Minutes of THE FACULTY SENATE OF ARKANSAS TECH UNIVERSITY

The Faculty Senate met Tuesday, February 13, 2018, at 3:00 p.m. in Rothwell 456. The following members were present:

> Dr. Molly Brant Dr. Joshua Lockyer Dr. Jon Clements Dr. Johnette Moody Dr. Melissa Darnell Dr. Jason Patton Dr. David Eshelman Dr. Michael Rogers Dr. Marcel Finan Dr. Monty Smith Dr. V. Carole Smith Ms. Holly Ruth Gale Dr. Debra Hunter Dr. James Stobaugh Dr. Shelia Jackson Dr. Jack Tucci

Dr. Chris Kellner Dr. Susan Underwood

Dr. Jeremy Schwehm and Dr. Bruce Tedford were absent. Mr. Thomas Pennington,

Mr. Ken Futterer, Dr. Jeff Aulgur, Dr. Bruce Chehroudi, Dr. Phil Bridgmon,

Dr. Sean Huss, Mr. Thomas Pennington, Ms. Brenda Tyler, and Ms. Pat Chronister were visitors.

CALL TO ORDER

President Clements called for a motion in regard to the minutes of December 13, 2017.

APPROVAL OF **MINUTES**

Motion by Dr. Eshelman, seconded by Dr. Jackson, to approve the minutes as distributed. Motion carried.

NEW BUSINESS: COURSE **EVALUATIONS**

President Clements reported Mr. Wyatt Watson, Director of Institutional Research, was unable to attend the meeting, but if there were any questions from the senators regarding the timeline for online course evaluations. President Clements would collect and send those to Mr. Watson.

TUITION WAIVER COMMITTEE PROPOSAL

Dr. Underwood distributed a proposed tuition waiver policy draft (Attachment A) and a statement from the committee (Attachment B) and summarized the proposed changes. Dr. Hunter questioned the requirements for employees to pay back tuition on the same schedule as students. Dr. Underwood stated the intent was to discourage employees from enrolling in an excessive number of hours, then dropping some or all of the courses. Dr. Stobaugh asked if there would be exceptions for catastrophic circumstances, and Dr. Underwood confirmed the parameters proposed in the policy would be subject to exceptions as approved by the employee's Vice President, including the maximum hours parameter.

Dr. Underwood stated the Staff Senate had provided feedback on the policy which the committee would be taking under consideration, and invited the Faculty Senate to share and bring feedback to the March meeting.

President Clements requested a motion to amend the agenda to move item F of old business (P&T final document) to item C of old business.

Motion by Dr. Stobaugh, seconded by Dr. Eshelman, to amend the agenda as requested. Motion carried.

OLD BUSINESS: EXTERNAL WORK POLICY President Clements invited Mr. Thomas Pennington, University Counsel, to address the Senate. Mr. Pennington distributed a draft of a memorandum of understanding for external employment of ATU faculty members (Attachment C). Dr. Underwood asked, when she was serving as a peer reviewer for another school, and was using an ATU computer to type the report, if the form would apply. Mr. Pennington encouraged her in that situation to complete the form to cover all bases. President Clements stated he would leave this on the agenda for March to allow senators to collect feedback and bring to the Senate.

UNCOMPENSATED TEACHING LOADS

President Clements invited Dr. Phil Bridgmon, Associate Vice President for Academic Affairs, to address the Senate. Dr. Bridgmon reported he and a committee were investigating the issue of uncompensated credit hour production, which was raised by the Faculty Senate last semester. He stated the group was considering a model for such issues to be resolved at the department and college level, with multiple approaches and options. He estimated guidelines to be in place for the fall semester.

PROMOTION AND TENURE POLICY

President Clements welcomed Dr. Sean Huss and Mr. Ken Futterer, stating he had invited them as the previous Faculty Senate chairs. Mr. Futterer distributed a document which summarized the history of this promotion and tenure revision and addressed the ability of the Senate to adopt the policy by direct action versus through a full faculty vote (Attachment D).

Motion by Dr. Jackson, seconded by Dr. Kellner, to approve the promotion and tenure policy as presented.

Motion carried unanimously.

