come on campus. This still gives us some control over our institutions and campuses. Yes, we are acknowledging that Enhanced Carry Permit holders can carry guns on campus, but there will be limitations.

The first limitation is students and employee. Second limitation is that a gun cannot be brought into a classroom, or a classroom building. The person to get the permit has to be at least 21. We can limit bringing of guns into other non-public places. University is in the process of looking at what we can designate as non-public. We are in the process of drafting a policy that does list a number of places which will be considered non-public areas. Also will specify that guns and employees may not have guns anywhere on campus. Can only bring a firearm on campus

Question: Can we prohibit students from doing something that they are legally entitled to? Strangers can bring guns on campus.

Answer: That is really confusing. The idea is that we have control over students and employees that we don't have over members of the general public. It doesn't make good sense.

Question: Are you certain we can tell students and employees they can't?

Answer: Absolutely not. The one thing we have tried not to do is get into a position where we are being told expressly you must do this.

Question: You said we will designate buildings not public – but on game days they are public? Can we do that on some days and not other days?

Answer: Would like to not allow firearms on game days, but our buildings are not public buildings. They are dedicated to a particular use.

Question: But people can walk into any state building with a gun other than the capitol, courtrooms and jails?

Answer: Yes, but this is difficult.

Question: Do we have any sense about the instructors who give out the certificates?

Answer: Can probably go online and find the names of people who are certified to provide that instruction.

Question: Does designating a space as non-public have any effect on free speech?

Answer: We are avoiding talking about public forums – and we are trying to speak about public as in open to the public and non-public.

Question: What are consequences for students or faculty or staff with such permits who violate the policy since it is legal?

Answer: No answer. We don't know.

Question: AG opinion says people can carry regardless of signage.

Answer: Well, we're telling them they can't.

Question: Do you have any idea if there are many guns on campus right now. I had a student tell me he had a gun with him the whole time.

Answer: No idea.

Question: Can you talk more about defining public and non-public spaces? Who is defining them?

Answer: We welcome input.

Question: Are spaces deemed public on a building by building basis?

Answer: No, more on the type of building. We've excluded Faculty offices, administrative buildings. Draft at this point includes athletic venues.

Question: Two years ago I remember someone saying we are going to get sued, we will defend it.

Answer: We are going to make policies that we believe will be consistent with state law and on that basis defensible. We always hope someone else gets sued.

Question: Question of consequences for violating policy. Is it legally feasible to treat violation of policy as an instant of misconduct? We have policies on misconduct not all of which are academic? Seems if you could put more teeth on it, would be better.

Answer: I think the way our draft reads now, students who violate will be referred to student conduct office and employees will be referred to their supervisor. It probably would vary based on the circumstances.

Question: Has there been system-wide discussion of public/private spaces?

Answer: we have not seen any completed policies from other institutions – Mississippi State has a very general discussion of what was a non-public space.

Question: I don't want guns on campus, but it seems really clear that we have no leg to stand on. We are a state institution. Can't punish people – they would sue us and win. We would be more effective trying to change state law, but it seems silly to put so much time into this.

Answer: Yes. Don't want people to think there haven't been conversations with legislators to change the law, but right now the voices aren't there.

Question: I'm just curious where the discussion has led – if there is suspicion about someone in the community, if this policy gets through, would anyone have authority to investigate?

Answer: Possibly the police. But just because there is a search and there is a firearm doesn't necessarily mean that a crime has been committed and that there will be an arrest.

Question: In terms of IHL amended policy, did the University have any input or did IHL act unilaterally?

Answer: There was a committee.

Question: In a real world scenario, could we end up with a worse policy?

Answer: That's where you'd have a worse policy.

Question: If there is suspicion of a firearm, you have to call university police, to verify if there is a permit.

Now moving to House Bill 1523, which has been in the press about gay marriage. Did not bring entire non-discrimination policy. First page has language I wanted you to see – if you go to the policy directory, it is under equal opportunity/regulatory compliance.

New law is not likely to have any practical impact on how we operate as a university – could probably think up some strange situations where an issue might be made, but for the most part, we strive to be a welcoming environment for our students and for our employees, regardless of sexual orientation, identity or expression. We strive to do a better job – we are trying to meet the needs of these individuals.

Question: Is it possible that an employee could interpret the bill as allowing them to discriminate against

such individuals or students? If they are uncomfortable with their office-mate who is undergoing transition, and discriminate, thinking they are discriminating lawfully.

