

Minutes of the Faculty Senate

Presiding: Jill Dapremont (Nursing)

Date: 02-22-2022

Secretary: Jeff Thieme (Marketing & Supply Chain Management

Senators Present: Reza Banai (City & Regional Planning), Theodore J. Burkey (Chemistry), Gerald Chaudron (Univ Libraries), Jill Dapremont (Nursing), Frances Fabian (Management), Hal Freeman Jr. (Professional & Lib. Studies), David Gray (Philosophy), Denis D. Grélé (World Lang & Lit), Rebecca Howard (Art), Stephanie Huette (Psychology), Eddie Jacobs (Electrical & Computer Engineering), Brian Janz (Business Info. Tech), Jessica Jennings (Biomedical Engineering), Shelley Keith (Criminology & Criminal Justice), Maggie Landry (Social Work), Jeni Loftus (Sociology), Joaquin Lopez (Economics), Jeff Marchetta (Mechanical Engineering), Scott Marler (History), Sanjay Mishra (Physics), Debbie Moncrief (Comm Sciences & Disorder), Deanna Owens-Mosby (Instr. & Curr. Leadership), Patrick Murphy (CEPR), Fawaz Mzayek (Public Health), Steven L. Nelson (Leadership), Esra Ozdenerol (Earth Sciences), Matthew Parris (Bio Sciences), Michael Perez (Anthropology), Zabiholah Rezaee (Accountancy), David Romantz (Law), Terri Del Rosso (Jour. & Strategic Media), Brian Ruggaber (Theatre & Dance), Sajjan G. Shiva (Computer Science), Craig Stewart (Communications), Mark Sunderman (Fin, Ins, & Real Estate), Scott Sundvall (English), Jeff Thieme (Marketing & Supply Chain Management), Jennifer Thompson (Architecture), Carolyn Hull-Toye (Information Technology), William P. Travis (Health Studies), & Máté Wierdl (Mathematical Sciences), and Daryn Zubke (Music).

Senator Present by Proxy:

Senators Absent: Curt Schuletheis (Mil Sci-Naval Sci), Kris-Stella Trump (Political Science), Brennan K. Berg (KWS), Eugene Buder (Comm. Sci. Disorders), Michail Gkolias (Civil Engineering), Erno Lindner (Biomed. Engineering), Jim McGinnis (Engineer & Tech), Steven Schwartzbach (Biology),

Faculty Senate Information Officer: To be determined

Guests: David Cox (UMAR Rep), Jasbir Dhaliwal (Research and Innovation), Markia Hilliard (Faculty Senate Admin), David Kemme (Economics), Thomas Nenon (Provost), Martha Robinson (Lambuth Liaison), Carol Silkes, Meghan Cullen (Pride and Equity), James Orr Jr. (Management Administration), Laura Testino (Commercial Appeal)

The four-hundred-and-eighty-fifth meeting of the University of Memphis Faculty Senate was held on Tuesday, February 22, 2022, via the Zoom video conferencing platform due to restrictions imposed in response to the COVID-19 global pandemic.

02.22.22.01 CALL TO ORDER (2:40 P.M.)

President Jill Dapremont called the virtual meeting to order at 2:40 pm with a quorum present.

02.22.22.02 APPROVAL OF AGENDA

The agenda was approved as written.

02.22.22.03 APPROVAL OF MINUTES

Faculty Senate - January 25, 2021

The minutes of the January 25, 2021, Faculty Senate (FS) meeting were approved as written with one change removing David Goodman from the Attendance section as he is no longer a Senator.

02.22.22.04 PRESIDENT'S REPORT

President's Council Update

President Dapremont yielded to Parliamentarian Mark Sunderman who reviewed Robert's Rules of Order related to the rules for speaking (the number of times a Senator may speak on each issue, addressing comments to the presiding officer and not to other Senators, confining debate to the merits of the pending question, the proper procedure for making a point of information, etc.).

President Dapremont reported that the President's Council will meet with incoming University President Hardgrave on April 4. Other issues addressed in this month's President's Council meeting will be addressed later in her report.

