

Minutes of
THE FACULTY SENATE
OF
ARKANSAS TECH UNIVERSITY

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

Dr. Jon Clements	Dr. Johnette Moody
Dr. Melissa Darnell	Dr. Jeremy Schwehm
Dr. David Eshelman	Dr. Monty Smith
Dr. Marcel Finan	Dr. V. Carole Smith
Ms. Holly Ruth Gale	Dr. James Stobaugh
Dr. Debra Hunter	Dr. Bruce Tedford
Dr. Shelia Jackson	Dr. Jack Tucci
Dr. Chris Kellner	Dr. Susan Underwood

Dr. Molly Brant, Dr. Joshua Lockyer, Dr. Jason Patton, and Dr. Michael Rogers were absent. Dr. Phil Bridgmon, Mr. Wyatt Watson, Mr. Thomas Pennington, Dr. Thomas Nupp, Dr. Robin Lasey, and Ms. Pat Chronister were visitors.

CALL TO ORDER	President Clements called for a motion in regard to the minutes of February 13, 2018.
APPROVAL OF MINUTES	Motion by Dr. Moody, seconded by Dr. Stobaugh, to approve the minutes as distributed. Motion carried.
VPAA UPDATE	President Clements invited Dr. Phil Bridgmon, Associate Vice President for Academic Affairs, to address the Senate. Dr. Bridgmon reported Dr. Abdelrahman had been out of the office the past few weeks, but Academic Affairs would continue to provide the same level of service to the faculty, especially during this busy time of year. Dr. Bridgmon thanked the Senate and excused himself from the meeting.
NEW BUSINESS: STANDING COMMITTEE ELECTIONS	President Clements reported Dr. Moody had once again agreed to facilitate the faculty elections through Blackboard. The senators decided to hold the elections from March 26 until April 2. President Clements thanked Dr. Moody for providing this service.
SENATE BYLAWS/ HANDBOOK AMENDMENTS	<p>President Clements referred to a proposal by Mr. Ken Futterer in the February meeting to amend the Faculty Senate constitution to require a two-thirds majority of the Senate membership to recommend a change to the <i>Faculty Handbook</i>, mirroring the requirement for amending the constitution.</p> <p>Motion by Dr. Jackson, seconded by Dr. Eshelman, to amend the constitution of the Faculty Senate to require a two-thirds majority of the Senate membership to recommend a change to the <i>Faculty Handbook</i>. Motion carried.</p> <p>President Clements noted, because amendments to the constitution of the Faculty Senate must also be voted upon by the full faculty, this item would be added to the ballot in the upcoming elections, requiring a 51% affirmative vote of those participating.</p>
ATHLETICS COMMITTEE	President Clements invited Dr. Robin Lasey to address the Senate. Dr. Lasey distributed an update of athletic academic initiatives and programs, as the Faculty Athletic Representative (Attachment A). She requested continued understanding from faculty for student athlete absences for athletic functions. She also indicated Ms. Amy Anderson serves as the Director

of Student-Athlete Success, and encouraged faculty to refer struggling student athletes to Ms. Anderson.

Dr. Lasey also distributed a proposal to establish a Center for Excellence in Teaching and Learning Advisory Board as a standing committee (Attachment B). Senators discussed the inclusion of both tenured and untenured faculty, and whether “untenured” indicated non-tenured on track faculty, or non-tenure track faculty. Dr. Lasey responded she was open to suggestions and wanted to have a range of perspectives on the advisory board.

OLD BUSINESS: EXTERNAL WORK POLICY

President Clements invited Mr. Thomas Pennington, University Counsel, to address the Senate. Mr. Pennington distributed the external employment policy draft (Attachment C) and a draft of the memorandum of understanding (MOU) (Attachment D). President Clements expressed the policy had been discussed and reviewed multiple times and he encouraged the senators to move the policy forward.

Motion by Dr. Tucci, seconded by Dr. Hunter, to approve the external employment policy as presented.

