

Minutes of
THE FACULTY SENATE
OF
ARKANSAS TECH UNIVERSITY

The Faculty Senate met Tuesday, December 4, 2012, at 1:00 p.m. in Room 325 of the Ross Pendergraft Library and Technology Center. The following members were present:

Dr. Carey Bosold	Mr. Ken Futterer
Dr. Chris Kellner	Dr. Sherman Alexander
Dr. Eric Lovely	Dr. Susan Underwood
Dr. Johnette Moody	Dr. Marcel Finan
Dr. Sean Huss	Dr. David Ward
Dr. Michael Rogers	Dr. Ernest Enchelmayer
Mr. Neal Harrington	Ms. Annette Stuckey
Dr. Robin Lasey	Dr. Cathi McMahan
Dr. Kevin Mason	

Dr. Dan Bullock, Dr. Annette Holeyfield, and Dr. Molly Brant were absent. Dr. Carl Greco, Dr. Rebecca Burriss, and Mr. Ken Wester were visitors.

CALL TO ORDER

President Futterer called the meeting to order and asked for a motion to approve the minutes of the November 13, 2012, meeting.

APPROVAL OF
MINUTES

Motion by Dr. Lasey, seconded by Dr. Moody, to approve the minutes as distributed.
Motion carried.

NEW BUSINESS:
REPORT ON
BLACKBOARD

President Futterer asked for a motion to amend the agenda and allow Mr. Wester to give a report on Blackboard.

Motion by Dr. Enchelmayer, seconded by Dr. Mason, to add this item to the agenda as New Business. Motion carried.

Mr. Wester distributed information concerning a Blackboard system upgrade for spring, 2013, taking place on or around December 23 or 24, 2012. He reported that, due to the advent of eight week courses, Computer Services does not have a clear window when classes are not scheduled during which to perform network and system upgrades except during the December break. The Blackboard upgrade will include service packs 9 and 10, with perhaps some of the more dramatic changes in features turned off initially and implemented gradually. A link on Blackboard will list the service pack updates and the features of the upgrades. As this is an upgrade, no weblinks should be broken.

President Futterer questioned the lack of wireless capability in the residence halls, stating he had received several complaints by students this semester relating to this issue. Mr. Wester responded that the decision to put wireless only in the lobby areas of the residence halls was due primarily to cost. He described most of the residence halls as “thick, concrete buildings” which would necessitate placement of numerous wireless units throughout in order to achieve a true wireless environment. However, he noted Student Services has also received those same complaints by students and is looking at the situation.

There being no further questions, President Futterer thanked Mr. Wester for his report, and Mr. Wester excused himself from the meeting.

WORKER'S
COMPENSATION

President Futterer asked Dr. Kellner for a report. Dr. Kellner reported he had asked Mr. Pennington for a statement to include in the *Faculty Handbook* relating to coverage of faculty for worker's compensation and distributed Mr. Pennington's response. In summary, Dr. Kellner indicated that worker's compensation does cover faculty; however, every claim submitted is reviewed by the insurance company and coverage either honored or denied by the company. Dr. Kellner read Mr. Pennington's suggested language for the *Faculty Handbook*:

Faculty members who are injured while acting within the scope of their employment will be eligible to file for Worker's Compensation insurance.

Motion by Dr. Kellner, seconded by Dr. Lovely, to recommend inclusion of this statement in the *Faculty Handbook*. Motion carried.

OLD BUSINESS:
CURRICULAR
ITEMS

President Futterer noted the tabled curricular items from the Department of Nursing had been revised, including more clearly defined justifications for the course additions, and asked for any further discussion.

Motion by Dr. Lovely, seconded by Dr. Rogers, to approve the following proposals:

Department of Nursing

1. add NUR 3792, Theoretical Competency I, to the course descriptions;
2. add NUR 4792, Theoretical Competency II, to the course descriptions;
3. add NUR 4971, Pharmacology Review, to the course descriptions;
4. add NUR 4981, Introduction to Oncology, to the course descriptions;
5. add NUR 4983, Nursing Perspectives on Aging, to the course descriptions; and
6. modify the Curriculum in Nursing, in Nursing for Registered Nurses, and in Nursing for LPNs and update the Admission section detailed in the Department of Nursing catalog introduction as follows:
 - (a) allow BIOL 2014, Human Anatomy, or BIOL 2404, Human Anatomy and Physiology I; and
 - (b) allow BIOL 3074, Human Physiology, or BIOL 2414, Human Anatomy and Physiology II.

Motion carried.

REPORT ON
RETIREMENT
FUNDS

President Futterer distributed copies of a memo (see Attachment A) received from Mr. Moseley, Senior Vice President for Administration and Finance, in response to the inquiry concerning employees being allowed to access TIAA/CREF funds contributed by the employee. President Futterer noted the examples contained within the memo and stated that other universities do allow this accessibility. Members borrow from their plans, pay a fine to the IRS for early withdrawal, and receive the funds as a loan. Mr. Moseley had also described situations where the loans were then defaulted upon.