Mr. Futterer noted the distributed document also included a recommendation to amend the Senate bylaws to require a two-thirds majority vote in order to make changes to the *Faculty Handbook*. President Clements stated he would add this to the March Faculty Senate agenda as new business.

President Clements reported the policy as approved by the Faculty Senate would go before the Board of Trustees in the March meeting for a reading, then to the May meeting for final Board approval.

[Note: The draft of the <u>promotion and tenure policy</u>, which was approved by the Faculty Senate on February 13, and the <u>memo from President Clements</u> to Dr. Abdelrahman are available on the Faculty Senate website https://www.atu.edu/facultysenate/minutes.php]

COLLEGE CURRICULUM COMMITTEES President Clements stated the discussion on college curriculum committees would be deferred to the next meeting.

INDIRECT COSTS

Dr. Kellner reported a group of faculty had met with Dr. Abdelrahman and drafted revisions to the general procedures for indirect costs (Attachment E). Dr. Kellner asked the senators to gather feedback from the faculty and send to him.

ACADEMIC ADVISOR EVALUATION President Clements stated he had met with Dr. Jeff Woods, Dean of Arts and Humanities, regarding the proposed academic advisor evaluation and, given concerns from the Faculty Senate, Dr. Woods would not be moving forward with the evaluation at this time.

OPEN FORUM

President Clements reported Dr. Sean Huss had been serving on the Budget Advisory Committee as a faculty representative, but his schedule would no longer allow him to attend the meetings. President Clements asked for a volunteer to take Dr. Huss' place on the committee. Dr. Underwood suggested Dr. Hunter, noting she was chairing the finance committee for the HLC reaccreditation; Dr. Hunter agreed to serve.

President Clements introduced Ms. Brenda Tyler, Visiting Assistant Professor of Elementary Education, and invited her to address the Senate. Ms. Tyler read aloud the attached letter (Attachment F). President Clements thanked her for sharing.

Dr. Kellner noted the anonymous letter sent to all faculty had called for faculty to put their copy of the letter in their senator's campus mailbox to indicate their support for a vote of no confidence, and he had not received any. Other senators also noted they had not received copies of the letter.

President Clements stated, after much contemplation, in an issue as divisive and inflammatory as this, he would not heed anything from an anonymous source. He indicated if someone was willing to attach his or her name to a concern, as Ms. Tyler had done, he would give that person consideration. Dr. V. Carole Smith expressed pride in her colleagues in the College of Education for taking a stand.

ANNOUCEMENTS

Dr. Rogers reported the Interdisciplinary Research Series schedule for spring 2018 was available on the <u>website</u>, including presentations by a visiting Fulbright scholar and several ATU faculty. He asked senators to encourage faculty to submit proposals for fall presentations.

Dr. Eshelman announced the ATU Theatre would be performing Romeo and Juliet on March 8-11.

Dr. Brant stated the Agriculture department would be fundraising by selling chicken lunch plates to be delivered on February 23 (cost \$7). Contact the Agriculture department for ordering or more information.

Dr. Lockyer announced a Jonestown survivor would be speaking on campus on April 5 at 6:00pm in the Library.

ADJOURNMENT

The meeting adjourned at 4:02pm.

Respectfully submitted,

Jon Clements, D.M., President

Jack Tucci, Ph.D., Secretary

Attachment A

ATU Tuition Benefit Policy

I. Eligibility

All full-time, active ATU employees, their spouses, and their dependents (as defined by the Internal Revenue Service Qualifying Child Test: https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit/qualifying-child-rules) are eligible. Employees on workers' compensation, military or family medical leave are eligible. Employees on leave without pay are not eligible.

Note: Specific programs may have more stringent requirements on employee enrollment but they may not be more liberal than the University's.

II. Extent of Benefit

a. Employee

- Employees may take up to a total of 130 undergraduate and/or 40 graduate, master's level, semester credit hours at ATU with a 100% tuition and fee waiver benefit (excluding course specific fees).
- ii. Employees must have the permission of their immediate supervisor and appropriate dean or vice president to take courses. Employees may not take classes during regular duty hours. With their supervisor's permission, an employee may take a course in lieu of their lunch hour.
- iii. Employees' semester credit hours may not exceed 18 hours, undergraduate and/or graduate, in any fiscal year (July 1 through June 30) unless approved by the Vice President of that employee.
- iv. Tuition and fee waiver benefit does not cover audited courses.

b. Dependents

- i. Employee's spouses and dependents may take up to a total of 130 undergraduate and/or 40 graduate, master's level, semester credit hours at ATU with a 50% tuition only waiver benefit. Reduced tuition for dependents applies only to tuition not otherwise covered by scholarships and the total should not exceed the total tuition charged for the semester. The maximum graduate course discount is equivalent to three semester credit hours per term.
- ii. Tuition waiver benefit does not cover audited courses.