President Dapremont yielded to Dr. Jasbir Dhaliwal (Executive Vice President for Research and Innovation) who spoke about sustainability of our Carnegie R1 status. He thanked the Senate for the opportunity to speak and thanked all faculty for the university's achievement of Carnegie R1 status. He stressed two criteria that were important in attaining R1 status: 1) research spending broken down into science and non-science and 2) the number of doctoral degrees (not master's degrees). Performance in both categories improved. The question now becomes: What is our ability to sustain R1? He believes we have a strong chance of maintaining R1 status. The next rankings will come out in 2024. Some of the data for those rankings will be collected this fall, so we must start work on R1 sustainability right now. He has met with deans and chairs to discuss R1 sustainability. We have strong humanities and social science programs on campus. This strength helped push us into R1 recognition. Carnegie is

moving from Indiana University to the American Council of Education (ACE). The model (and criteria) may change. He will monitor that activity for any changes.

Senator Scott Sundvall asked how achieving R1 status leads to increased funding from the state? Dr. Dhaliwal responded that we have requested, and the governor announced a \$50M endowment for R1 sustainability. We are working to match that and already have \$40M in commitments. The endowment will be put in a foundation, and we'll draw on earnings over time. That money won't kick in until about two years from now. There is one caveat. Donors of matching dollars might have conditions for the funds (i.e., endowed chair in a particular department).

Senator Zabi Rezaee thanked Dr. Dhaliwal for his efforts in achieving R1 status and asked him about sustainability, specifically the risks from possible changes in criteria. He also asked him to communicate any changes and engage faculty. Dr. Dhaliwal responded that faculty should keep graduating PhD students and keep getting outside funding. If your department is sitting on carryforward funds, it should spend those funds on research this fiscal year. Also, he believes that ACE would like to include social and economic mobility of our students in their criteria, but they haven't said how they will measure it.

Senator Máté Wierdl noted that many faculty are thinking that attaining R1 status will result in sizable raises. He pointed out that the proposed raises seem to be half of inflation. He asked Dr. Dhaliwal to address why we would be getting such low raises despite attaining R1 status. He also asked if we should expect something higher next year. Dr. Dhaliwal responded that raises are function of the governor and legislature and he's not able to speak to the issue. He suggested that for those faculty who are really helping us attain R1 status, deans and chairs should reward them consistent with R1 universities. He also noted that faculty bringing in research dollars are able to fund their research up to 33% of their salary in the summer. R1 status will help us get more and larger grants, get better faculty, and attract good graduate students to help with our research. He then deferred to the Chief Financial Officer (CFO) on salaries. Provost Nenon added that he has discussed the issue with Raaj Kurapati (CFO). R1 status gives us a legitimate claim to funding by the state consistent with R1 status. Previously, the University of Tennessee at Knoxville (UTK) was receiving significant more funding than us. The state is moving in this direction with the \$50M funding increase. Our incoming president will need to continue pressing for more from the state. It will be a process.

Provost Meeting with the EC

President Dapremont reported that Provost Nenon met with the Executive Committee (EC) and discussed Canvas observers that are now visible to faculty in Canvas. The EC referred the issue to the Teaching and Learning Advisory Committee (TLAC) where Parliamentarian Mark

Sunderman is the Senate representative. She yielded to Parliamentarian Sunderman who reported that there was an extended discussion of the observer role in the last TLAC meeting. If faculty click on People tab in Canvas, they will note that they have several observers if they have student athletes. In the past, D2L (Desire2Learn) had a role called auditor. That role allowed athletics to access courses to check student athletes' grades and activities in the class. It was extremely limited. Faculty did not know about auditors in D2L. In Canvas, this role is now called an observer and they are visible in our classes. The observer role in Canvas is much broader than the auditor role was in D2L. In Canvas the observer role has access that is fairly close to being able to see everything that the athlete can see. An observer can't open a quiz or submit assignments or post discussion questions. They can see discussions, content, modules, announcements, and comments in grading. He is working with Mr. Fernandez West (Associate Athletic Director, Academic Services). He noted that Mr. West was shocked about the amount of access provided through the observer role. It's far more access than they want or need. He and Mr. West are working to see what can be done about this. He met with Mr. West in their facilities to see what observers can see.

President Dapremont clarified that Parliamentarian Sunderman, as our TLAC representative, will continue to bring further movement on this issue to the Senate.

