

Minutes of
THE FACULTY SENATE
OF
ARKANSAS TECH UNIVERSITY

The Faculty Senate met Friday, February 14, 2003, at 2:00 p.m. in Room 325 of the Ross Pendergraft Library and Technology Center. The following members were present:

Dr. Charles Busch	Dr. David Bell
Dr. Steve Shry	Mr. Ron Robison
Dr. Kathy Pearson	Dr. Ken Trantham
Dr. Scott Kirkconnell	Dr. Richard Smith
Mr. Ken Futterer	Dr. Trey Philpotts
Dr. Kevin Mason	Dr. Theresa Herrick

Dr. Annette Holeyfield, Ms. Darla Sparacino, and Ms. Peggy Lee were absent. Dr. Shelia Jackson, Dr. Jack Hamm, Mr. Thomas Pennington, Dr. Charles Gagen, Dr. Robert Allen, Dr. Jeff Mitchell, and Dr. Gill Richards were visitors.

CALL TO ORDER
APPROVAL OF
MINUTES

Dr. Bell called the meeting to order and asked for action on the January 31, 2003, minutes. Motion by Dr. Smith, seconded by Dr. Mason, to approve the minutes as distributed. Motion carried.

ADDENDA TO
AGENDA

Dr. Bell noted information distributed after the agenda was prepared concerning the formation of the Center for Teaching and Learning and the need for the Faculty Senate to appoint a representative to the Center's Advisory Committee. He also distributed a memorandum from Dr. Hamm concerning the appointment of a committee to review the academic calendar and make a recommendation to the Vice President concerning a fall break. The memorandum asked that the Senate also appoint a representative to this committee. Dr. Bell asked that both of these items be added to the agenda for action. Motion by Dr. Herrick, seconded by Mr. Futterer, to add these items to the agenda. Motion carried.

NEW BUSINESS:
INSURANCE
COMMITTEE

Dr. Bell asked Dr. Philpotts to address this item. Dr. Philpotts asked that the Faculty Senate approve the following recommendation: The Faculty Senate recommends that the University Insurance Committee meet at least one month prior to the meeting at which a final vote is taken on the adoption of medical insurance in order to give committee members enough time to confer with other faculty. Motion by Mr. Futterer, seconded by Dr. Pearson, to approve the wording as presented. Motion carried. Dr. Bell stated that he would refer this recommendation to the appropriate University official.

CHANGES IN
PROMOTION AND
TENURE POLICY/
PEER REVIEW
PROCESS

Dr. Bell asked Dr. Hamm to address his responses and recommendations to the Senate's four motions from April 9, 2002, regarding proposed changes in the promotion and tenure policy and the peer review process. Dr. Hamm stated that his recommendations were the result of a careful review of the *Faculty Handbook*, consultation and recommendations from the deans, and consideration of feedback received from faculty in response to a campuswide e-mail sent out August 28, 2002. The first motion read as follows: *Motion to delete Section II (Tenure and Promotions Procedures), pages 30-32 in the Faculty Handbook.* Dr. Hamm stated his belief that the deletion of Section C, paragraphs 1 - 4, of Section II should address issues of inconsistency related to promotion criteria noted in the

Senate's discussion last spring. Motion by Mr. Futterer, seconded by Dr. Philpotts, to accept Dr. Hamm's recommendation. Motion carried. This action will not require Board of Trustees approval.

Dr. Hamm then addressed the second motion which read as follows: *Motion to change the descriptive categories (page 22 of the Faculty Handbook) used to rate each of the evaluation categories from:*

"5. Extremely well qualified" to	"5"	
"4. Well Qualified" to		"4"
"3. Qualified" to	"3"	
"2. Not Qualified" to		"2"
"1. Extremely not qualified" to	"1"	

With "5" as the highest score possible and "1" is the lowest. Dr. Hamm outlined his proposal to change the evaluation ratings as follows:

"5. Extremely well qualified" to	"5. Excellent"
"4. Well Qualified" to	"4. Good"
"3. Qualified" to	"3. Satisfactory"
"2. Not Qualified" to	"2. Poor"
"1. Extremely not qualified" to	"1. Unacceptable"

Dr. Hamm stated that these descriptors better describe performance than those using the "qualified" terms. Motion by Dr. Mason, seconded by Dr. Pearson, to approve this recommendation. Discussion centered on the consistency of ratings given across campus, concern with the word "poor" as a rating descriptor, and the need for clearly defined narrative accompanying each rating in a performance evaluation. Motion by Mr. Futterer, seconded by Mr. Robison, to amend the original motion by substituting "needs improvement" for "poor" and stipulating that rationale or narrative be provided with each performance evaluation rating. Motion to amend carried. Motion to approve as amended carried. These recommendations will need to be presented to the Board of Trustees for review and the *Handbook* updated as appropriate wherever performance ratings are noted.

