

Faculty Senate Minutes – November 12, 2013

Attendance:

- **Note About Attendance:**
 - The Attendance sheet did not make it entirely around the room – some of the Senators Absent merely may not have received the attendance sheet.
- **Senators in Attendance:**
 - Mitch Wenger, Charles Ross, Philip Jackson, Patrick Curtis, Cliff Ochs, Brad Cook, Feng Wang, Tom Garrett, Mustafa Matalgah, Andre Liebenberg, Jasmine Townsend, Oliver Dinius, Darren Grem, Vanessa Gregory, William Berry, Lorri Williamson, Ruth Mirtz, Milorad Novicevic, Milam Aiken, Nathan Jones, James Chambers, Mei Yang, Valentina Iepuri, Micah Everett, Joe Milton, Laurel Lambert, Seongbong Jo, Zia Shariat-Madar, Rahul Khanna, Allison Bell, Robert Barnard, Rich Raspert, Greg Love, Marilyn Mendolia, Christian Sellar, Minjoo Oh, Joe Sumrall, Mark Ortwein, Michael Barnett
- **Senators Absent with an Alternate:**
 - Adam Smith
- **Senators Absent:**
 - Michael Mossing, Hunain Alkhateb, Carolyn Higdon, Tom Franklin, Karen Raber, Annette Trefzer, Robert Holt, Noell Wilson, Donna Davis, Jennifer Brosek, Cesar Rego, Mitchell Avery, Daneel Ferreira, Michele Kelly, Debby Chessin

Agenda with Notes:

- **Call Meeting to Order**
 - 7:02 – Michael Barnett called the meeting to order. Announced that all senators should have received an invite to Chancellor's holiday dinner.
 - Asked that all members of the university services committee meet after this meeting.
- **Approval of October 8, 2013 Minutes**
- **Discussion with Chancellor Jones Regarding the Memo Distributed by Ashton Pearson, Director of the Physical Plant Department (Attached)**
 - There have been concerns raised regarding the limitations to freedom of speech and academic freedom implied in the memo specifically as it relates to the language, "Make no mistake; all comments posted on any social media site are

subject to review by various University departments and staff. In order to eliminate any unwanted scrutiny, you would be well advised to refrain from posting or otherwise making comments that may bring embarrassment to yourself or reflect negatively to or about your employer.”

- 7:03 – Senator Barnett introduced Chancellor Jones.
- Chancellor Jones informed the Senate that his first awareness of the issue took place when there was a story in the student press; he read the article and spoke with several people who were concerned. He asked Lee Tyner to review the legal issues and review what events led to the letter. Chancellor Jones introduced Mr. Tyner to walk us through what he had walked the Chancellor through.
- Mr. Tyner (7:05) – Mr. Tyner explained that the memo in question arose in response to very particular discreet issue: there was an employee on the field, in a role that required very detailed attention; he took out his phone on the field and took and posted pictures. When working for a customer, doing a job, especially one that requires detailed attention, it is not a time to post to social media. He emphasized that no discipline was involved; the Physical Plant merely used this as an opportunity to instruct their employees about their expectations during gameday. Mr. Tyner assured us the monitoring about social media is only the general, what’s being said about Ole Miss, not anyone’s personal accounts. He said he was happy to discuss the legal issues with us, and asked for specific questions regarding the issue.
- Q: Was there a safety issue?
A: This particular job was crucial to gameday performance, but no, not a general safety issue.
- Q: What to do, what not to do for faculty and social media?
A: Mr. Tyner emphasized that the University values academic freedom and the first amendment, and we have been recognized for this in the past. Advice versus what you’ll get in trouble for is different. We’re in a new environment with social media; has even drastically changed in the last five years. The question of “Is it okay, is it not okay?” is something we’ve never dealt with before. What do we do with that? It is clearly well within first amendment powers for employer to say that you cannot post during hours. We could have long seminar about professional advice, but the main thread would be this: just remember that it lives forever. Our values are in line with your freedom. If you ever have any concerns, you have outlets to talk about it. Unaware of situations where Faculty did not have the academic freedom to express themselves.