III. Failure and Withdrawal guidelines

a. Failure

i. Employees who receive failing grades, F in undergraduate level courses and D or F in graduate level courses, must repay 100% of the total tuition and fee benefit for each course in which they receive a failing grade.

b. Withdrawal

- i. Employees and dependents who withdraw or change the status of their course(s) to audit after the last day to withdraw with a full reduction of tuition and fees and before the last day to withdraw with an 80% reduction of tuition (as indicated by the Academic Calendar) will be required to repay the University 20% of the total benefit.
- ii. Employees and dependents who withdraw or change the status of their course(s) to audit after the final day for an 80% reduction in tuition (as indicated by the Academic Calendar) will be required to repay the University 100% of the total waiver benefit.

Attachment B

Committee Statement on Tuition Waiver Policy

The committee recognizes both the need for a generous tuition waiver policy that contributes to recruitment and retention of faculty and staff as well as the need for greater efficiency, equity, and logic in the distribution of waiver benefits. The committee's conclusions are based fundamentally on an attempt to strike the best possible balance for Arkansas Tech University.

The committee recommends adoption of this Policy, effective July 1, 2018; and current participants in the Tuition Waiver benefit be "grandfathered" in regard to the language of the Policy in effect up until July 1, 2018.

Tech's current policy is generous. We allow full time faculty and staff to enroll in undergraduate and graduate courses at no cost; with the permission of the supervisor and appropriate vice president. Staff can take a class in lieu of the lunch hour as well. Immediate family (spouse and/or children) can enroll in undergraduate classes at half tuition (though they must pay all fees). They can also receive a graduate course discount of three hours per term. In comparison, the University of Arkansas system offers a 90% tuition and fee benefit for employees and a 50% tuition benefit for spouses and dependents. The system also caps the total number of hours that employees and immediate family can take to 132. Arkansas State uses an across the board 75% tuition benefit, and UCA provides an 80% tuition and fee benefit for employees, spouses and dependents. While Tech's policy for employees is the best in the state, its policy for immediate family falls somewhere in the middle. Nationally, waiver benefits seem to be generally in line with the University of Arkansas' policy. All told, ATU's waiver amounted to about \$668,000 in tuition and fees in 2016-17.

The committee considered several changes to improve Tech's waiver policy, including changing waiver percentages for tuition and fees, restricting types of courses taken, imposing later enrollment periods for students with waivers, and establishing duration of employment requirements. Research indicated no students were being displaced by waivered students in courses, so restricting courses, imposing later enrollment and establishing duration requirements would not make the waiver fairer or have a financial impact. A change in waiver percentages to match UCA's 80% across the board would actually cost ATU nearly \$200,000/year, while using the U of A system's model would only save about \$40,000/year. The committee agreed the potential savings from a change in waivers to the U of A model would not offset the recruitment, retention, and morale advantages received from maintaining the current policy.

The committee did recommend some other waiver policy changes, however. First, the committee recommended a cap of 130 total undergraduate hours and 40 total graduate hours for anyone receiving waivers. Hours accrued toward the caps would begin with the adoption of the policy. Second, the committee recommended employee student semester credit hours should not exceed 18 hours in a fiscal year (unless special permission is given by the Vice President of the employee's department). Third, employees who receive an F in undergraduate courses or a D or F in graduate courses would be responsible for repaying 100% of tuition and fees. Fourth, employees and dependents who withdraw in the 80% period would be responsible for paying the university 20% of their benefit, and those withdrawing after the 100% period would be responsible for paying the university 100% of tuition and fees for the course. These policy changes would serve as an incentive for students on waivers to

successfully complete courses, limit abuses of the waiver benefit and (based on estimates from 2016-17) save the university about \$100,000 per year.

