

**University Faculty Senate Minutes
December 9, 2014**

The fourth meeting of the University of Mississippi Faculty Senate was called together at 7:00 PM on December 9, 2014.

Senators in attendance: Rachna Prakash; Philip Jackson; Patrick Curtis; Brice Noonan; Brad Cook; Tossi Ikuta; Feng Wang; Elliott Hutchcraft; Adetayo Alabi; Chris Offutt; Andre Liebenberg; Robert Holt; Oliver Dinius; Darren Grem; Joshua Howard; Dennis Bunch; Susan Ivey; Jessica Leming; Jing Jing Wu; Dwight Frink; Christopher Newman; Heather Allen; Valentina Iepuri; Adam Estes; Jos Milton; Laurel Lambert; Erin Holmes; Mary Thurlkill; Breese Quinn; Ben Jones; Greg Love; Marilyn Mendolia; David Rutherford; Marcos Mendaoza; Allan Bellman; Mark Ortwein; Joe Sumrall; Rory Ledbetter

Senators excused: Tom Garrett; Sasha Kocic; Allison Bell (represented by an alternate); Desiree Stepteau-Watson (represented by an alternate)

Senators absent: Charles Ross; Randy Wadkins; Ben McClelland; Yang-Chieh Fu; Vanessa Gregory; Antonia Eliason; Lorri Williamson; Milam Aiken; Tejas Pandya; Michael Gardiner; Minjoo Oh

The following departments' seats were unfilled as of this date: Biomolecular Sciences, Chemical Engineering, Civil Engineering, Law (2), and Pharmaceuticals

- **Call meeting to order by current Senate Chair, Michael Barnett**
 - 7:00PM
 - **Approval of November 11, 2014 minutes**
 - Approved
 - **Senate Committee Reports**
 - **Executive Committee**
 - Update on Online Courses and Intellectual Property
 - With the increasing use of online instruction at the University the question of who owns the course once it is created has become paramount. Additionally, exploring the primary motivating factors behind the creation of online courses, and their effectiveness, takes on a greater relevance.
- Michael Barnett presenting: Unfortunately, the task force report for online education has not been received, so Dr. Linda Chitwood has indicated that she will join us in January, regardless of whether or not she receives the report by that time.
- **Academic Affairs**
 - Update on Best Practices related to Academic Discipline
 - This list would suggest the appropriate disciplinary measure to take for a set of common infractions.

Breese Quinn presenting: Last time, our committee explained that we didn't want to make guidelines for faculty, but we wanted to create a small set of guidelines for departmental use. We presented three points that would be a part of these guidelines, and we asked that you to take these back to your departments for their review. We have not received any feedback from your colleagues. Therefore, our committee is asking that the senate recommend these guidelines be given to departments. If recommended by the senate, we will finalize this document and present it to the senate in January.

Barnett: Motion: Approved. Seconded.
All in favor.

○ **Academic Support**

Update on Campus-Wide Testing center

- Exploring the need for a campus-wide testing center open to every Student Disability Services registered student in all academic disciplines.

Jessica Leming presenting: The committee met this month to further discuss Neil Manson's query of approved testing accommodations needs on campus. I also met with Stacey Reycraft, the Director of Disability Services, in early December, and she shared some facts and figures about testing accommodations here at UM and regionally. Stacey will be asked to speak on this topic at our January or February meeting, in order to give these figures to the senate and to answer any questions that we may have. The academic support affairs committee plans to begin work on a resolution for the university administration after Stacey's presentation, in which we will recommend a testing center available for all university students. We plan to present this formal resolution to the senate at the February or March meeting.

○ **Finance:** No formal report.

○ **Governance**

Update on Disclaimer of Policy Based Claims (See attached)

- Exploring the need of a disclaimer stating that sponsors of events/communications are not speaking for the University of Mississippi (where applicable).

Chair Randy Wadkins is not present, so member Brad Cook is presenting: The original document presented to the senate was shortened after our last senate meeting, per the request of the senate, and now it has been lengthened again. Randy was trying to focus the document more on the incident, which you can see by the inclusion of several whereas clauses. The last couple of paragraphs are what we had left you with at the last meeting, and the beginning of this current document is newly added. I can answer questions, though Randy would be best to ask.