- Q: If the social media post had been about the Rebels, the letter wouldn't have happened. It was very heavy-handed; no one should have handled it like this.

A: (Mr. Tyner) doesn't want to speculate about how it would have been handled had anything been different. Personally, Mr. Tyner agrees with his interpretation—however that doesn't change it legally. That's more of a management issue about how it was handled, not something I can speak to.

- Q: The specific words on paper, without hearing a vocal tone to it – “you would be well advised to...” can sound incredibly threatening. Should it?

A: I think the context has been clear – this was directed towards specific employees working that evening.

- Q: However, the fact that the letter states that the “administration is unhappy”, makes it become a larger issue than just that.

A: (Mr. Tyner) Again, that's more of a management issue. Merely a warning to be careful using social media in general.

(Chancellor Jones) Asked us to separate the issues; he knows we are interested in how management works here, but he does not believe it is healthy to disclose details of who signed off on this. He asks that we trust that they will deal with the management side of this. Assured us that this is not a slippery slope. He had simply asked, had it crossed the legal boundary? Lee satisfied him on that point that it had not. This doesn't concern faculty freedom—it was not a faculty member that this was directed to. We have a longstanding respect for academic freedom and the first amendment here. We are not disinterested in the constitution and academic freedom.

- Q: If it was just how an employee was behaving, this would not be a problem. What is troubling is that what was objectionable was the context, which was entirely subjective. The question some people are asking is, as an employee of the University, does it apply to me? Feels as if he has to exercise more control and caution now than a week ago. If we are truly embracing academic freedom, shouldn't we be holding ourselves to a higher standard? Is there a clarification forthcoming?

Chancellor Jones: He's made it clear that he's not trying to keep people from using a cell phone, etc.

Q: Not questioning that. Embodies a principle that context matters if this is policy as written.

Chancellor: We support academic freedom and the freedom of speech.

There are real human beings involved in this, asks that the Faculty Senate not take on the responsibility of management and personnel issues. This is

not a policy, it's a memo.

Mr. Tyner: Clearly there are some things you can regulate when something is inappropriate *in a specific situation*. It is in Mr. Pearson's authority to ask that his employees not post while on the clock.

Q: When am I on the clock?

Mr. Tyner: This is an issue that can't be extrapolated to include the faculty...

Q: Perhaps this is an opening/there is a need for formal or standardized education about this subject – you said yourself that this is a new field, perhaps policies need to change.

Mr. Tyner: Suggestions always welcome from the Faculty Senate, questioning are our policies accurate in these terms. Believes this in particular is an extrapolation from a discreet issue that it is not fair to extrapolate from.

- Q: Concern that “any comments posted are subject to review”...
Mr. Tyner: No one is monitoring your posts, but someone can bring it to our attention if someone believes that something has impacted the workplace. More data to push through old filters. Not really new rules, but just another place to apply them. Short story: you've got a lot of freedom.
- Q: There aren't strong guidelines for this; is there a discipline involved in these types of situations? Is there a procedural guideline?
Chancellor: Doubts we need a policy about that. Person was asked to stop, that's it.
- Q: Instead of defending this memo, this one should be retracted and a new one issued. You could defend it all day and it still won't be pleasant.
Chancellor: This was obviously not a calculated plan to restrict your freedom. Mr. Pearson did something that wasn't ideal, he has addressed the issue, had conversations with his department, and responded to the media. Chancellor Jones encouraged us not to see this as a threat. Mr. Pearson has relationships with the people that work for him, it will work itself out. Chancellor Jones will not publicly criticize him, and asks that we give this human being that courtesy.
- Michael Barnett asked specific questions on behalf of an absent Senator:
Q: Can we have clarification on how faculty/staff can use social media? Never, or only when “on the clock”? Is there a social media policy?
A: Social media policy is highly debated. Not sure we want social media policy – no new things are prohibited. Speech just has a bigger impact on social media. Doesn't want anyone here to think that new things are being prohibited. Perhaps a guideline, yes, to think twice before you post. Do

what you want – wear whatever school colors – obviously just be aware of the situation. Using bad judgment just lasts longer on the internet.