Dean's Council Meeting 1/26/2022

President Dapremont reported that deans will make Strategic Resource Investment (SRI) presentations to incoming University President Hardgrave on April 11, 12, 18, and 19. Provost Nenon discussed best practices for faculty searches. She yielded to Provost Nenon who noted that he is aware of concerns in some faculty searches. As he looks into it, they differ across departments and sometimes there aren't clear guidelines. This creates conflict. He is working with chairs and deans to develop guidelines that can be consistently followed that are explicit in the roles of search committees, department faculty, deans, chairs, etc. It is his view that the faculty member being hired is best served if as many people in the department support the appointment. His recommendation is that in most cases, and especially small departments, actions taken (i.e short list, campus invites) should be approved by all faculty in the department. Deans and chairs should not impose candidates on departments. He wants to maximize faculty engagement, transparency, and consensus at each stage.

President Dapremont reminded Senators about COVID contact tracing. If faculty test positive, they should contact HR. Students testing positive should be referred to the dean of students.

Preparedness Planning Meeting 2/25/2022

President Dapremont reported that COVID cases are declining within the university consistent with the decline across the state. A student requested mask compliance in a class due to a vulnerability and voluntary compliance was achieved in that case. The university continues to follow CDC recommendations. PCR (polymerase chain reaction) and rapid testing will continue

to be offered on campus using CARES funding. The CIO is considering opening labs and study rooms as the decline in cases continues.

Center for Research in Educational Policy (CREP)

President Dapremont reported that the administrative survey (President, Provost, and deans) ended on the 15th. Results will be provided on March 4 and presented to the next FS meeting. Participation was low despite email reminders.

ISAC Update

President Dapremont reported on some updates on ongoing activities. Information Technology Services (ITS) is partnering with Microsoft (MS) to end third party scanning and Mimecast. MS will be scanning instead of Mimecast. A simulated phishing campaign will begin March 1 and continue through September 31. This will be an internal test and the first group will be those with access to financial information and those in ITS. Penalties won't be assigned until at least 2023, but they are being considered. Any potential penalties will come to the Senate for approval before implementation. Once transferred to MS, there will be an icon for easy reporting of potential phishing emails and this icon will replace abuse@memphis.edu reporting. They discussed general data protection regulation (GDPR) compliance, especially for study abroad programs, vulnerabilities, and dual authentication.

Senator David Romatz asked about administrator surveys. Informally there was a sense in the Law School that nothing ever results from the surveys. He asked how the Provost uses them in evaluating deans and how we can make them more meaningful. Provost Nenon responded that he reads all the results and comments to assess sources of dissatisfaction. He takes the survey results into account in annual evaluations and implements strategies for improvement as needed.

Senator Sundvall reported that he hasn't receive an email invitation for the survey until this year and noted that missing email invitations might account for low participation. President Dapremont responded that she hasn't received any emails from faculty who did not get email invitations for the survey.

Regarding the observer role in Canvas, Senator Martha Robinson asked whether they can see correspondence to the specific athlete and if they have access to the entire class. Parliamentarian Sunderman responded that each observer is assigned to a specific athlete. There are also supervisors that observer the observers. Observers cannot see anyone else in the class. However, the observer can see what the student can see. Students can see class discussions, so the observer can see class discussions. The observer cannot see other students. The observer can see what's in course modules. Senator Robinson noted that her students work in teams and use team discussion boards and asked if observers can see those team

discussion boards. Parliamentarian Sunderman responded that he's not 100% sure if they can see groups, but they can see general discussions.

Senator Rezaee noted that when faculty post anything on Canvas, it's public information. He's very careful in what he posts on Canvas, so it's not an issue to him. Parliamentarian Sunderman responded that he's not sure what Senator Rezaee means with respect to postings in Canvas being public information. He believes that you must be an enrolled student to view materials in Canvas. Provost Nenon added that we should be aware that when something is posted on Canvas, a student might copy it and post it somewhere else. But no one not enrolled in the class can directly access course materials. Senator Sundvall noted that it's a one-party consent state and Freedom of Information Act (FOIA) requests could lead to course content access. Parliamentarian Sunderman noted that student athletes are required to sign FERPA releases to allow observers access. Athletics is working to rework the FERPA form to conform to access in Canvas to ensure full compliance.

