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Faculty Senate Agenda – April 14, 2015

This meeting of the University of Mississippi Faculty Senate was called together at 7:00 PM on April 14, 2015.

Senators in attendance: Rachna Prakash; Charles Ross; Philip Jackson; Patrick Curtis; Brice Noonan; Robert Doerksen; Brad Cook; Tossi Ikuta; Feng Wang; Tom Garrett; Elliott Hutchcraft; Adetayo Alabi; Ben McClelland; Annette Trefzer; Robert Van Ness; Yang-Chieh Fu; Oliver Dinius; Darren Grem; Vanessa Gregory; Antonia Eliason; Dennis Bunch; Lorri Williamson; Susan Ivey; Jessica Leming; Jing Jing Wu; Dwight Frink; Christopher Newman; Sasha Kocic; Tejas Pandya; Heather Allen; Valentina Iepuri; Adam Estes; Michael Gardiner; Laurel Lambert; Erin Holmes; Breese Quinn; Ben Jones; Greg Love; Marilyn Mendolia; Desiree Stepteau-Watson; Marcos Mendoza; Minjoo Oh; Allan Bellman; Joe Sumrall; Rory Ledbetter

Senators excused: Jos Milton

Senators absent: Randy Wadkins; Joshua Howard; Milam Aiken; Allison Bell; Mary Thurlkill; David Rutherford; Mark Ortwein

The following departments' seats were unfilled as of this date: Chemical Engineering, Civil Engineering, Pharmaceutics

- Call Meeting to Order: 7:02 PM
- Approval of March 17, 2015 Minutes
- Approval of March 24, 2015 Minutes
- Approval of March 31, 2015 Minutes
- Presentation by Dr. John Kiss, Dean of the Graduate School, on a Proposed Policy on External Letters of Evaluation for Promotion and Tenure (See Attached) Chair of Task force seeking approval of faculty senate.

Thank you for the opportunity to speak.

I'd like to look at this from a broad perspective. There are several places in the 20/20 Strategic Plan discussing tenure, and when I mentioned it to the Provost, he asked me to chair a committee looking at external letters. My view is that they are a critical part of the process that provide unbiased national perspective on the qualifications of the candidate for promotion and tenure. In my position, I review all dossiers from across the university, and it's an interesting process and overwhelmingly positive process. Nevertheless, this is my third year doing it, and there were some problems that I saw. This is a small group of candidates that I'm speaking of regarding external letters, and most problems deal with the fact that

they are not unbiased, such as close personal friends from grad school. For example, someone might write “we were good friends in grad school, and I know he’s excellent, though I know nothing of his research.” This isn’t useful and doesn’t make a case for the candidate.

So I started looking at our policy, and there is very minimal policy, and when I talked with the Provost, he suggested a group look at this. Our committee did, and some senators were on this committee. We intended this to be a data-driven process, so we spent time looking at best practices at peer and aspirational universities within the SEC, the SUG, and beyond. Michael was kind enough to send you documents before this meeting. One is a table that summarizes our research and the policies that we considered. We looked at a larger group than this actually, but these were most relevant to us. This was our guiding principle as we drafted the document. We’ve been through several versions, and I’ve tried to get broad input. We had input from the deans and the chairs, and as a result, we have this draft on the screen. I think it’s a step in the right direction, and I think it benefits candidates and faculty. I’ve talked to a number of faculty who are about to go through the process and there are no clear guidelines. We intend these to be university guidelines, so the schools and colleges can add material to this if they wish. I want to thank the Provost and the committee for support. Dr. Noel Wilkin shared some data with me from his SEC peers and basically the kinds of things in our one page proposal are pretty much in line with those peers. The main reason I’m here is to give you an opportunity to ask questions about the policy.

Q: I think this is a good policy, but I have one comment. I don’t know if these letters are unbiased ever, for two reasons. I only write one if it’s not negative, for various reasons, so I think a lot of people ask around until they find people who are willing to write a positive letter. So I do think these are not unbiased no matter what. I don’t know if it would be a good policy to ask how many people they had to ask or something like that, but I think there will always be selection bias. But I do think this is a better than one what we had before.

A: By unbiased I mean, well, “professional bias” is going to happen, but letters from friends aren’t helpful. Unbiased might be too strong of a term. I might add that most of the ones I’ve written are positive, but some are negative because I say yes before I review the whole dossier.

C: I’m from a department where we have a lesser requirement for number of letters. I wanted to get a sense of how many departments/schools will have to increase the number of letters?

A: Good question. There is a lot of variation. Some schools already want 4-5 letters. This was an extensive topic of discussion with chairs. Some chairs have written to me and provided feedback. I would say that more is better than 3, and I think it benefits the candidate. For example, what do you do if there are two people that have a strong endorsement and the third has a lot of concerns. If it

were four, it would be one out of four. Also, tenure is an enormous benefit that we have, and I'm a strong proponent, but we have to be very serious about it. More data is better than less for this. The consensus is that the department with 3 letters understood why their peers did 4 or more. I'm not saying it's 100% unanimous, but they said it would be ok.

Q: The policy states "If the candidate's field is very specialized or narrow such that external evaluators must be drawn from those with a close professional relationship, the unit must include justification that will appear in the candidate's dossier to explain the exception to this policy." What happens if during the process, someone from above disagrees with that?

C: We put that in, and we want to be inclusive, but personally I would accept the argument of the chair on faith. If you tell me that is the case, I wouldn't second guess that.

Q: My concern is that it could happen anywhere along the line, from you or someone else. I'm concerned that that exception could be problematic.

A: There probably are exceptions, and you can't write a policy that covers all exceptions, so I think you just have to have faith that I, and those above me, would trust you.

Q: What is the definition of peer institution?

A: That's a very valid point. We have different peers per department. I've had some community colleges I've seen used and it would be hard to justify that a community college is a peer institution. Right now we have no language on that, though. We have no language on any of this, which is why it's a policy. I also would like to say I've collected comments from various people, and the committee will reconvene to look at those. Please send me comments and we'll look at those as well for the next few days.

In closing, I also want to thank the senate for their leadership with Chancellor Dan Jones. You guys did a great job.

Barnett: Did you want us to approve anything, or did you just want an opinion?

A: I would like a vote if you could.

Barnett: Senate, this is not our resolution, so we cannot amend it at all.

Motion: Yes. Seconded.

Discussion? None.

In favor: 44. Opposed: 0. Abstention: 1.

- Senate Committee Reports
 - Executive Committee: The Executive committee is meeting tomorrow with Interim Commissioner Borsig to discuss the steps to be taken for the search process for the next chancellor. This meeting was planned when he was the incoming commissioner, but now he is the Interim. We'll have an update based on that meeting. We're hoping to be able to meet with the incoming Board of Trustees Director in the not too distance future. