



THE UNIVERSITY of TENNESSEE
KNOXVILLE, CHATTANOOGA, MARTIN, TULLAHOMA, MEMPHIS

UNIVERSITY FACULTY COUNCIL
Meeting 112
28 February 2019
1:00 pm (CT) / 2:00 pm (ET)
University of Tennessee, Martin
Meeting and Videoconference
MINUTES

UT Faculty Council Voting Members (Quorum, 5 voting members, established)

UTHSC	George Cook (Faculty Senate President)	Present
	Phyllis A. Richey (Campus Representative)	Present
UTK	Misty Anderson (Faculty Senate President)	Present
	Bruce MacLennan (Campus Representative)	Present
UTM	Renee LeFleur (Faculty Senate President)	Present
	Chris Caldwell (Campus Representative)	Present
UTC	Steve Ray (Faculty Senate President)	Present
	Beth Crawford	Present

Education, Research and Service Committee (ERSC)		
	Bonnie Ownley	Present
UT Faculty Council Ex-Officio Non-Voting Members		
UT	Randy Boyd	Present
	Linda Martin (System Office of Academic Affairs and Student Success)	Present
Faculty Council Guests		
	Jorge Pérez (Associate Vice President, AA&SS)	Absent
	Gary Skolitz (UTK Faculty Senate President-elect)	Present
	John Compton (UT Board of Trustees Chair)	Present
	Beauvais Lyons (UTK, past FS President)	Present
	David Miller (UT CFO)	Present

The meeting was called to order by Bruce MacLennan, Chair, at 2:00 p.m.

Bonnie motioned to approve (pending correction of minor typographical errors) the minutes of the January 16, 2019 UFC meeting. This was seconded by Beth. They were approved unanimously.

Old Business

UFC Charter Revision

The revisions were approved by Randy, and the new charter is posted to the website.

New Business

Bruce introduced the first agenda item: Student-organized Programming and Sex Week

Bonnie began the discussion, saying, "The way it is written in the new board policy, they are going to do away with student-organized programming. There is a current organization (at UTK) called SPAC (Student Programming and Allocation Committee). They send out a call for proposals, which includes follow up. The new committee is composed primarily of faculty, with some staff members and a minority of students." Linda said UTC has a similar model to SPAC, but UTM has a similar model to the new model. UTK's model will look like UTM's model.

Renee said that students organize programming at Martin, but they don't get funds. If they want money, they solicit from different departments or fundraise themselves. Misty asked for clarification about UTM's model. Renee said that UTM has no equivalent to SPAC and that funds do not go to individual student groups. There is no central organization for individual groups to get money from at UTM.

Bonnie recounted the history of SPAC, saying that in the 1960s, the students invited Dick Gregory to come and speak. The campus chancellor did not like his view, so he disinvited him. The student group sued him and won. That idea was the basis of the state law that says "it is not the proper role of the institution" to restrict activities or speech that is "immoral, indecent. . . radical or wrong-headed." Bonnie said, "I think the sex week talks that we have could fit into these words. So what is happening is that when they created SPAC, they created a forum."

Beth noted that "the statement says that it's not that they can't create programming, they just can't get funding."

Bonnie pointed out that other groups (beside Sex Week participants) will be harmed, because they will not have outside funding, whereas Sex Week will likely have the funding from supporters and vendors. "We are uncomfortable having these vendors on campus," she added. Bruce said that "if it is off campus, it could be worse."

Bonnie said that students are claiming "taxation without representation."

Misty said, “They are holding a rally tomorrow based on taxation without representation. SPAC is not the only place students can get funding. There are multiple pools of money, including departments.”

Beauvais added, “One of the things I’m concerned about is the opportunity (for students) for engaged leadership on campus. If they are only on the receiving end of funds, then their educational opportunities are limited. These opportunities will be taken away. The educational experience of students is what is at stake.” Bruce said, “This whole conversation says we don’t think students are capable of making these decisions.”

Misty said, “It’s like ‘burning down the house to kill the spider.’ But it will likely not kill the spider.” She then posed the question: “Is there a middle-way? Besides striking down all student engagement?” Bonnie added that “there is a piece missing. The board says that students will be engaged in programming, but they don’t know how.” Renee noted that at UTM “we do have student-run programming, but because we don’t have a single place to get funds those students must have a close relationship with a department or faculty members. An organization that doesn’t have this close relationship will likely have difficulty.” Misty said, “I’m faculty advisor to two groups—an acapella group and a religious group, but they are not connected to a department. So they will not easily ‘map well’ to departments.”

Bruce noted that Bonnie was going to be invited to speak to the full board.

Bonnie said that “this topic was at first on the ERS committee.” She continued, “As a warning to whomever comes into this position: The person in my position does not have the same access to information as the BOT.” Linda said “I’m working to get this resolved.”

Bonnie said that “when the board materials came out, there was nothing on this. I emailed a message about it and found out it was moved to the full board. Then we started scrambling to see what could be done. Donnie Smith reached out after I emailed him, so I’m going to be able to address the full board. The focus will be on the educational value of this for the students. I’m concerned some board members don’t know about the intricacies of Free Speech. They have been shielded from resources that will help them understand this better.”

Beauvais said that when he was a faculty trustee, he did not receive materials before they were distributed to the public. “Whoever follows Bonnie, must insist on systemic change so that the faculty member on ERS has full access to materials,” he said.

Bonnie noted that other faculty members on the BOT felt they were not getting the same information or complete information as the rest of the Board. Bruce said, “It does give you the impression that the faculty member is a token.”

Returning to the subject of student-organized programming, Misty said, “this is constitutionally very complicated. I understand they are threading the needle by getting rid of the forum. But that is a strong statement to the student body and we don’t have a replacement mechanism yet. I don’t know if they have threaded the needle—especially if there is a strong reaction from students.” “Which is sad because Randy has done some great work regarding relations with students,” Bonnie added.

Steve and Beth had not heard about these changes and asked they it would affect UTC. Linda said they would. Bruce said, “to fix this one problem, its affecting us all and many students.”

Misty said, “I just want to underscore how much this has been stoked by outside entities. The difference between campus during sex week and otherwise is unnoticeable. We’ve had a hard time putting down these patently false stories. As a faculty member who does not support every element of Sex Week, this will affect too many people.”

Phyllis asked, “how do other campuses deal with similar situations?” Bonnie said that those who started this got this idea from Harvard. Misty pointed out that “when you google Sex Week, UTK comes up first even though we are one of hundreds of institutions that have it.”

It was suggested that this one issue was likely a factor in removing faculty and students from the BOT. Some expressed concern that if this can happen because of Sex Week, then, as one UFC member said, “they can do it for any topic they like.”

Misty said, “I’m genuinely concerned about the underlying first amendment issues. Two years after the Dick Gregory lawsuit, the university created this system.” Bruce replied, “I think those that crafted this policy are well aware of that.” Bonnie said, “In the spirit of shared governance, the faculty voice needs to be heard.”

Phyllis asked if faculty and students were represented on the boards of other institutions under the FOCUS act. Bonnie said, “As far as I know the faculty and students have votes on other boards.”

Beauvais said, “While we have tended to stress issues of student speech and their control over fees as well as academic freedom and free speech issues, I assume you have faculty members concerned with abstinence only or other forms of sex education—especially consent in terms of title IX, but also the medical perspective. I don’t think this argument will go well with the state legislature, but it might appeal to the BOT in terms of their responsibility to citizens of the state.”

Phyllis said, “Why not approach this from the same perspective as the opioid crisis?”

Bruce said, “My understanding is that the university will still do some sex education-related events, just not decided by the students.” Phyllis said, “the focus should be a safer Tennessee public health community.” She added, “Outside sources have taken this one thing that has a genuine purpose and sensationalized it and contorted it into something that it is not. How do you change the focus from that circus back to what is really needed?”

Bruce replied, “I think the answer will be ‘Trust us.’ We will give you good sexual education, and it won’t be controversial.”

Misty said, “We need to emphasize that the board needs good information for good shared governance.”

George suggested that “the first amendment argument is the only argument that will win.”

Renee asked the Knoxville representatives, “What do you want from us?” Misty replied, “Support as Bonnie presents at the board tomorrow. I don’t know where it will go from here. But going ahead, we need to press for the faculty trustee back.” Beauvais asked the others to “reiterate to Randy the process for students to participate in leadership by self-organizing and submitting proposals. Please stress that.”

Renee noted that in the past at UTM speakers have been turned down by administrators. “It can be a problem.”

Other examples of restrictions on campus speakers were discussed. Bonnie said that “last year there was a proposal to audit our syllabi.” Linda said, “We fought that one hard.”

Phyllis said, “I would prefer to have this committee focus its attention on the other issue of faculty representation.” Bonnie agreed, saying, “Our voice has value and we bring things to the table that they haven’t thought about.”

Steve asked, “Can we find the middle ground Misty mentioned, affirming that we support having all viewpoints represented—conservative as well?” Bonnie asked, “Can we come up with a resolution to that effect?” Beth asked, “Can we find a way to showcase all the good stuff that is in the middle—not the outliers?”