Tennessee University Faculty Senators (TUFS) Meeting 1/28/2022

President Dapremont reported on the TUFS meeting. They discussed the governor's state of the state address, legislative reports for the upcoming legislative session, affiliation authorization for universities to sponsor veterans and ROTC, name image and likeness (NIL) laws, campus safety (guns may be discussed), testing flexibility for admissions (ACT/SAT), critical race theory (CRT), and tenure. She noted that Katie VanLandingham (Chief Government Relations and Policy Officer), has indicated that the tenure bill probably won't pass. This weekend, she received notification of a letter from TUFS to be sent to the Education Committee in the state legislature. The letter deals with diversity, equity, and inclusion (DEI) issues. The EC suggested that the letter go before the Senate for a vote. Due to the time sensitive nature of the letter, the FS couldn't vote before the letter went out earlier today. She will post letter in MS Teams for comment. Comments can then be sent to TUFS.

Senator Wierdl asked what the issue was with ACT and SAT scores and whether tenure is in some kind of danger. President Dapremont responded that the issue of ACT and SAT scores is whether universities will have flexibility in deciding whether or not to use them for admissions. Regarding tenure, our legislative liaison suggested that it would be on the agenda, but she's not sure about specific details. Provost Nenon added that Ms. VanLandingham provides him with regular updates. He's not aware of any current bills that would affect tenure. Also, with respect to using ACT and SAT scores for admissions, our position is that the university should have flexibility to use whatever is appropriate to evaluate candidates and those criteria should not be mandated by the legislature. President Dapremont reported that the spring TUFS meeting will be on April 29 and President-elect Pat Travis will attend that meeting in Cookville, TN.

02.22.22.05 OLD BUSINESS

President Dapremont announced that Dr. Sara K. Bridges, Associate Professor, Counsel Education Psych Research, started work in the Ombudsperson position on February 1. A joint statement of introduction was sent on behalf of Faculty Senate Office and Provost Office and the website and contact information have been updated.

02.22.22.06 REPORTS

Standing Committee Reports

Academic Policies Committee

President Dapremont yielded to Senator Brian Janz, Academic Policies Committee Chair, who reported that he met with Dr. Eli Jones for an update on current research on Student Evaluation of Teaching Effectiveness (SETE) reports. Last semester there were 6,000 respondents. That number could have been better, but there was a good amount of data to analyze. Revisions for last semester's SETEs were an improvement. They are still on track for an 18-item, 6-dimension survey. The next steps are 1) to continue validation efforts, and 2) conduct cognitive interviews with 10-12 students while completing the survey. The Provost's Office was kind enough to support the effort with gift cards for interviewees. The final product will be implemented in fall 2022.

Senator Fawaz Mzayek asked if there will be room for unit specific questions in the new SETE. Senator Janz responded that there will be ample space for that in the new SETEs.

Academic Support Committee

President Dapremont yielded to Senator Michael V. Perez, Academic Support Committee Chair, who reminded Senators that the deadline for security awareness training is February 28. He also reported on phishing testing mentioned earlier in the meeting, additional security measures to address vulnerabilities, there are no new Canvas updates, and the replacement of Mimecast with MS scanning.

Administrative Policies Committee

President Dapremont yielded to Senator Theodore Burkey, Administrative Policies Committee Chair, who reported that the Administrative Policies Committee will submit a motion for the timing of student access to online course content later in the meeting. For future reference, as the issue will likely arise again, a brief report of information leading to the motion will be submitted to the Faculty Senate. Also, the Administrative Policies Committee was charged with investigating potential options for faculty who do not comply with security awareness training. While weighing various options, Senator Janz disclosed the strategy being developed by the ISAC committee to address the problem. Further consideration by the Committee will depend on the success of their approach.

Budget and Finance Committee

President Dapremont yielded to Senator Rezaee, chair of the Budget and Finance Committee, who reported that the Committee met on Monday (February 7) to discuss the motion on salary raise distributions. The motion was unanimously approved by the Committee. The Committee retained items #1 and #2 and modified/simplified item #3 from the previously failed motion.