- Michael Barnett: Commented that the university community has taken this further than the physical plant employees, (such as the people we represent). There seems to be increasingly more concern. There would be some good done within the university community for some clarification to come from somewhere.

Chancellor: Prefers this be in a way that does not disservice those involved. Will take that suggestion and work with the people involved and get a response from them. There are lots of people involved, and he asks us to have understanding and respect for those people. He hopes that no one leaves with a serious concern regarding academic freedom or the first amendment. He simply asks that you look at the long arc, the standing relationship, the protection and respect we have for academic freedom and the first amendment.

- Chancellor Jones: Some faculty members presented a petition to him that calls on him to reaffirm a commitment to some of these issues [academic freedom, first amendment]. In response to the petition, the Chancellor would like to say that he much prefers this kind of face-to-face dialogue to the petition form of communication (personal preference as a human being). He tries to make himself available, for Michael and for all of the Senators – healthy and appropriate way to discuss these issues. Other than the reaffirmations tonight, the Chancellor will not do a press release or interview with the press to reaffirm that. The campus has consistently expressed our affirmation of the first amendment – making that announcement would suggest that we have waived on our commitment, and the Chancellor doesn't believe we have. Chancellor Jones thanked us for the courtesy of going first. He looks forward to seeing us at the holiday event at his home.

- **Presentation by Becki Bressler, Director of Equal Opportunity & Regulatory Compliance, Regarding Diversity on Campus**

- 7:56 – Introduction of Ms. Becki Bressler.
- Ms. Bressler appreciates the opportunity to learn from us and our comments.
- EORC – has sort of an enforcement ring to it. There are aspects that are enforcement oriented, but Ms. Bressler hopes that we will work as partners to be all-inclusive. So often we look at affirmative action, and the mandate that employers must have an affirmative action plan. This doesn't mean that we have quotas, or preferential treatment to any specific race or gender. Takes a premise

that over a period of time, (not overnight), with nondiscriminatory practices, that it [diversity] will happen.

- Goal is to get the best people working in the jobs we have to offer here. Best qualified: what does that really mean? Number of degrees, prestige of where the person comes from? Her opinion: the person who is qualified for and capable of the job, who has the right mix of skills and experience to bring a balance to the organization. Must take into consideration what the mix of the group they are joining is. Is there a balance needed? It is sometimes difficult to get people to think about diversity. An example: if you are designing a product or a system, you don't need all mechanical or electrical engineers, but a mix. Important to get the right set of skills together to produce something.
- We have policy statements that state that we have affirmative action. We do it 1) because we have a law, and 2) it's the right thing to do, socially, because of the business. We have some approaches that we think help us put this plan into action, but we don't have a silver bullet. She would love suggestions from all of us.
- Begins with getting a good pool of applicants. Where do people look for jobs? Through professional organizations, conferences, journals? Are there other ways to reach people? We want to get a good cross-section. Any questions, suggestions you might have?
- Q: There was considerable discussion about diversity at our last meeting. What do you see as the biggest challenge in diversifying the candidate pools, and are there steps that the faculty that make up the search committees need to take?
A: We obviously aim for as great a cross-section of applicants as we can get. We have some barriers to overcome. In Mississippi, we don't have the greatest reputation throughout the country. Much of this is based on our history. Mississippi is a much better place now than it has been in the past – we are a very well-kept secret. People have a bad impression of what our region, of what Mississippi, is like. We need to overcome that, and we can do that to some extent with our interactions (from a publicity point of view). Very progressive things are happening here, and we need to get that out. A question we always have is how many diverse people do we have to have on a search committee? Well...all of them! When applicants come, they need to see diversity on the search committee. They need to see and feel that they can be successful here. Also important to have different perspectives on the committee. When people remind us of ourselves, we often don't always ask enough probing questions, so having diversity on the committee is a must – we need to be aware of our own biases. This also challenges us in a search committee to challenge each other. We are a very polite group of people (especially in the South), but ask the questions!