Barnett: Motion: Approved. Seconded.
Now this is open for discussion.

Comment: It appears that the whereas statements numbered 3-5 have been brought back in slightly different form, and I think those counter what the senate approved and voted on last time. I'm not sure why these whereas statements that we voted to take out are now back.

Michael: Does anyone on the committee have a comment?

Cook: The emphasis to get this back to the event that led to this was Randy's strongly held prompting.

Comment: But the senate wanted these removed.

Cook: Yes, I agree with that statement, and not doing so appears to be a failure of our committee.

Comment: Actually, I think that including the whereas statements 3-5 logically hurts the resolution. What we are proposing was supposed to be a broad clause, and tying this to a specific group keeps that from happening. If we were proposing a resolution to suppress that particular speech to that particular group, this would be perfect, but I don't think that's what we're doing. The whereas statements are to provide the logical basis from which the resolution comes. Whereas statements 1 and 2 are very good, but I propose that we removed whereas statements 3-5 for logical reasons, and to reflect the nearly unanimous vote from senate months ago.

Comment: But if we do that, should the term "private events" in the second statement be defined, because now it doesn't define what "private events" means? If we eliminate those whereas statements, we need to define "private events." I mean, are we talking about all private events, such as a wedding reception? We're not being clear.

Comment: Some of my department was very alarmed because of the response that got generated based on religion and tenure being linked, and our document weakened that connection. My faculty feels threatened about the tie of religion and tenure, and they thought the faculty senate was working to eliminate the threat of religion on tenure. If we take out 3, 4, and 5, it reads as a broad statement, and then it has no place on the events that happened.

Comment: I agree that based on the wedding example, defining "private events" makes sense.

Comment: OK, let's define "private events," but I still think that we don't need whereas statements 3, 4, and 5.

Comment: If we were to keep the three whereas statements, would it actually change it? It seems the last paragraph still gets to the point with those whereas statements in there. I'm not a policy writer, but I don't understand the issue with these statements.

Comment: The issue is that logically, the broad policy doesn't follow this. Including whereas statements for specific events singles out only one type of issue (here religion),

and therefore keeps other issues out (race or gender, for example). I don't think we're trying to just call out one type of speech.

C: How is this not about race or gender?

Comment: This is about tenure. If we don't want private people talking about tenure, we need to make a resolution about that. Logically, I think it's a stronger statement without the whereas statements.

Comment: I think there is validity to your points, but by not including the specific event, do we inadvertently excuse it? In other words, by not singling out the event, what are we doing?

Barnett: I just want to make a statement here. The senate can respond to anything that happens on campus. However, our role is not to excuse or not excuse things. We make suggestions and create resolutions for the administration. If we want to say this shouldn't have happened, that is a different thing.

Comment: Yes. And there is a difference in creating policies and resolutions and in rebuking those involved.

Comment: I'm confused about what is happening. I keep hearing the term "constraining free speech." Is that really what we are talking about? Just a thought for discussion.

Comment: I wonder how the resolution aims at the central problem, which is the connection of the university in a private event. So I think this isn't about free speech, it's about the connection of university to private events. It's not a free speech issue.

Comment: I agree, and I think that's what the senate decided last time, and we decided that this should not be restricted to one type of speech. And so, that's specifically what the senate voted on last time, and specifically what removing those whereas statements, to broaden it, does.

Barnett: OK, let's vote on the proposed resolution.
In favor: 19. Opposed: 9. Abstentions: 6.
The proposed amendment to the resolution passes.

More discussion:

Comment: Can the "not" in the final line be changed to "nor?"

Barnett: Yes.

Comment: From what I recall, the issue wasn't general correspondence, but intra-university communication to faculty. Do we want this to be any communication to anyone about the use of a facility, or within the university?

Barnett: If we can find language that would specify that, I think it could help a future policy, because the notion of trying to enforce this at the Ford Center or elsewhere could be problematic.