Answer: Frankly, your free exercise of religion is already protected. If this is because of some religious belief, you already have this protection. The law is really saying what the constitution already says – there has been some discussion about what happens if you own a business – you can deny service unless they are part of some protected class. The way we have operated with the university is we say, we are going to treat people the same regardless. If someone was so uncomfortable with living with a transitioning student in the dorms, we would find another way to take care of the student’s needs – and put them in a more comfortable environment. We have not had any pushback on bathrooms – we try to add bathroom facilities where there are family bathrooms with multiple options. Most people who are transitioning aren’t trying to make a political statement so much as they are trying to live their lives in peace. We try to find accommodations that will make them comfortable and the individuals who are around them.

Question: Is it your legal opinion that this law will ever go into effect?

Answer: Here’s what I think: I think there are things in the law that might be challenged on a constitutionality basis. On the other hand there is so much in the law that is pretty much already the law. Knowing our legislature, I think there is a good chance.

Question: Do you see any connection between this non-discrimination law and the gun issue?

Answer: Other than our legislature, not really.

Question: Another reason to take a stronger position is public relations – the business side of things. Do you think University will benefit from stating more clearly, such as from fewer cancelled lectures?

Answer: I think the administration has made a statement and individual faculty members and students have made statements – and we should continue to do that. I don’t blame people from outside the state saying that I’m a member of LGBT community and I’m going to think twice about coming to Mississippi. Best thing we can do other than talk to legislature is put out our message that this is not who we are.

Question: The reason I asked my question about discrimination is I had a staff member approach me who is beginning to think about transitioning – and asked me if they would be discriminated against. What should we do?

Answer: Talk to the employee. And reassure them that our policies still protect them.

Question: To what extent are we envisioning that this law can be interpreted by students in a university setting as protecting their sincerely held religious beliefs and convictions? Could a student come to me and be refused to be assigned to a presentation team with another student who is legally married to a person of the same sex, invoking her religious beliefs.

Answer: No – you’re not being asked to make a judgment about their marriage.

Answer: Can’t refuse to associated with LGBT people – more service-based.

Senate Committee Reports

Executive Committee:

Provost Stocks has informed that he is opening a task force to deal with dual appointment issue. This will be set up soon.

Recommended Amendments to the Constitution and Bylaws of the Faculty Senate

Proposed amendments are to create more continuity and clarify things. Briefly step through the main changes and the rationale for proposing these changes.

To amend the bylaws or constitution, the Faculty Senate has to approve it and then it has to go to the general faculty for a vote, with 7-10 days notice – if a quorum is present – a majority of the faculty who show up have to approve. Could either call a special meeting or could propose it at the annual Spring general meeting.

Question: Issue of whether Senate can vote on it in this meeting or next meeting – see Bylaws 10(c)

Answer: Need to get the Constitution before the general faculty – need to give them 7-10 days notice – won't happen within finals week.

Motion to adopt loose interpretation of the language in 10(c) and then amend it later.

Abstentions: 5

No: 1

Yes: Majority

Trying to identify ways to make this less reactive and more proactive as a body.

First main point is a proposal to change faculty meetings to begin at 6:00 without a time limit. I found that this year we have artificially constrained our discussion with self-imposed time limits. We are proposing to start earlier without a time limit in place.

Second point: senate terms will move to 3 year terms. In the years we have experienced 50% annual turnover – makes it difficult for the body to begin serving in a proactive fashion. By ensuring there will be no more than 33% turnover in a given year, we believe this will be more effective. This will be done on a rotating basis. Senators will be limited to 2 consecutive terms (6 years).

Third: Senators have to have served on the faculty for the full academic year in which their unit elects them – to ensure that Senators will have some contextual understanding of the university upon joining the Senate.

The Chair, Vice-Chair, and Secretary will be elected in May meeting to allow them time to prepare for coming year and allow them to learn about function of the position before the organizational meeting in September.

To be elected as one of the officers (Chair, Vice-Chair and Secretary), have to have served on the Senate for the full legislative year preceding the vote. This is to make sure that the officers are familiar with the most recent work of the Senate.

Proposal that committees shift – adding several committees – executive committee, academic instruction affairs and academic conduct will be separate committees, finance and benefits will be a committee, development and planning will be another, governance, research and creative achievement and committee on university services.

Looked at what committees have been tasked with in the last four years and this seemed to be a sensible approach.

Implementation of this would be phased in – elections for 2016-17 would be for a 1 year term – this would begin in the following year.

During the process, we researched other SEC school and their faculty senates to see what they were doing.

With that said, motion to approve the changes to the constitution of the Senate of the Faculty.

Moved and seconded.