President Futterer stated that the decision to not allow loans from these contributed funds was made by ATU. He suggested placing this issue before the faculty at large during the spring elections, thereby recording the will of the faculty. Dr. Huss and others indicated discussions with colleagues with the majority wanting this accessibility feature written into ATU's plan. Dr. Rogers advocated speaking with a TIAA/CREF representative concerning the potential options available, which would allow the Senate to be "as concrete as possible" in making a recommendation to the administration after the vote of the faculty.

Motion by Ms. Stuckey, seconded by Dr. McMahan, to invite a representative of TIAA/CREF to discuss this issue with the Senate. Motion carried.

REPORT ON
FACULTY HIRING
PRACTICES/
REVIEW OF
INTERNATIONAL
FACULTY STATUS

President Futterer asked for a report. Dr. Kellner distributed a summary of information gathered by the subcommittee on practices of other universities relating to sponsorship of international faculty (see Attachment B). Additionally, the subcommittee recommended that Arkansas Tech University “follow the examples set by other universities in Arkansas and the United States as a whole in selecting the best applicants for faculty positions including international applicants.”

President Futterer stated this report would be added to the minutes and asked for action.

Motion by Dr. Lovely, seconded by Dr. Rogers, to submit the report to the Vice President for Academic Affairs and support the recommendation made. Motion carried.

Dr. Greco asked to address the Senate. He reported he had contacted the Little Rock office of the EEOC, and this office had confirmed what Dr. Watson had previously asserted. Inclusion of a statement within an advertisement that the university would not support a visa application would be a violation of EEOC policy. The EEOC had recommended a follow up discussion with the Department of Justice. The Department of Justice representative had reported an employer is not required to sponsor an individual for a visa. Dr. Greco concluded that not sponsoring Dr. Julius Marpaung was therefore not a legal violation, but perhaps an ethical one as Dr. Marpaung had expected the sponsorship upon his hire.

REPORT BY
SUBCOMMITTEE
REVIEWING
PROMOTION AND
TENURE ISSUES

President Futterer asked for a report. Dr. Lasey reported that the subcommittee was meeting and would continue its work into the spring semester.

REPORT BY
SUBCOMMITTEE
ON FACULTY
SENATE
MEMBERSHIP

President Futterer reported he had spoken with Mr. Bill Parton, Director of Library, concerning possible representation on the Senate. Mr. Parton had indicated interest in a non-voting representative. Dr. Huss commented he had spoken with several staff members who were interested in formation of a Staff Senate, but were not interested in representation on the Faculty Senate. President Futterer asked that all senators speak with staff across campus to see if there is widespread interest in the formation of a Staff Senate.

EVALUATION OF
ADMINISTRATORS

President Futterer noted no action by the administration or Board of Trustees on the previous month’s recommendation. He stated he would continue to monitor and report.

OPEN FORUM

President Futterer noted Dr. Bullock has resigned from the Senate as he is leaving the university.

Motion by Dr. Mason, seconded by Dr. Enchelmayr, to accept the resignation. Motion carried.

President Futterer expressed appreciation for Dr. Bullock’s service, both on the Senate and on the faculty. He stated he would send Dr. Brown’s office a note asking for an appointment to replace Dr. Bullock for the balance of his term, which is the spring 2013 semester.

President Futterer reported an apparent policy mandating that incoming freshmen must be 18 to live in residence halls; however, some freshmen are not yet 18 when classes start. He expressed concern and wondered if exceptions were ever made to this policy.

Dr. Underwood commented that housing underage students on campus would necessitate the university assuming a legal responsibility for them beyond that for “adult” students.

Dr. Underwood also reported that a graduate student over 24 cannot live on campus.

Dr. Rogers questioned whether statistics were available on how many students the policy affected and where this policy is printed.

President Futterer stated he would speak with Student Services concerning these issues and either report back at the next meeting or invite someone to attend to address the issues.

Dr. Rogers advised that one of his colleagues had expressed an interest in having the *Faculty Handbook* printed once every five to seven years, acknowledging that this is an expense. Dr. Lasey stated she would rather have university resources spent on instructional supplies. Dr. Finan suggested that faculty wishing a hard copy could request one of Academic Affairs.

Dr. Bosold commented that visitors to campus must go to Public Safety themselves in order to receive a visitor hangtag and stated this was not “friendly.” In the past departments had been able to obtain visitor passes and distribute these on a daily basis, but the policy had apparently changed. President Futterer stated he would check on this policy when speaking with Student Services.