Comment: With this deletion, it would cover, for example, if my colleague believed all of a sudden that evolution was not real and sent an email to CNN saying that? Because I would want that to be known that it was a private opinion with the use of a disclaimer.

Comment: This is only for events.

Comment: The first whereas clause doesn't have anything to do with that, then.

Comment: No, it does, because the first and second whereas clauses go together. They have to go together.

Comment: The first whereas on its own means nothing?

Comment: Yes.

Comment: And it only implies something that happens here?

Comment: Yes.

Comment: Is a student group an outside group?

Barnett: Well, that came up last time, and we didn't define that, but I think we should.

Comment: Well, if so, this doesn't speak to the first thing.

Barnett: Dr. Wilkin, can you speak to this?

Dr. Noel Wilkin, Associate Provost: Largely student groups are external. You have to go through steps to be recognized as a student organization, and once you do, then they are considered external. However, in terms of using campus spaces, they have more pull to use space. They are charged an "internal" rate. So, they are external in some aspects, but needing spaces, they have "internal access," if you will.

Comment: I'm just thinking about the massive amount of paperwork that this would lead to when student organizations want to use places on campus. 150 organizations would have to have a disclaimer.

Comment: The issue is this specific event, and we keep trying to figure out some way to generalize that event, and we are still trying to speak to this event in a way that gets away from it. It seems like we're trying to solve the wrong problem. The problem is that a specific individual did not do their job mentoring what a department chair's responsibility is. My point is that if the junior faculty in my department ever had a question about tenure, they don't need to go to disclaimers—they need to be going to

the department chair. And to me, that's why this discussion keeps morphing around language, definitions, etc., because we're trying to do the wrong thing from where I sit.

Comment (by original author, Chris Offutt): I believe with these three deletions, it is stronger than it was before, and stronger than the first draft that I presented. The initial issue is ranking tenure with any other ranking besides the tenure points. I believe it would've held true if it had been any other organization speaking to tenure, regardless of a religious organization (uses several non-religious student organizations as examples).

Comment: I don't think anyone would take any of your examples seriously.

Comment: Well, they took this seriously, and I think what we have here will keep it from happening again.

Comment: To address this, wouldn't a better way to do this be at new employee orientation, such as a resolution where guidance is given to new faculty stating that the department is where faculty should go for issues related to tenure? As it stands now, so many people would have to have disclaimers, and I think we can deal with this at a departmental level.

Offutt: My understanding is that the junior faculty in my department went to the department chair, and the suggestion from the chair to me was to come to the senate. I think that it's more than telling faculty to discard emails and rely on departmental chairs. Junior faculty may be naïve, they may not want to make waves, or a variety of other reasons, so I think having this in place will help.

Comment: I've been here 20 years, and to my knowledge, this has never come up.

Comment: I agree that it feels like we're trying to fix the wrong thing here. We haven't talked about who would monitor this and who would "ground" someone if they didn't use the disclaimer?

Barnett: I imagine this would fall to Pam Smith? She monitors spaces, I think.

Comment: I'm a junior faculty member that received this email, so I'm going to give my opinion on the issue. I know what the expectations for tenure are. That isn't the issue for me. The issue is that there is an external person posing as university person representing a specific viewpoint.

Comment: But then when you found out whom it was, how did you feel?

Comment: Well, I had already ignored the email, but you know.

Comment: Our email addresses are public and anyone can get those and send emails about anything.

Comment: I personally don't feel that we need this resolution. I think the event that happened, and the response, was dealt with in the right way. People complained and he immediately sent an email apologizing and explaining what he meant. The reason I'm bringing up points is because if this does get passed, we need to make it the best that it can be. Any policy or law will have unintended consequences, such as what you touched on- who will deal with monitoring this? To me, it was handled well with the apology. So yes, I don't think we need this, but if we do, it needs to be done in the right way.

Offutt: My intent was never to rebuke anyone, but I disagree that it was handled well. He sent a short email and all he did was change his signatory.

Comment: Didn't he say it wasn't sponsored?

Comment: Yes, he did, after it was recommended to him by legal counsel. The issue is the concept of linking tenure to anything else than departmental.