Following the motion, Dr. Eshelman reported there were still concerns from his faculty colleagues, particularly in terms of scholarship and whether or not the university could claim ownership for work done on a university computer. Mr. Pennington responded filing the MOU should address such concerns. President Clements noted the change to item three of the policy directs faculty to the MOU.

Mr. Pennington explained the MOU would be filed with the Vice President for Academic Affairs to ensure consist treatment of all faculty, rather than each Dean approaching it differently. He stated the MOU should be completed on an annual basis. Senators discussed the inclusion of staff, accreditation work, and work done after hours and off contract.

President Clements called for a vote.

Motion to approve the policy carried.

Motion by Dr. Jackson, seconded by Dr. Hunter, to approve the memorandum of understanding as presented.

President Clements clarified the MOU could be revisited once areas of improvement were identified through implementation and use by the faculty. Mr. Pennington noted the existing outside employment provision in the *Faculty Handbook* could be replaced with the newly approved policy. President Clements stated he would delay the vote to change the *Handbook* until the April meeting for a two-thirds majority.

Motion carried.

Senators discussed the documents being available on the University Counsel’s webpage, the Faculty Resources webpage, and in the *Handbook*, if approved.

Mr. Pennington thanked the Senate and excused himself from the meeting.

COURSE EVALUATIONS

President Clements invited Mr. Wyatt Watson, Director of Institutional Research, to address the Senate. Mr. Watson asked what questions the senators had. Dr. Stobaugh asked if instructors could receive global scores on their evaluations. Mr. Watson responded it was possible, and described some methods to provide the score. Senators discussed the need to exclude student effort and reflection questions which would not pertain to the instructor’s performance. Dr. Kellner indicated the mean was not the best calculation to use, noting a preference for the modal score.

Dr. Tucci asked if the evaluations could be scheduled to prevent students from evaluating instructors after dropping a course. Mr. Watson responded it was possible, and reported he was working with the Office of Information Systems to investigate a way to integrate EvaluationKit with Blackboard, to easily track which students are enrolled at the time evaluations are released. He noted one challenge was some faculty do not evaluate every course, creating a need to identify in EvaluationKit which courses to exclude.

Dr. Kellner expressed interest in having students who drop a course provide feedback. Mr. Watson stated he believed that was possible, but would need to investigate how to implement. He also noted the Registrar's Office was working on an online drop system intended for online students, which would collect information on why a course was being dropped. Ms. Chronister reported the Registrar would be reviewing this new system as part of the Professional Development Day in May.

President Clements asked by what date Mr. Watson would need any requested changes to the evaluations for spring 2018. Mr. Watson responded April 10 would be ideal.

COLLEGE CURRICULUM COMMITTEES

President Clements reported he discussed the College Curriculum Committees with Dr. Bridgmon. President Clements stated he needed to gather more information before the Senate moved forward.

INDIRECT COSTS

President Clements stated Dr. Bridgmon was in support of the indirect cost policy (Attachment E), and encouraged the senators to move forward.

Motion by Dr. Tucci, seconded by Dr. Underwood, to approve the indirect cost policy as distributed.

Dr. Tucci expressed appreciation for the administration's flexibility on indirect costs, noting that was uncommon at other institutions.

Motion carried.

TUITION WAIVER PROPOSAL

Dr. Underwood distributed a new draft of the tuition waiver policy, which incorporated feedback received from various groups. She summarized the changes, and stated this draft would go to the Executive Council for approval. President Clements called for a vote of support as the policy goes before the Executive Council.

Motion by Dr. Stobaugh, seconded by Dr. Eshelman, to support the tuition waiver policy as presented.

President Clements thanked Dr. Underwood and those who served on the committee.

Motion carried.

OPEN FORUM

Dr. Hunter reported a coach had encouraged faculty to contact Ms. Amy Anderson as soon as possible when a student athlete was not attending class or completing assignments, so she should intervene.