Committee on Committees

President Dapremont yielded to Senator Daryn Zubke, Committee on Committees Chair, who reported that the Committee has a motion to appoint a trustee to the Sick Leave Bank Committee. President Dapremont stated that since the motion wasn't submitted on time, it will be taken up during the next FS meeting. Senator Zubke announced that the Committee will be recommending Senator Stephen Watts for the position.

Faculty Policies Committee

President Dapremont yielded to Senator Marchetta, Faculty Policies Chair, who reported that the Faculty Policies Committee met to review the input it has received on potential faculty handbook revisions through MS Teams on the 2022 Faculty Handbook Draft. The Committee has proposed some minor revisions which are posted in MS Teams to address the feedback it has received. As a reminder, the deadline for Senator input on the Handbook is March 25 according to the timeline approved by the Senate last month.

Library Policies Committee

President Dapremont yielded to Senator Craig Stewart, chair of the Libraries Policy Committee, who reported that the Committee has no report.

Research Policies Committee

The Research Policies Committee did not have a report.

Senate Representative Reports

Information Security Advisory Committee (ISAC) – Brain Janz

President Dapremont yielded to Senator Janz who stated that he didn't have anything to report that wasn't already discussed during the President's Report. See Appendix A.1 for a written report.

Faculty Trustee Report – David Kemme

President Dapremont yielded to Faculty Trustee David Kemme who reported that most of what he was going to discuss was already covered in the meeting. He added that Katie VanLandingham has sent Trustees information to keep them abreast of various issues. Next week are the board meetings. He encouraged Senators to attend or observe online. The agenda will probably be available by the end of week.

02.22.22.07 NEW BUSINESS

Motion opening classes to students prior to the first day of Class – Administrative Policies Committee, Chair Ted Burkey

President Dapremont yielded to Senator Burkey who read the motion (See Appendix A.1).

The motion is adopted by a vote of 30 for, 7 against, and 2 abstain.

Motion to Recommend Salary Raise Distribution for FY 2023 – Budget and Finance Committee, Chair Zabiholah (Zabi) Rezaee

President Dapremont transferred control of the meeting to President-elect Travis who yielded to Senator Rezaee who read the motion (See Appendix A.2).

Secretary Jeff Thieme moved to amend the motion by adding the following sentence to the end of point #1: "Fully funding the faculty salary raise pool recommended by the state should be the top budget priority for the university."

Senator Wierdl seconded the motion to amend.

The motion to amend is adopted by a vote of 38 for, 0 against, and 2 abstain.

Senator Sundvall moved to amend point #2 such that the phrase "only from that pool" should read "only from the respective pools".

Senator Burkey seconded the motion to amend.

The motion to amend is adopted by a vote of 29 for, 4 against, and 6 abstain.

Senator David Gray moved to amend by replacing the portion of point #3A after the first sentence with: "The state approved 4% increase of the salary pool for full-time faculty members be divided by the number of full-time faculty and split equally among them (both 9-month and 12-month)."

Senator Sundvall seconded the motion to amend.

The motion to amend is adopted by a vote of 24 for, 9 against, and 3 abstain.

The amended motion is adopted by a vote of 24 for, 8 against, and 5 abstain.

02.22.22.08 GUEST

New Collaboration - Pride and Equity Alliance to Faculty and Staff, Co-Chair Meghan Cullen

President-elect Travis transferred control of the meeting back to President Dapremont who yielded to Meghan Cullen who made a presentation on the Pride and Equity Alliance. She noted that alliance is a newly formed coalition of faculty and staff to raise awareness of LGBTQ issues both at the university and in the Memphis area. There are two other cochairs of the organization: Michael Clinton (Coordinator for Recruitment, College of Health Sciences) and Regina Hillman (Clinical Assistant Professor of Law). It is open for any faculty and staff to join. The organization identifies any shortcomings that the university has in terms of offering support for LGBTQ people. It also reviews processes to ensure inclusion for the LGBTQ community. She announced their spring speaker series on April 21 in the Rose Theater. The speakers will be Jim Obergefell (lead plaintiff in the 2015 United State Supreme Court case, Obergefell v. Hodges, which legalized same-sex marriage nationally), attorney Al Gerhardstein (whose long history of gay rights litigation is featured in a Netflix documentary "Amend: The Fourteenth Amendment and the Story of Inclusion"), and Debbie Cenziper (Pulitzer prize-winning author and Washington Post investigative reporter). The organization has also created an LGBTQ student emergency fund. She referred interested Senators to the organization's website (memphis.edu/pride) and her email address (mcullen@memphis.edu).