Barnett: Please, we need to focus on the language here in this document, and this discussion is no longer doing that.

Comment: Can this be kicked back to a committee for a statement saying religion cannot be linked to tenure, or that tenure is only about academic issues, and nothing else? That should make everyone here happy, correct? Otherwise, we'll just keep going all around.

Comment: That's what we promoted at first.

Comment: Fine, but then we failed. Let's do it again.

Barnett: We need to resolve this first.

Comment: Can we vote to throw this away?

Barnett: We can't do that. What we can do is either send it back to committee or table it.

Barnett: Motion to table.

In favor: 33. Opposed: 4. Abstentions: 3.

The resolution has been tabled.

- **University Service**

- Update on University-Sponsored Childcare

- - This was an item presented to the Strategic Planning Council as part of the Senate's Faculty Excellence Task Force report in spring of 2014.

- - The survey on childcare was sent out, and you all should have received that via email. The link is individualized, so you cannot pass it around. A reminder email will go out on Thursday, December 11. So far, 400 have taken it, and we would like more.

Comment: We should remind our colleagues?

Comment: Yes, if you want, and they will get a reminder via email on Thursday. And a few people that I got were not in the database, and I have no idea why.

Comment: Some of my colleagues want to send qualitative comments; can they send those to you?

Comment: They can, but it will be hard to measure. But they certainly can.

Barnett: In the future, should qualitative comments be allowed?

Comment: Honestly, we don't have the time. If I had grant money to pay for help, sure. Last time we allowed those, we get so much data that way, and I don't have anyone to go through that at this time.

- **Old Business**

- **Faculty Titles and Ranks Recommended Policy (See attached)**

- Seeking approval of the work done last spring by the Task Force on Faculty Titles, Rights and Responsibilities.

We delayed this last time, until after everyone could look over the lengthy policy, so now we are at that time.

Barnett: Motion for approval. Seconded.

Barnett: Any discussion? Let me remind you that we cannot amend this, but we can discuss it, and I can share your thoughts with Eftink.

Comment: I've already shared my negative thoughts. According to the changes suggested, the full faculty member will be held to same expectations as those working to obtain tenure. In my perspective, what one does to gain full rank should not be the same as what one should be required to do after.

Barnett: The reason that was included is so that all departments would have something to go by, in the event that they do not already have guidelines for post-tenure review. So this way, there is something already in place to use. If the department would like to create different guidelines for this, they definitely can.

Motion for approval.

In favor: 33. Opposed: 1. Abstentions: 4.

- **New Business**

Barnett: Does anyone have any new business? Would the person who recommended a policy or guidelines about tenure not being tied to any outside aspect like to make a motion?

Comment: No, not at this time.

Comment (Rory Ledbetter): Yes, actually, I would. I would like to make a motion for a committee to look at something that would support that tenure and promotion is not linked to anything religious or cultural.

Barnett: That would go to the Governance Committee.

Comment from Governance Committee member: Isn't that already stated? Isn't that a rule?

Barnett: I assume it is, but I can't say for certain where or how. The Governance Committee should look into that to see if it is covered, and come back and tell us.

Comment: Regarding the email that went out-- I saw in the same light as any other support group, such as tenure and women, or tenure and those with children—do you have a problem with those kinds of groups?

Comment: My concern comes from the speakers and how they are associated with the university and how it could be misconstrued for bias.

Comment: That comment was very well received and is valid for the organization that sparked this discussion, and they have apologized.

Comment: I would caution that every decision that we make is embedded in our beliefs, cultures, and values, and removing those from the decisions or policies or guidelines that we make is impossible and cannot happen.

Barnett: So, Governance Committee, please look into this. Rory, will you restate what you originally posed?

Ledbetter: A resolution or statement clarifying that the senate is in support of maintaining the integrity of the tenure and promotion process, to make sure there are no biases.

Barnett: Why don't you [Ledbetter] create this statement and give it to us at the next meeting?

Ledbetter: OK, sounds good.

- **Adjournment**

- 8:45 PM. Next meeting is scheduled for Tuesday, January 27, 2015, at 7 PM.