Dr. Kellner reported the department head for Biological Sciences, Dr. John Jackson, had reviewed the promotion and tenure policy that was approved, and had been surprised to see the language that classroom instruction must be judged by the department head to be at least satisfactory, without mention of the DPTC. President Clements referenced a section directing the DPTC and department head to work together, and noted the document should be considered in its entirety. Dr. Kellner stated this was one example of how the document can be interpreted, and expressed concern others may interpret the same way.

President Clements stated this is a living document that will need to be evaluated and revisited as it is implemented and used by the faculty and departments.

Dr. Moody reported some faculty have expressed interest in approaching the administration to buy out faculty contracts. President Clements reported he had discussed phased retirement with Dr. Bridgmon, and that Dr. Bridgmon would broach this with the Executive Council during budgetary discussions.

Dr. Kellner reported a few faculty members were experiencing issues with budgets for grants being set up in a timely manner. President Clements stated he would reach out to Dr. Rick Massengale, Associate Vice President for Sponsored Programs and University Initiatives, to come address the Senate.

Dr. Darnell stated the Nursing department often had issues locating computer lab spaces with enough capacity for a class of 35-40. Dr. Hunter suggested checking the availability of Rothwell 213 and 313. Ms. Chronister stated the Registrar was working in AdAstra to optimize room assignments for the fall schedule.

ADJOURNMENT

The meeting adjourned at 4:53pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon F. Clements".

Jon Clements, D.M., President

A handwritten signature in blue ink, appearing to read "Jack Tucci".

Jack Tucci, Ph.D., Secretary

Attachment A

FAR Report to Faculty Senate

March 13, 2018

New Initiatives:

Scholar Athlete of the Month

February 2017 – Mason Cline (Men's Basketball)
March 2017 – Ty Reasoner (Football) and Madison Nagel (Volleyball)
April 2017 – Seth Wheeler (Baseball)
September 2017 – Jerry Ewing (Football) and Ellie Perkins (Volleyball)
October 2017 – Brady Barbay (Football) and Mackenzie Douglas (Women's Golf)
November 2017 – Jakob Dean (Football) and Kami Ward (Tennis)
February 2018 – Alexander Wade (Football) and Mary Simmons (Cross Country)

Faculty Mentors

Baseball – Caroline Hackerott
Cross Country – Erin Clair
Football – Shellie Hanna, Jeff Aulgur
Men's Basketball – David Osburn
Men's Golf – David Blanks
Softball – Pete Kelly
Volleyball – Mary Gunter
Women's Basketball – Darla Sparacino
Women's Golf – Nathaniel Chapman
Tennis – Linda Bean

Continuing Programs:

Student Athlete of the Year for top senior male and top senior female athlete (2017 Jalissa Gum and David Martin)

Other Information:

I would like to request continued understanding for athletes that have to miss due to athletic events. Our athletes are average students; have same average GPA as the rest of the student body and graduate at about the same rate as the rest of the student body. Some athletes are great students, some are not; same as the rest of the student body. They are performing a service for the university and should not be punished for that.

Success of for all students is part of the Strategic Plan of the University. The Faculty Athletic Committee and I, Faculty Athletic Representative, would like to work together with the faculty to ensure the academic success of our student-athletes. Please contact me, rlasey@atu.edu, with suggestions or concerns. Please refer athletes who are struggling in your class to the Office of Student Success, Doc Bryan 153 and Amy Anderson, aanderson41@atu.edu, Director of Student-Athlete Success.

Path to Graduation requirements:

2.0 GPA

9 credits per semester (must be major or minor requirements)

18 credits during academic year (must be major or minor requirements)

24 credits per year (must be major or minor requirements)

Attachment B

**Proposal to Faculty Senate
March 13, 2018**

Center for Excellence in Teaching and Learning Advisory Board

Membership: Director of the Center for Excellence in Teaching and Learning. One tenured faculty member elected from each college including the supernumerary voting block, to serve staggered, three year terms. One untenured faculty member elected from each college including the supernumerary voting block, to serve staggered, two year terms. One to three faculty members appointed by the Vice President for Academic Affairs and one faculty member appointed by the Chair of the Faculty Senate to serve a one year term.