The third motion read as follows: *Motion that the wording of Section III D. 4. (a) of the Faculty Handbook, page 34, be changed to read as follows and added to Section I A. 2: Composition. Each department will establish a peer review committee. The peer review committees will be composed of full-time faculty members (suggested size 3-5 members), one of which must be tenured and hold the rank of Associate Professor or higher. For small departments, faculty members may be added from related departments.* Dr. Hamm distributed an amendment to his original decision regarding this motion which would make changes to two different sections of the *Faculty Handbook*. Section I A. 2., page 20, would read as follows: *An annual peer review of the teaching portfolio conducted by an elected departmental committee composed of tenured full-time faculty members that hold the rank of Associate Professor or Professor (suggested size 3-5 members). For a small department, faculty members may be added from a related department and exceptions to the rank and/or tenure condition may be made with approval of the Vice President for Academic Affairs. Classroom visitation, at the request of the faculty member, may also be included in the peer review process.* Section III D. 4. (a), page 34, would read as follows: *Composition: Each department will elect a peer review committee. The peer review committees will be composed of tenured full-time faculty members that hold the rank of Associate Professor or Professor (suggested size 3-5 members). For small departments, faculty members may be added from related departments and exceptions to*

the rank and/or tenure condition may be made with approval of the Vice President for Academic Affairs. Motion by Dr. Herrick, seconded by Dr. Trantham, to approve this recommendation.

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Discussion centered primarily on the flexibility this would allow departments with few senior faculty in electing members to their peer review committees. Dr. Hamm also emphasized that the election of peer review committees is being encouraged by the deans as part of the fall organizational activities prior to the beginning of the fall semester. Motion carried. The amendment of Section I will require review and approval by the Board of Trustees.

The final motion read as follows: *Motion to change the wording of number (2) under the section entitled Evaluation Procedures on page 22 of the Faculty Handbook from "peer review committee will meet annually with faculty member to provide a formative evaluation of the teaching area" to "peer review committee may meet annually with the faculty member to provide a formative evaluation of the teaching area. A meeting with the peer review committee will occur at the request of the faculty member.* Dr. Hamm stated that he will recommend to the Board of Trustees appropriate wording which will require only non-tenured faculty to meet annually with a peer review committee. He also stated that wording will be provided to allow either a tenured faculty member to request a meeting with the peer review committee or the peer review committee to request a meeting with a tenured faculty member. In response to a question, Dr. Hamm stated that a tenured faculty member would have the right to deny the peer review committee's request to meet. Motion by Mr. Futterer, seconded by Dr. Busch, to approve this recommendation. Motion carried.

STUDENT ACADEMIC CONDUCT POLICIES

Dr. Hamm then distributed a copy of proposed Student Academic Conduct Policies which will be presented to the Board of Trustees next week. The policy calls for the formation of a committee to review issues related to student academic misconduct and dishonesty. He reported that he will invite a member of the Faculty Senate to serve on this committee which will be formed at the beginning of each fall semester.

LEGAL ISSUES

Dr. Bell asked Mr. Pennington to address the Senate. Mr. Pennington clarified that he had been asked to address the following issues: University and instructor liability pertaining to field trips and laboratory assignments, legal issues relating to recommendations made by the University Promotion and Tenure Committee, and issues relating to students and Internet access in the Library and open computer labs. He stated that he would like to address the first two together and began by describing the process by which a "normal lawsuit" is handled. Mr. Pennington then stated that Article 5, Section 20, of the Arkansas constitution states that the State shall not be a defendant in its own courts. Therefore, as state employees, University employees and the University itself enjoy sovereign immunity. However, a claim can be filed against a state employee or entity with the Arkansas Claims Commission which consists of three individuals appointed by the Governor. If the commission awards damages in response to a claim and those damages total over \$7,500, then the award must be reviewed by a legislative committee which can either uphold or override the claims commission. The legislative committee's decision is final.