The stylistic changes have to do with updating titles of persons; some was streamlining the document and making sure defined terms are consistent.

Question: How firm is the 3 year term. If I come up to tenure I may need to shift away?

Answer: The fact is that if any time as a senator you can resign and your department can appointment a replacement. So if someone served one year and cannot serve another, the faculty of the department can vote in a two year rather than a three year replacement.

Answer: The document says the term of office for senate seats rather than senators – this is meant to address this.

Question: In section 5, which has a lot of changes, if I understand this, should the Chair elect be calling the meeting?

Answer: No – the Chair-elect is not the chair until the first meeting – the Chair continues throughout the summer to provide guidance.

Answer: Maybe something to clarify, is that section 5 is just a resequencing to have first the description of the offices, then a description of the offices and then a description of the meetings. Not that many changes here.

Comment: You clarified the points really well and outlined them.

Motion to pass amendments was passed:

45 in favor.

0 opposed.

0 abstentions.

Motion to approve amendments of amended bylaws made.

Comment: 6pm time is fine, but the lack of time limit is dangerous, since it leaves us without a sense of urgency. Should have at least guidance for a time limit.

Answer: One of the reasons for this was that we have felt rushed in several instances, and we don't think this is what this body is about. We wanted to be able to address that.

Answer: There was a parallel discussion that we should divide the senate's time into outside speakers, and internal discussion – so that's another aspect of the problem. This has been a problem in the past, so this was part of the motivation of the suggested change, with the spirit that maybe we would reserve time for the Senate's actual business.

Answer: The problem with that is will you push the chancellor off the podium if he's talking? No, you won't.

Question: Understand reasons, but if you don't have a time limit, you have a problem – almost every meeting has pushed time limits.

Question: Why not have smaller meetings several times per month?

Comment: Seems we have a procedure in place to determine if discussion is important enough to continue. Can understand rationale, but would consider restoring language that was struck going until 9pm – that sort of institutes a three hour period before a procedure to extend is required.

Answer: This is what the expectation was – that this would give us the other hour.

Answer: One of the reason we talked about not having a time limit was that the time to vote to extend takes up 5 minutes.

Answer: If they're running long, we still reserve a right to call a proposal to a vote under Roberts.

Answer: Comfortable with the time frame of 6-9pm.

Answer: Would also be willing to take it as friendly amendment.

Answer: OK – reintroduce language about meeting extension and go until 9pm.

Comment: We should really make an amendment to 10(c).

Comment: The only difference is that we don't want to allow 10(a)(3) in the process fo an amendment.

Comment: The Constitution is the only time sensitive document and the Bylaws could be discussed in the next meeting and still be approved for next Fall.

Answer: There may be a way to word this that is agreeable. A proposed amendment to the Constitution or the Bylaws must be provided to the Senate no fewer than seven days before the next Senate Meeting.

Comment: I would actually be in favor of firming this up more – the point is that customary procedure in a lot of legislative bodies is that for the really important stuff you go really slow. That is how it is often done in Constitution and bylaw changes.

Answer: Proposed language?

Comment: Any amendment to the Constitution or Bylaws moved at a meeting of the Senate cannot be brought to a vote until the next meeting of the Senate.

Comment: There is still the confusion – we don't know what happens in an amendment that isn't moved at a meeting of the Senate. Should say, the only way to do it is at a meeting of the Faculty Senate.

Question: Would not have to go through Executive Committee?

Answer: No.

Motion to adopt amended language passed.

Question: Shouldn't the second sentence be added back in?

Motion to add back the second sentence passed.

Question: Why?

Comment: Useful, because otherwise someone can put it on the agenda – this is a vetting procedure to make sure it is considered.

Answer: Not really.

Motion for: 18

Opposed: 19

Abstentions: 9

Motion not passed.

Moved and seconded to extend meeting by 15 minutes.

1 vote opposed.

Motion passed.

Comment: Now we have a sentence that has nothing to do with agendas.

Comment: Is there anything in the wording about the bylaws that says when they take effect? Normally when amendments are approved they take effect immediately.

Answer: Should be contingent on the passage of the Constitution by the Faculty.

Question: Have we considered the ramifications of this coming into effect immediately?

Answer: The plan is for this to be implemented incrementally.

Comment: Statement about implementation timetable could be part of motion for Faculty vote.

Comment: Could amend this motion to say that this is contingent on Faculty vote approving constitution.

Comment: That would be better.

Seconded.