In the end, the committee agreed that maintaining the current waiver benefit policy is extremely valuable in recruitment and retention of faculty and staff, but limiting hours and penalizing beneficiaries who are not successfully completing courses will make the waiver policy both fairer and more efficient.

Respectfully submitted by,

Bob Freeman & Jeff Woods; Co-Chairs

Robert Fithen, Lindelle Fraser, Tammy Guarino, Gabriele Haulmark, James Higgs, Alicen McMahon, Chris Rambo, Susan Underwood

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into this day of, 2018, by and between Arkansas Tech University (hereinafter "University
and Arkansas Tech University faculty member
The purpose of this MOU is to set forth the rights and obligations of each of the parties with regard to external employment of the faculty member and use of Arkansas Tech University resources, pursuant to the following terms and conditions:
 CONSIDERATION. Consideration for this Agreement shall consist of the observation of the mutual promises contained herein.
 TERM AND TERMINATION. A. This MOU becomes effective on the date which both the University and the facult member have signed it, and shall terminate on June 30, 2018. The MOU may be renewed on an annual basis thereafter upon mutual agreement of the parties. In the event the MOU is not renewed on an annual basis, it will run month-to-month untirenewed or terminated. B. Notwithstanding any other terms or conditions hereunder, this MOU may be terminated without cause by either party by providing 30 days written notification the other party.
GENERAL TERMS AND CONDITIONS A. A description of the external employment and the University assets to be utilized as follows:
B. The parties specifically agree that the faculty members use of Arkansas Tech University accrues to the mutual benefit of the University and the faculty member C. Reimbursement to the University for use of its resources shall be as follows:

4. RESPONSIBILITIES OF THE PARTIES

- A. To follow all existing and future policies, procedures and rules established by Arkansas Tech University for employees and/or students;
- B. To comply at all times with all rules and laws established by the State of Arkansas governing the use of State owned property;

- C. To comply at all times with all federal, state and local laws, regulations, or ordinances that are applicable.
- D. Faculty member agrees to be solely responsible for obtaining all required permission, licenses, or other authority for all items, services, goods, products, equipment, performances or activities that it performs or provides through the outside employment. Further, faculty member states that he or she has or will obtain all required and necessary rights, licenses, and authority for all items, services, goods, products, equipment, or activities performed or provided. Faculty member further agrees to fully indemnify and hold harmless the University from any and all claims, liabilities or judgments that arise or are made as a result of the faculty members outside employment.
- E. Faculty member agrees that he or she will be solely responsible for any harm, damage or injury that is caused to any person by the external employment.
- F. Faculty member agrees that he or she will be solely responsible for any damage beyond normal wear and tear that the external employment causes or permit to occur to the real or personal property of the University and that it will fully reimburse University for any repair or replacement costs incurred as a result of said damage(s).
- 5. SIGNATURES. In witness thereof, the parties to this Agreement, through their duly authorized representatives, have executed this Agreement on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Agreement.

Arkansas Tech University	
Vice President of Academic Affairs Arkansas Tech University	Date
Faculty Member	
Signature	Date
Printed Name	_

Attachment D

To: ATU Faculty Senate From: Ken Futterer

Subject: Vote on P&T protocols

Date: Jan 12, 2018

Preface

2018 Arkansas Tech University Faculty Promotion and Tenure protocols.

This report, although not intended to be included as part of the 2018 Promotion and Tenure protocols, was prepared at the request of Senate President Clements to answer questions presented at the reconciliation meeting of Jan 23, 2018, as to the correct and necessary process for faculty approval of the final Promotion and Tenure Draft of January 2018. As the Faculty Senate does not have a Historian/Parliamentarian to call upon, it is hoped that my Senate service of 21 years and 2 terms as President will suffice to cover that office.

Ken Futterer - 2/8/2018

The 2018 Arkansas Tech University Promotion and Tenure protocols represent the most significant reorganization of these essential faculty documents since the modern Promotion and Tenure process was crafted as an outgrowth of the Strategic Planning process of 1999. As such, a precise review and understanding of the origination, advice and consent, and approval process is imperative to establish legitimacy within the University community.

History (Drawn from Attachment D, Oct 10, 2017 Faculty Senate Minuets, and Senate documents)

In Spring 2015, under the encouragement of then Vice President for Academic Affairs, A.J. Anglin, the Faculty Senate and Dean's Council agreed to review the tenure and promotion procedures in the ATU faculty handbook.