Phyllis asked, “What is our action item here today and in the future for the UFC? I’m concerned that if we present too many resolutions, we lose impact with powers that be if we divert their attention.” Beth said, “Let’s focus on getting the rep back.”

Bonnie said that “the faculty voice might never be in complete step with the administration.” Phyllis said, “Yes, but we have a unique window of opportunity to strike while the iron is hot to get the rep back on the board.” Bruce pointed out that that was a legislature issue. Phyllis responded, “But with the board’s support, it will have more weight. I would like to see us focus on that.”

Misty had to leave temporarily. Before leaving she said that she had received clarification on the UT Foundation funding agenda item, so that did not need to be discussed. She said that TEAM might be more appropriate for Linda to discuss.

Linda suggested that the group would have the biggest impact by helping Bonnie clarify her point. Phyllis said, “I would encourage Bonnie to consider reading from the Campus Free Speech Protection Act of 2017.” Steve encouraged Bonnie to emphasize that faculty is not solely advocating a leftwing agenda, but rather the support of all ideas. Bruce said that “even if legal threading has happened, it violates the spirit of the Free Speech Protection Act.”

Bruce moved the discussion on to agenda item #5: “Restoration of Faculty Representative to Board of Trustees” Bruce said, “How can UFC promote that? It’s ultimately a legislative thing.”

George said, “I don’t think (a faculty member on the board) even needs the vote,” adding that it is really the faculty perspective that is needed on the board. Bonnie said, “We are fully aware that the board will make the decisions we just need the voice.”

Discussion continued about the role of the faculty member on the board.

Linda pointed out that many institutions do not have faculty on boards. Bonnie said that the same document that recommended that, also said that if your board has a faculty member on it, they should remain. Bruce said the counter argument is that it is a conflict of interest.

Chris asks why the board gets the massive amount of meeting material late. Linda said, “We are making changes—such as not waiting until all the materials are in and posting what is there.” Bonnie said that Beauvais had drafted a bylaw regarding the timing of when the board receives information. Phyllis advocated for holding to a stringent schedule so that appropriate review could happen, asking, “Why can’t there be a hard and fast deadline?” Linda replied, “I think there can be. I think it’s a culture shift. About understanding why it’s important. Randy is about moving things forward. Some things have been submitted before the deadline.”

Steve suggested that the group talk to Randy about how we can help with positive messaging in the state about higher education. Linda said the group should “ask him how you can help him.”

Coffee break 3:54.

Beauvais and George left.

Meeting resumed 4:19

Discussion of returning a faculty representative to the Board of Trustees continued.

Phyllis brought up the subject of tenure and the level of scrutiny it takes to get tenure. She asks Linda, “Do you feel that the board knows what a single peer-reviewed publication or grant application means?” Linda replied, “They might not know what it means, but they respect it.” She added, “I think they understand that there are differences between disciplines and they are curious and open to it. The big thing that got the old board spun up, and rightfully so, was that a departmental committee would say that a professor’s teaching is not good, but they can improve, their research isn’t good, but they are a really good guy so we are going to vote unanimously for their promotion or tenure.” “I don’t like to hear that,” Phyllis said, pointing out that “we need to do a better job of training our administrators.” General agreement about this.

Renee added that “there have been problems. In my department, we didn’t give merit pay to folks who were on maternity leave or research leave.” She also noted that evaluations were flawed and bylaws were “in limbo.”

Discussion continued about the annual evaluation process and disparity across certain campuses and between institutions. Discussion changed to merit and across the board raises, then back to faculty representation on the Board of Trustees.

General consensus that faculty representation should be in alignment with the other FOCUS Act institutions.

Linda asked, “Where is the staff voice? Is there something broader that this group can come up with to include all voices? Is there a mechanism to create that?” She added that “the new board doesn’t see their role as being down in the weeds. Their ‘value added’ is the big picture and vision.”

Bonnie said that John Compton “has a big vision for us. We need to have the resources to reach that. What are the policies that might be barriers to that?”

Linda said that the TEAM Initiative is looking at efficiencies within systems, not at end users yet. “It’s just not time to bring end users into the process yet,” she said. Bruce said that “it’s important for the faculty to provide input.” Linda said, “I think they are looking for duplication and gaps in processes, so it’s much more of an internally-focused review now.”