Mr. Pennington emphasized that immunity may be lost if it is determined that the employee acted with malice or if the employee was acting outside the scope of their employment. Arkansas Statute 21-9-203 (copy distributed) states that the State of Arkansas will pay actual damages in the event that a court determines damages against an employee of the state who acted in good faith within the scope of their employment and without malice.

Mr. Pennington stated that the University does not carry a general liability policy and that Arkansas Statute 19-10-305 (copy distributed) states that employees of the State are immune

from liability “except to the extent that they may be covered by liability insurance...”

Mr. Pennington described a policy carried by the University for errors and omissions which covers the Board of Trustees, administration, and faculty for any wrongful acts that arise out of employment issues (e.g., refusal to employ, termination of employment, discrimination, etc.). He stated that the University also carries a policy for motor vehicle insurance which covers the passengers but not the driver as the driver should be an employee covered by workers' compensation insurance.

After responding to several questions, Mr. Pennington stated that instructors must be careful to act within the scope of their employment when involved with student organizations. He suggested that field trips either be voluntary or, if mandatory, that University transportation always be provided. Mr. Pennington emphasized that lawsuits are always very “fact specific.” He also noted that the national offices of some fraternities and sororities can issue insurance for sponsors and encouraged faculty who act as sponsors to check on this possibility.

Mr. Pennington then addressed the issue of students and Internet access in the Library. He stated his understanding of the concern that students are using computers for personal reasons while others needing the computers for academic reasons are waiting. However, he asked that the Senators consider looking at this issue from another perspective. If only 100 chairs were available in the Library, would the Library need to regulate usage of the chairs or would the policy of “first come first serve” be most appropriate. Mr. Pennington stated that there is no legal rationale for regulating the usage of the computers. He did note that certain computers on each floor of the Library could be designated for certain purposes and that this could be enforced.

Dr. Kirkconnell stated that students were also concerned about not being able to use their laptops in the residence halls due to other students downloading and uploading video and music files. Dr. Hamm stated that software was installed during the Christmas break which will limit the bandwidth available in the residence halls that can be used for those purposes. This will guarantee that a certain amount of bandwidth is available at all times.

At this time, Dr. Hamm and Mr. Pennington excused themselves from the meeting.

CHANGES IN THE
UNIVERSITY
PROMOTION AND
TENURE
COMMITTEE

Dr. Bell asked Dr. Shry to address this item. Dr. Shry stated that he is recommending the following for consideration by the Senate: That the University Tenure and Promotion Committee provide written explanation for rejecting a faculty member for tenure or promotion. He stated that this change would address the issue of feedback being given to applicants as referenced in the *Faculty Handbook* on page 28, paragraph F, which states that applicants be given an opportunity to address “reported deficiencies.” Discussion centered on what will suffice as feedback from the Promotion and Tenure Committee with most agreeing that the committee as a whole should provide an indication of the area of deficiency but would not be required to detail deficiencies. Motion by Dr. Shry, seconded by Mr. Futterer, that the University Tenure and Promotion Committee provide written explanation for denying a faculty member for tenure or promotion. Motion carried.

Dr. Shry then addressed the issue of electing the Promotion and Tenure Committee rather than the committee being appointed. Motion by Dr. Shry, seconded by Dr. Busch, that the University Tenure and Promotion Committee be elected by the faculty as a whole, rather than be appointed. Discussion included a concern that non-tenured, junior faculty could be elected to this committee and a reminder that committee members are selected from elected peer

review committees. Motion failed.

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- FALL BREAK Dr. Bell asked each Senator to report on campus sentiment regarding a fall break. Most reported that faculty were in favor of incorporating a fall break into the academic calendar. Dr. Bell then asked for the appointment of a Senator to the committee being formed to study this issue. Motion by Dr. Smith, seconded by Dr. Mason, to appoint Dr. Kirkconnell to serve in this capacity. Motion carried.
- ADVISORY Dr. Bell asked for an appointment to serve on the Advisory Committee for the Center for
COMMITTEE Teaching and Learning. Motion by Dr. Mason, seconded by Mr. Robison, to appoint Dr. Pearson to serve on this committee as the Senate's representative. Motion carried.
- ANNOUNCEMENTS/
INFORMATION Dr. Herrick reported that the monitoring of web courses discussed in Open Forum during
ITEMS the December Senate meeting has been discussed at Deans Council. Dr. Bell affirmed this report and stated that the School of Education has already held a meeting on the issues raised by the Senate.
- ADJOURNMENT The meeting adjourned at 4:10 p.m.

Respectfully submitted,

Kathy Pearson, Ed.D., Secretary