A University wide committee of faculty members, faculty senators, deans, and department heads surveyed the faculty and established four broad goals:

- Increase the role of department and discipline level peer faculty in the tenure, promotion, mid-term review, and annual evaluation.
- 2. Develop a system whereby long-term non-tenure track faculty can earn promotion.
- 3. Clarify policies and procedures in tenure, promotion, mid-term review, and annual evaluation.
- Eliminate inconsistencies, contradictions, and inefficiencies in tenure, promotion, mid-term review, and annual evaluation policies and procedures.
- A. The original committee drafted initial revisions during the 2015-16 school year and submitted them to the entire faculty for feedback twice. After incorporating Faculty Senate and direct faculty feedback, the completed committee draft was then submitted to the Faculty Senate early in Fall 2016.
- B. November 8, 2016 the Faculty Senate deliberated and formed an internal committee to make additional revisions, which continued through Fall 2016 and Spring 2017.
- C. In the Fall of 2017, the Senate draft was then submitted to Academic Affairs for consideration. After a series of meetings throughout Fall 2017, a final reconciliation meeting took place with Academic Affairs January 23, 2018, with the result that this final draft is being submitted for a full vote of the Faculty Senate. This draft, with Faculty Senate approval, will then be submitted to the President of the University and the Board of Trustees for adoption for the Fall Term 2018.

Faculty Approval Process

The final question that came before the reconciliation committee is whether these Promotion and Tenure Protocols can be approved by direct Faculty Senate action or should be submitted to the entire Faculty for approval. That is the question in which I am attempting to answer by this finding.

Considerations

- 1) The Constitution requires a 2/3 vote of the Senate and a majority of faculty votes cast in the operative election for any change to the Constitution and/or By-Laws.
- 2) The Constitution is mute on the procedures of approval of all other matters of Faculty Governance within the Handbook, including the Promotion and Tenure documents. These protocols are clearly a vital aspect of our academic life and governance responsibilities, and are located in the Faculty handbook, Part II, Relations of the Faculty Member to the University.
- 3) It should be noted that the Faculty Handbook, since it's inception in 1953, has been routinely amended by either Senate and / or Administrative action without requiring a vote of approval by the general faculty.

Conclusions

The Constitution and By-Laws represent core principals and as such <u>must be subject</u> to the strict standard of amendment as required within the Constitution, including a final vote by the entire Faculty.

Other faculty governance documents, such as the proposed 2018 Promotion and Tenure protocols, have no structural basis within the Constitution and By-Laws and as such do not require direct faculty approval.

The Senate is the representative democratic organization speaking for the entire Faculty, and as such, approval of changes within Part II - V that impact the Faculty would seem to fall best within that structure. Precedence for this position is provided by the historical record of amendment of sections Part II - V by either direct Senate and/or Administrative action.

Finding

The 2018 Promotion and Tenure draft presented to the Senate was initiated with Senate approval in the Spring of 2015. Numerous faculty committees have done due diligence over a 3-year gestation process by incorporating significant feedback from the University Community in both reviewing and amending the original 2016 draft. The Senate has the authority to require a general faculty vote of approval, but I believe that approval of these protocols do not require such a vote and can be approved by direct Faculty Senate action.

Recommendations

In researching this finding, it struck me as inconsistent that it takes a 2/3 majority vote of the Senate to pass out changes to either the Constitution or By-Laws, but that there is no stipulation in any of our governing documents as to the process appropriate for changes to the Faculty Handbook that relate directly to faculty responsibilities or privileges.

Anecdotally, such voted upon changes have typically approached 100%, however, there exists a possibility that a 51% vote could amend important portions of the Faculty Handbook. A strict majority vote reflects Roberts Rules of Order, but as our Constitution requires a 2/3 vote to amend either the Constitution or By-Laws, there should be an equally reflective standard for amending the sections of Part II-V that relate directly to faculty responsibilities or privileges.

As ATU matures into a deeper understanding of shared governance, I believe that it is necessary and appropriate that the By-Laws of the Constitution be amended to reflect the above understanding.

Following is a proposed amendment to Article III, Section 3 of the By-Laws.