Bruce said that the bigger issue is “Is the system paying for itself? The tax on campuses, etc. At some point it’d be great to understand what we are getting and why the costs are going up.” Linda said, “What are the shared services and where are the people located? Having that sorted out is what you’d like to know, I think. In cases where they have dual roles, it’s important to know what’s expected from the system vs. the campus.” Bonnie said that “part of the issue is our data—how things are set up.” Linda said, “Yes. IRIS is a mess. We learned this with trying to figure out who is a faculty member. IRIS needs some rules about how things are categorized. Also, it seems we are talking past each other.” Bruce said, “Part of the problem is that we are not business people so we don’t necessarily know the right questions to ask.” Linda said that Randy “wants people to share their perspectives.” Bonnie said, “Transparency is important, which is one of the problems with the student funds issue—will the new system be transparent?”

Misty rejoined the group.

Bonnie updated Misty about our discussion about a faculty representative on the board. She said, “We decided to put together a ‘two-pager,’ going back to relevant documents and the FOCUS Act to make the case for the benefit of having a faculty member on the board.” She added, “We have to build enough trust with the board. We had a discussion about how some administrators who make mistakes are not held accountable.”

Phyllis asked what the current policy was regarding tenure upon hire. Linda said that for regular promotion and tenure with a full probationary period, final approval will be at the president’s level with the Board getting a report. If there is a no vote, or a split vote. I look at them so I can answer questions. Then with regard to early tenure and tenure upon hire—these go to the board.”

Randy Boyd (UT President), John Compton (Chair of the BOT) and David Miller (UT CFO) joined the meeting at 4:05 p.m.

Everyone introduced themselves.

Linda asked Bruce to give a summary of the UFC discussion so far.

Bruce summarized the concerns about student fees and Sex Week, faculty input to the TEAM program, and faculty representation on the board. “We want to help and provide as much faculty expertise as we can?” he said.

John said that it was his understanding that in the past the board chair met with UFC. Phyllis said that to her knowledge they never had.

John said, “We just left a meeting telling the others where we were going and they asked, ‘Why can’t we go?’”

Phyllis gave the guests an overview of the UFC’s purpose and meeting schedule. “We would love to meet with you or any other board members whenever we have a chance,” she said.

Linda explained the differences between faculty senates and the UFC. “Faculty Senates work with their Chancellors. UFC works with the system, advisory to the President. UFC is a great sounding board regarding issues and making recommendations,” she said.

Phyllis said, “President DiPietro would occasionally call meetings of the UFC so that we could inform the campus if something important was happening or being discussed. How can we help you and the board?”

John replied, “The whole FOCUS Act is new. We are all learning together. None of (the new board members) knew everything about the system as a whole. I hope we are being viewed as listening as much as possible and being responsive, in light of a new set of rules that have been put into place. We went from 27 trustees down to 12, the dynamic is different. I think it’s good. We are trying to think 5-10 years out. Where is education going? We serve a lot of stakeholders—administration, faculty, students. Citizens are big stake holders. A third of our resources come from the tax payers. Add tuition to that and 80 percent of our revenue comes from citizens. We are trying to recognize all the different stakeholders so they can have a voice back to the board. We are agile and flexible. I hope my colleagues in Knoxville would agree.”

Phyllis said that “the System has great strengths, but the campuses are different. One size does not fit all. (UTHSC) doesn’t have a football team. Sex Week does not affect us, except in terms of public image. What would you like to know about our campuses?”

John, “We have three big focuses: Enrolment—should it be growing? Declining? How should we be thinking about it? Graduation Rates—retention and graduation are critically important. We come from a business background, so what you did last year is not good enough. Why is there a difference between 6-year graduation rates at Chattanooga and Knoxville? Research—I still don’t understand our numbers. They sit in different categories. What’s holding us back?”

Phyllis said, "One size does not fit all. UTHSC does not have a problem with graduation and retention rates, but our problem is preparing students in undergrad to get into the HSC."

John said that underlying the three main areas of board focus is the fact that we are also a land grant institution to the state of TN. "If we graduate 12,000 per year. What if we could graduate 25,000. What would that do to the state?" he asked.

Renee said that faculty are on the front lines of these three main areas. Involving faculty in these discussions is important, she said.

John said, "Many of us on the board come from a business background. . . Foundational to that is an org health measurement. Faculty is the organization. In many companies, they say, 'Well it's a compensation issue,' and 9 times out of 10 it is not a compensation issue. What are the top things we can work on? We want a culture where people feel empowered, respected and are performing."

Bonnie said, "In Knoxville the faculty are passionate and want the university to succeed, but all the attacks from outside have a negative effect on focus."

John asked "Are you unique? Don't a lot of universities face that?"

Misty said, "We have been through two new processes of external review, which seems to be motivated by outside stakeholders, and that says to the faculty that they need more management. But it was determined that it was an administrative problem. Addressing that issue was important. Another big issue is how we talk about research. We primarily talk about research in terms of externally funded research, but those research dollars cost the university money. I think we could have a robust conversation about how this is all funded. Research is more than funded research."