Dr. Kellner questioned whether others had noticed an increased incidence in academic dishonesty over the past six or seven years. He indicated his frustration and noted he had at least one instance of academic cheating each semester. Dr. Rogers noted that at one time a group of faculty were interested in creating an academic honesty statement. He stated such a policy would not be punitive but educational with acceptable practices outlined. President Futterer asked if there was interest in a subcommittee to look at this issue. Dr. Moody, Dr. Kellner, Dr. Bosold, and Dr. Rogers volunteered to form such a committee. President Futterer asked that this group meet first and determine what other members needed to be included.

ANNOUNCEMENTS/
INFORMATION
ITEMS

President Futterer noted the spring meeting dates listed on the agenda, with the first meeting for spring on February 12, 2013, at 3 p.m. in Pendergraft 325.

ADJOURNMENT

The meeting adjourned at 2:06 p.m.

Respectfully submitted,



Ken Futterer, M.M., President



Sean Huss, Ph.D., Secretary

Attachment A



ARKANSAS
TECH
UNIVERSITY

Russellville, Arkansas
November 20, 2012

MEMORANDUM

TO: Mr. Kenneth T. Falterer, President
Arkansas Tech University Faculty Senate

FROM: David C. Moseley, Senior Vice President for Administration and Finance *DM*

SUBJECT: TIAA/CREF

I am in receipt of your letter dated November 14, 2012 concerning the accessibility of retirement funds and specifically the possibility of a loan from funds contributed by a member.

The TIAA/CREF regional representative from Dallas, Texas was on campus last week and he related to us a trend that is occurring with college and universities which permit loans to members. A member deposits funds as required by a plan document. Once sufficient funds are on deposit, they apply for a loan, pay the required Internal Revenue Service penalty for early withdrawal and receive the balance as a loan and then default on the loan. In many cases, the individual has many loans and in one instance an individual had twenty loans and had defaulted on every loan.

Note 14 to our financial statements indicates that Arkansas Tech University participates in TIAA/CREF, a defined contribution plan as approved by the Internal Revenue Service Code of 1986. A defined contribution plan is a type of retirement plan in which the amount of the employer's annual contribution is specified.

The current administration considers a retirement plan to be a long term commitment and funds directed to that plan will not be eligible for early withdrawal. The current document does not provide for loans and there are not any plans to amend the document.

We are always glad to provide a written response to items of concern from the faculty senate.

ccm201-12 Moseley
11/20/12

Attachment B

At the request of the Senate, Drs. Lovely, Kellner, Finan, and Huss formed a committee to determine processing strategies used by other universities in Arkansas associated with H1B visa applications and the costs of processing such applications. Dr. Kellner spoke to Michael Freeman, Director of International Students and Scholars at the University of Arkansas at Fayetteville and Lori Winn, Director of Human Resources at Arkansas State University in Jonesboro.

The UOA at Fayetteville has two staff members that conduct new foreign faculty through the H1B visa application process. The staff members were trained at a workshop held by NAFSA: The Association of International Educators. Michael also mentioned that the staff members benefitted by observing how other universities processed the H1B visa application and he did not anticipate any problems with allowing a representative of ATU to observe the office at the UOA. Fayetteville spends \$825.00 for each H1B visa applicant and has not had any serious problems.

Arkansas State at Jonesboro (hereafter ASU) uses a slightly more expensive strategy but they have a budget set aside to pay for processing H1B visa applications. Lori explained that ASU has a staff member that acts as a liaison to an attorney that specializes in immigration law. Their cost averaged around \$2,200.00 and Lori mentioned that they did not have any serious problems. She also mentioned that ASU encourages their faculty to initiate applications for green cards within the first 18 months of employment at ASU.

Dr. Finan obtained information concerning how Missouri State University (hereafter MSU) supported their international faculty. At MSU individual departments hiring a foreign faculty member are responsible for paying fees out of departmental funds. In addition to the \$325 processing fee, and the \$500 fraud prevention fee, MSU departments pay \$1200 filling fees for an immigration attorney.

The subcommittee of the Faculty Senate also explored attorney fees by searching for immigration attorneys online. The Law Office of Ajay Arora is an attorney office in New York that will file H1B visa forms. They charge \$495 to start the application process for an H1B visa and another \$400 due upon USCIS approval. The Shah Peerally Law Group charges \$750 to \$1250 per H1B visa application (price within this range depends on negotiated volume discount). Zhang & Associates charges \$2125 plus the \$500 fraud prevention fee. Finally an attorney in Los Angeles, Manju Patil specializes in H1B applications and charges \$1250 for his services.

In closing, we found that other universities eagerly sponsored, and did not experience any substantial problems associated with recruiting, foreign faculty. Given the increasing proportion of international students graduating with PhD's in the United States, our policy of not sponsoring international faculty for their H1B visas limits the applicant pool from which ATU can draw faculty. In order to maintain the highest possible quality of faculty at Arkansas Tech, we should follow the examples set by other universities in Arkansas and the United States as a whole in selecting the best applicants for faculty positions including international applicants.