02.22.22.09 ANNOUNCEMENTS

Commencement – May 7

Please complete your Security Awareness Training by February 28, 2022
Senate Elections for Academic Units and Departments will be held in March

President Dapremont reviewed the announcements.

02.22.22.10 ADJOURN

The meeting adjourned at 5:15 pm.

Appendix

A.1: Motion Opening classes to students prior to the first day of Class

Originator: Administrative Policies Committee

Whereas,

The Administrative Policies Committee was charged to "bring forth a motion regarding the timing of the opening of student access to courses in the learning management system (LMS) each semester". While many members of the faculty wish that students can have the benefit of access to online course material prior to the first day of classes, most of the faculty do not. Given the new LMS does not have a mechanism to allow student access before the first day of classes, the Committee recommends that the LMS should only be accessible on the first day of classes.

Be it resolved that; The Faculty Senate request ITS to open the university's learning management system to students on the first day of classes each semester. In the future, the learning management system should only be opened earlier than the first day of class each semester on an exception basis when a simple and efficient mechanism is available as determined by ITS.

Recipients:

Robert Jackson, CIO

Scott Vann, Interim Director of Digital Learning | UM3D

Thomas Nenon, Provost and EVP

Motion ### 1//25/2021 Vote: # For, # Against, # Abstain

A.2: Motion to Recommend Salary Raise Distribution for FY 2023

Originator: Budget and Finance Committee

Whereas,

The sustainability of the human capital (staff, faculty, and administrators) at The University of Memphis is crucial to the continuous growth and maintenance of R1 status.

Whereas,

Inflation is high: ending in December of 2021, the Consumer Price all-items Index (CPI) had an annual increase of 7%¹ with forecasts that it will be higher in the spring.

Whereas,

Governor Lee submitted a budget proposal for Fiscal Year (FY) 2022-2023, which includes a total raise pool of 4% for the next fiscal year. The final state budget signed into law by the legislature and governor may include a salary raise pool of 4%.

Whereas,

The increase in the salary pool authorized by the Legislature and Governor last year was not fully funded and faculty and staff salaries were not increased as much as authorized.

Whereas,

The Budget and Finance Committee (B&FC) of the Faculty Senate anticipates an adequate response from The University of Memphis—given university growth, a CPI of 7%, expected state approval of a 4% salary increase, and a 2020-2021 salary increase that was not fully funded.

Whereas,

The Faculty Senate passed a compensation motion in 2019 (attached) recommending the following priority list for annual salary raise distributions: across the board raises equal to the rate of inflation, salary compression, equity, and merit raise—in this order.

Be it resolved that,

 $^{^{1}}$ "The all-items index rose 7.0 percent for the 12 months ending December, the largest 12-month increase since the

The B&FC, following the compensation motion approved by the Faculty Senate in 2019, makes the following recommendations for the distribution of the expected and approved 4% salary-raise pool:

- 1. The University of Memphis should fully fund and allocate the entirety of the approved salary pool. The portion not completely funded by the state should be funded from internal resources/funds.
- 2. The total wage/salary pool for the entire university should be allocated into three distinct pools for administrators, faculty, and staff. Salary increases within each group should be funded only from that pool, and funds from one segment should not be reallocated to another without clear reasons and justifications.
- 3. The state's approved 4% increase of the salary pool should be allocated as follows.
- A. An across-the-board raise for Cost-of-Living Adjustment (COLA). This amount should be 4% of the 2022 average salary of all full-time faculty members (both 9-month and 12-month faculty). For example, if the average salary was \$90,000 in 2021, then the raise amount should be \$3,600 $(90,000 \times .04 = 3,600)$.
- B. If The University of Memphis plans to give additional raises to the faculty, such as for salary compression, equity, and merit, then the university should allocate the funds from other sources and use them for these purposes.

Recipients: M. D. Rudd, President Tom Nenon, Provost and EVP Raaj Kurapati, CFO and EVP Motion ### 1//25/2021 Vote: # For, # Against, # Abstain