John said that "funded research is so easy to quantify. That's always been a problem." Renee added that "no one is getting paid to write history books." Beth added "or peer reviewed articles."

Randy said, "Let's put the research talk 'in the parking lot.' Maybe we can have someone come in to discuss that and provide some data."

Gary said that "faculty are competitive individuals. If you asked me right now how to raise the bar, I would tell you that we have a challenge with competitors who offer more for

assistantships. You don't survive the tenure process nationally unless you are competitive. I think UT does a great job, but when it comes to competing with our aspirational peers, we get beat all the time due to lack of resources." Phyllis agreed, saying, "We are competing to get the top students." Steve said that "at UTC we need help getting students who are working jobs to finish. Do we need more from the state?" Randy said, "We should see how we can solve the problem ourselves."

John said, "There are so many good things happening all over the place. I'm not sure we are telling our story as well as possible. Randy is all over this. Top tier programs, Oak Ridge lab, etc. We are in a business model that funds itself. We have to think differently about tuition. I think there are a lot of pros to the FOCUS act, but one of the cons is we have created more competitors for us."

Misty said, "Maybe we haven't made our case enough. We need to get a dynamic conversation going on. Randy started it with Drive to 55. We need to connect the dots and get people excited."

Randy said, "I'd like to discuss Sex Week. David will talk about TEAM. John will talk about faculty representation on the board."

Discussion about Sex Week centered on the perception that the faculty and the former board were not listening to concerns that were raised.

Randy said, "The biggest thing that the legislature needed to feel was that they were being listened to." He continued by listing the "things we said we were going to do." These include:

- Consult with the board
- Be more transparent (put everything on the website, which has been done)
- Have less bias—a solution was more transparency
- Look at how we fund our program, while still providing students with input. Randy said, "Sex education is not going to go away, but we will look at a different process. Students will still get the programming they want, but the legislature will be satisfied."

Discussion about student-organized programming continued, including discussions regarding the input of legislators and students.

Bonnie raised concern about not knowing what the new process would look like. Randy assured the group that the new process will not break state law and should still give students free speech. He also said that Chancellor Angle would be talking to the SGA at UTC about the new process.

Renee said, "I have to say that it's a shame that Sex Week has dominated our conversation."

David Miller talked about TEAM

David said the purpose was to sort out what is best done centrally vs. at the campus level. "Pretty much everyone agrees that payroll should be centralized," he said. "What else should be centralized vs. local? That's what we've got to figure out together. There will be a series of workshops to objectively determine this. It's not about end user services. It's really about who should be doing this. Then how can we do this better. The first phase is just about objective evaluation. One of the things I face frequently is attrition. How can we operate efficiently in a tight labor market?"

Phyllis said that "it makes sense for HR and IT to be centralized. However, there are other things like the libraries that are constantly faced with the ever growing expense of access to journals. The publishers see us as different entities. Will you all be discussing those sort of things?" "Not so deeply this time," David replied. "The big buckets we are looking at first are: HR, Procurement Contracting, Communications and Marketing, Capital Project and IT. Once we get the org chart right, then we will go on to how we can deliver services better."

Gary asked, "Why would you not look at end users to figure out this?" David said, "The members of the committees are supposed to go to their constituents to get information. I'm not telling each one of them how to do that, but they are supposed to." Phyllis asked, "Could we approach the committee members?" David said, "Yes, but I think phase two is where more of it goes on."

Randy said, "Let's figure out what the system folks are doing and what their value is and make sure there is value added. I imagine some things might move one way, some another—all to improve educational outcomes. David's job is to save money so you guys have more money."

Phyllis said, "I personally don't think IT should be centralized, but I think there is great benefit to having some software, etc., centralized and accessible."

Beth asked, "Can we add Identity Management between institutions?" Randy said that Linda was working on that.

John discussed faculty representation on the board. He said, "The FOCUS Act determined that a faculty member would not be a part of the board, neither is the President. The representation question is important. The one year appointment is problematic for the faculty member on the ERC." He added that "we will figure out a way to resolve it to make sure your voice is heard."

John said, "We are learning as we go."

Randy said, "It is painfully obvious that I can't teach. I can't coach. But the one thing I can do reasonably well is work with and advocate with the legislature. . .It starts with building that relationship and trust. Part of it is mitigating what they find distracting and focusing on the big bold things that we are doing."

John said that last year "every campus grew enrolment, grew graduation, fund raising, etc. A large part of that is a reflection of what you and your colleagues do. We will tackle these issues together."

The meeting adjourned at 5:47 p.m.