- Q: Affirmative action has been gone over a lot in the past several years. My department has made a conscious effort to make these things happen, making it a conscious reality. Have you or has your department taken a look at various departments on this campus that have not been as successful and offered them some help? Have you given consideration, or would you be willing to approach departments that are not as successful with this diversity?

A: Ms. Bressler has not done that. Her department is currently in the process of doing an analysis to really look at representation in various groups on campus based on what our statistics tell us are available in the respective fields. When you have very successful minorities and females, there are a lot of people competing to get their services. Sometimes have to make that special effort. Salaries are a concern; there has been a concerted effort to move salaries up because they have slipped over the years. Some other programmatic, strategic things we can do. Yes, Ms. Bressler would be willing to work with someone. Just looking at some of the numbers, we do a lot better with diversity at the lower positions, but they don't stay. Got to figure out retention so we can have that reflection. Will stay and listen to the diversity initiatives that are being presented. One person or department can't make it happen, it's got to be all of us. When applicants come on this campus, they have to know that this is a place where they can succeed and be comfortable. In the south, we think of diversity as females and African Americans – it's much bigger, though.

- Q: You mentioned that we aim for our diversity to reflect the diversity of the labor pool. How do you determine what that labor pool is? Is there an international component?

A: Mainly statistics – a goal standard that we have. Programs don't give us exact quotas. We want to reflect within the organization, the "customers", if you will. Not sure what we are doing to reach an international level. Don't have a good answer for that. Something we need to look at.

- Q: In terms of the statistics of the labor pool – in specific academic areas – how do we push beyond those statistics? Ideally, 50% of our applicants would be female, or another aspect of diversity, but they're not.

A: Diversity is very much in demand – sometimes it is more demanded in other places in the marketplace. We must ask ourselves, what can we do to make it a better place for those people? When we are successful in making a hire, what caused them to come here, to stay here? Must figure these things out.

- Q: What are the specific measurable goals? You mentioned reflecting our customers.

A: There isn't really a timeline with the plan. Part of it is reflecting what's available in the labor force. Part of it is reflecting what our students are. However, students are a lot like job applicants—they need role models, people they can look

up to when they are looking for a university. We have been successful in increasing the diversity of our student body, and it would be to our advantage to similarly increase the diversity in our faculty and staff. We recognize this. Do we have a timeline? No.

- Q: We say that we have no preference, in terms of race/sex/etc. - but we want diversity. Isn't this a contradiction?

A: We give no preferential treatment – so we can't say that the next 3 people we hire will be women. We will not make decisions specifically because of one of these factors.

Q: But preferential treatment will be given. Everything else equal, if this candidate adds diversity and this candidate doesn't, the one with diversity would win. So we do have a preference.

A: Difference does not necessarily manifest itself in gender/sex. Yes, everyone has a preference, a bias. Affirmative Action doesn't tell us that we must hire a specific type of person—it makes us look at our workforce and look at how it reflects the labor pool. It is, after all, a two way street – applicants make decisions too.

- Q: New faculty were asked to do online survey/course on Diversity issues, print out certificate, and send it in. In other places, there is more formal training, face-to-face, and employees are required to listen, to learn about special interactions with other employees – It is very easy here, no consequence for forgetting to submit that certificate. Is there a way to make new employees more conscious of these issues?

A: Good point – there is a gap there, and we will be working to fill that gap. Face-to-face training, there is some that goes on for diversity from time-to-time here. Not a great practical solution for that – maybe offer more workshops and interactive experiences for people to gain knowledge from each other in a structured body. Not aware of any training course you can sign up for. Lots of departments bring people from HR or EORC to speak to these diversity issues, but there is not an overall solution.