Function: The purpose of the CETL Advisory Board is to provide faculty input and to help guide the continued development of the Center. The Advisory Board will meet at least once per semester.

Attachment C

Arkansas Tech University External Employment Policy

External employment is defined as any paid activity for any non-university entity or person, whether or not such work is performed on campus, and also includes self-employment such as, but not necessarily limited to, consulting, advising, workshops, seminars, conferences, or similar work performed in addition to the official responsibilities of a full-time employee.

Arkansas Tech University employees are expected to fulfill their duties and responsibilities assigned to their particular position or job. External employment should not interfere with university employment. External employment must not create or result in a conflict of interest.

External employment is subject to the following expectations:

1. The external employment may not interfere with the obligations of the employee to the university or create any conflicts of interest;
2. For employees who accrue annual leave, annual leave must be taken if the external employment would overlap with regularly scheduled work hours of the employee;
3. Usage of university facilities or resources is prohibited; As a general rule, university resources (including facilities, supplies, and equipment) shall not be used for personal gain. However, in certain projects which accrue to the mutual benefit of the university and the individual faculty member, a contract for reimbursement to the university may be entered into in order to provide access to university resources.
4. Employees performing external employment are solely responsible for work performed in the course of external employment, and the university is not responsible for such work;
5. All external work is performed in the employee's individual capacity;
6. Employees engaged in external employment do not officially represent the university, will not receive legal representation from the university, and are not an agent of the university when acting in that capacity; and
7. The views, thoughts, and expressions of the employee during the external employment do not represent the views or position of the university.

Attachment D

February 13, 2018 Draft

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:

- 1. CONSIDERATION.** Consideration for this Agreement shall consist of the observation of the mutual promises contained herein.
- 2. TERM AND TERMINATION.**
 - A. This MOU becomes effective on the date which both the University and the faculty 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 until renewed 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 to the other party.
- 3. GENERAL TERMS AND CONDITIONS**
 - A. A description of the external employment and the University assets to be utilized are 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;

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- 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 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:

1. 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

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 Universities.

II. Extent of Benefit

a. Employee

- i. Employees may take up to a total of 144 undergraduate¹ 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 without permission from their supervisor. 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 for the employee's specific unit.
- iv. Tuition and fee waiver will cover audited courses provided the employee initially registers to audit the course. Audited courses will not count toward the total number of semester credit hours allowed for the benefit.

b. Dependents

- i. Employee's spouses and dependents may take up to a total of 144 undergraduate¹ and/or 40 graduate, master's level, semester credit hours at ATU with a 50% tuition only waiver benefit. Dependents may receive a full discount of tuition for three semester credit hours or 50% of total tuition for the semester, whichever is greater. 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 for dependents.

¹ Total number of undergraduate hours equals the maximum number of hours for which students may receive federal aid.

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.

c. Employee Appeal Process

- i. Employees who have failed a course or withdrawn after the final dates for full or 80% tuition reduction may appeal charges under the following circumstances:
 1. Employees pre-registered for classes but did not attend and has proof of non-attendance.
 - a. Employee must submit written statements or email from instructor, advisor, or other valid proof of non-attendance.
 2. Employee was involved with a documented medical or mental health issue for self or close family relative (accident, illness, serious injury, etc.).
 - a. Employee must submit medical records, verification from physician, etc.
 3. Employee withdrew or stopped attending due to the documented death of a close family relative.
 - a. Employee must submit documentation such as an obituary or copy of death certificate
- ii. All appeals and documentation must be submitted to Student Accounts via email: business.office@atu.edu.
 1. Appeals will be reviewed by an anonymous panel of faculty and staff.
 2. All determinations are final.