Motion to approve bylaws:

Approve: 45

Opposed: 0

Abstention: 0

General Academic Affairs:

Proposal to Address Issues Related to University Students Involved in University Sponsored Extracurricular Activities

University in fact has policies in place to deal with excused absences – despite the proposal that was brought to the Faculty Senate. Professors are required to give their attendance policy at beginning of class and students have to inform instructors in advance about absences. There are certain situations where professors have to extend excused absences to students.

Another guidance is that students and instructors should attempt to resolve potential conflicts about attendance before the semester course withdrawal deadline.

There is relief if the professor provides no accommodation. There are also policies on best practices.

Recommendation of GAA is that a form be used similar to that proposed for any courses where attendance policies are significantly more restrictive than best practices. Online postings in each course for which a Restrictive Course Attendance Policy form has been approved should have a link to the form for that – and a webpage listing all of those courses would be maintained. GAA provided a reworked form.

Requires department chair approval, because whenever there will be accommodations it will affect other people in your department.

Move to approve recommendations.

Question: Does this create an attendance policy that doesn't exist?

Answer: No, this form is to advertise departures from best practices. There are some excuses we are required to accept – everything else is up to the discretion of the observer. Not required to file the form – this is meant to help students for faculty who want to be proactive and help students avoid difficulties.

Question: But currently, they have no say in your attendance policy – why would I want them to go?

Answer: We would like to avoid situations where we have lots of students appealing these things to chairs and deans.

Comment: Concerned with word approval, since it suggests we need approval when we don't.

Comment: Can imagine there would be an increase in grade appeals – because why didn't I know about this ahead of time?

Motion to continue passed.

Comment: Goal was to improve communication – there are some real horror stories on campus about this.

Question: The major concern is that there are classes that cannot follow the best practices because they have the hard requirements – limited types of classes. Would rather have those classes be encouraged to file the form. Otherwise this becomes an approval process which becomes a self-fulfilling prophecy.

Answer: Idea was just to be a tool for students to look ahead – can I continue in this course of study.

Comment: I am supportive of all this – but the justification part isn't something I'm comfortable. We should just let them know what the policy is, without the threatening language. Move to strike that language about justification.

Answer: So you would move to just take the first half of the form?

Comment: Yes.

Motion to amend the form.

Question: If student enrolls in the course knowing this restrictive policy – this won't prevent them from getting an accommodation?

Answer: No – it doesn't change anything. Only mandatory excused absences are for religious holidays and civic duties.

Motion passed – unanimous.

Motion to approve amended document to be sent to provost.

3 abstentions. Motion passed.

Update on the GradeBuddy Online Note Distribution System

Recommendation was submitted in May last year – we voted to ask Provost office to review legal issues, create website with description of such sites and encourage course professors to issue warning.

Provost: We have asked Lee Tyner and others to advise on legality of this.

To follow up, several similar sites were recently visited, and Breese Quinn found at least 40 students violating policies on these sites for his classes – these were only those identifiable by name. 100% was in violation of IP – both using his and using publisher copyrighted material. Use of these sites is completely improper, it seems.

We recommend that the Office of the Provost take action on this and in particular the difficulty is monitoring or policing. Should look at what we need to do with students – those using their own names clearly don't think they are doing anything wrong.

If we give warnings but have no means of policing, this might advertise to them that there are these sources that they can use. We need guidance from the university on what to do with this.

Last thing – lots of requests have been made in past few years to put in our syllabi – particularly there is a thought that it would be good to request that a web-based utility be created to help generate syllabi for the different kinds of information that needs to be included.

Academic Support:

Revision to E-mail storage capacity and security

Kathy Gates will come speak to the Faculty Senate in the May meeting to discuss plans to increase e-mail storage.

Finance: Nothing to report.

Governance:

Mississippi House Bill 1523

We were asked to look into this. Was in consultation with Chancellor's committee on LGBTQ affairs and they are concerned and working with other organizations to hold a forum for students and faculty – so that has been confirmed for next week. Public forum will be Tuesday, April 19th, Union Ballroom, 3:30pm.

University Services:

Issues Related to Faculty Parking on Campus

Concerns concerning Faculty parking were raised due to construction. Made an appointment with the director of parking – if there are more concerns, meeting on Monday morning, please let University Services know.

Comment: Number of spots reserved for university vehicles – 90% of the time they are unannounced.

Comment: Science fair took up all of the parking and wasn't announced.

Comment: Need to stop giving grace period for students.

Old Business

Nothing to report.

New Business

None.

Adjournment

The meeting was adjourned.

Next meeting is Tuesday, May 10, 2016 at 7:00pm in Bryant Hall 209.