- Ms. Bressler said she appreciated the opportunity to speak to us, and informed us that her office is in Martindale. Suggestions are always welcome, we can only address these issues as a group. Success will come from trail and error.

- **Presentation by Dr. Maurice Eftink, Associate Provost, and Dr. Donald Cole, Assistant Provost and Assistant to the Chancellor Concerning Minority Affairs, Regarding the University Diversity Plan Recently Approved by the Institutions of Higher Learning**

- 8:29 – introduction.
- See Attached Documents – University Diversity Plan

- This is a plan that's been in the development stage over the last couple of years. We had to quickly put it together over this past summer and submit it for approval from the Institute of Higher Learning (IHL), but this is not something we want to just put on the shelf – it's too important. We want to present it to you so you can give us input, we want this to be viewed as a living document.
- Governing board (IHL) asks every institution to develop a diversity plan. Chancellor presented this plan. The goal was not to be unrealistic, but to be aggressive – we're kind of caught between a rock and a hard place with that. (Pointed out several things in the PowerPoint.)
- There is definitely more to this plan out there, we want to make this a UM plan that you can contribute to. Maybe we didn't do a good enough job in a certain category – let us know!
- Percentages might not necessarily seem aggressive, but when you think about the numbers that those correlate to, it is very aggressive. (example: 3% increase may mean adding 40 faculty members in the next 5 years compared to the 6 faculty members in the past 5 years.)
- What we've given you is through a firehose – there is much more detail behind this. If you see anything here and have a question, please ask, be it here or afterwards or in an email. We would appreciate any comments about any of these action items, or if there are any others that we might reasonably add. There was a committee to write this plan, but we want it to be living, we want it to really happen.
- How do we infuse some of this in our curriculum? In terms of how to accomplish this, where should this be housed? Who should be in charge of it? Who is the responsible party to look at this each year and look at our progress? If you have any comments about this, that's what we're asking for. We're calling this the diversity plan, but it's not the end, it's a kickoff point. We'll have an ownership of it if everyone is a part of it. Take ownership of it by giving us your input—that would help us.
- Comment: Praise for including participation in study abroad, thinks this is very important to diversity and learning how to deal with diversity.
- Q: There was an NSF proposal recently to encourage women in STEM areas – do we apply for government money to help with this? Has this been discussed?
A: We often encourage departments to apply to outside agencies to support growth of diversity.
- Q: Very concerned that this does not include any analysis of best practices.
A: Best practices may not be reflected in the broad goals shown in this PowerPoint, but it is in the details. Not room in this document to go into that

much detail. Analysis of best practices at other institutions will be included more in the advanced plan—our goal for this was the IHS, and we had to write this quickly—will grow to include more of that.

- **Q:** Have we done any surveys/focus groups asking why we do not retain diversity students/faculty?

A: We have databases with these statistics that we use – for this in particular, we did not use a focus group. We did not have time to do a survey of current students (it was a two-week turnaround). Yes, that would be a useful thing to use to guide our plans – we'll write that one down. We do make a point to try to understand why tenured track minority faculty leave, if they do. Sometimes, it is about financials, sometimes, it isn't.

- Michael Barnett will distribute both shortened and full document of the Diversity Plan to the Senators for their review.

- **Discussion to extend meeting past 9:00.**

- There was a motion to extend for 20 minutes – no second.
- Someone asked if any of the new business was time sensitive. Michael responded that some could be taken care of via email, but that he would allow Chuck Ross to speak quickly about the Adopt-a-Basket program.

- **New Business**

- **Adopt a Basket Program (Chuck Ross)**

- 9:01 – in Oxford, Lafayette area, food baskets for Thanksgiving, Michael would send out the flyer via email. They will be collecting items for baskets, as well as using volunteers to organize all of these baskets in the union. Lots of people benefit! Broadly advertised across campus – 9th year. Michael encourages us not to let this go by the side.

- **Adjournment – 9:04**