BY-LAWS OF THE FACULTY SENATE OF ARKANSAS TECH UNIVERSITY

ARTICLE III: CONDUCT OF MEETINGS

Section 3: Method of Voting

In presenting a motion before the Senate, any member may stipulate that the motion be voted upon by secret ballot. Otherwise, voting in the Faculty Senate shall be conducted in whatever parliamentary manner may be called for by the acting chairperson. Each elective member present shall have one vote.

Original: Any motion shall be considered as having been passed by the Senate only if it shall have received the votes of a majority of the voting members present.

Proposed: Any motion <u>concerning the general business of the Senate</u> shall be considered as having been passed by the Senate only if it shall have received the votes of a majority of the voting members present.

Proposed: Any motion <u>concerning the amendment or structure of the Faculty Handbook shall</u> be considered as having been passed by the Senate only if it shall have received the votes of a 2/3 majority of the voting members present.

Attachment E

Recommendations from the committee tasked with developing criteria for waiving or reducing indirect costs.

Drs. Tom Nupp, John Jackson, Newt Hilliard, Ty Yamashita, Monty Smith and Chris Kellner produced the following recommendations regarding flexibility in assigning indirect costs.

Our goal was to develop a procedure for assessing indirect costs that would keep ATU faculty competitive with faculty at other institutions.

At this stage, we have discussed this draft with Academic Affairs and believe that we have a reasonable approach towards applying flexibility to application of indirect costs to grants.

1st: Arkansas Tech University will follow all rules of the granting agencies.

2nd: Any waiver of indirect costs will be considered an in-kind match toward the grant.

We should **consider** waiving indirect costs under the following conditions:

- 1. Where a precedent exists of many, most, or all competing organizations having waived indirect costs on a particular grant. Evidence of this should be included in the request.
- 2. If the budget of the grant is devoted entirely to fund student labor, or a graduate assistantship.
- 3. In cases where a grant requires a match and faculty do not have sufficient assets to cover the match, we would like the option of using all or part of the indirect costs as a source of matching funds.

The following are reasons to request a reduction in the indirect cost rate:

- Grandfathering: when a granting agency has a long-standing arrangement for indirect costs with a faculty member working on a particular project. We should be allowed to continue under the previously established indirect cost rate in order to continue working on that project.
- 2. When new faculty arrive on the ATU campus with a preexisting grant that includes a previously arranged, and lower, indirect cost rate.
- 3. We should be able to request a lower rate of indirect costs on micro-grants with total direct costs less than \$10,000. Justification for this request should be attached to the form. We consider justification for such a request to be that achieving the objectives of the grant might be severely hindered by applying the standard rate of indirect costs.

Attachment F

February 12, 2018

Faculty Senate Arkansas Tech University 215 West O Street Russellville, AR 72801

Dear Colleagues,

In July 1973 I began my career as an Instructor of Early Childhood Education at what is now the University of Central Arkansas. The group medical coverage available to employees excluded maternity coverage along with any related costs. Thus, began my first experience in a male dominated workplace.

During the subsequent forty years I have worked for less, less respect, less pay, fewer opportunities for employment, and significantly less retirement income than males with a similar career path. I have been asked in job interviews if I "feel a woman can do this job". I was present when the school board president asked the outgoing superintendent "do we have to interview a woman if one applies for your job?"

None of those experiences have been as insulting to me as the anonymous letter from the blue dog democrats. The existence of this letter completely justifies the very efforts the author purports to denounce. The letter puts in writing the existence of a regressive attitude of bigotry, racism, misogyny, homophobia and religious oppression that has no place in an institution of higher education. Has the ATU Faculty Senate been asked or has it supported a no confidence vote against any other ATU president?

Further, the letter shows an ignorance of governance by suggesting a faculty uprising could result in a change in presidency. That power lies only with the five people appointed to the board of trustees and then only when they are meeting in session.

Please share with my colleagues on the Faculty Senate of Arkansas Tech University and throughout the university my absolute rejection of all that is proposed by the blue dog democrats and express my support for the presidency of Dr. Robin Bowen.

Respectfully submitted,

Brenda L. Tyler

Visiting Assistant Professor Curriculum and Instruction

Brenda L. Egles

Arkansas Tech University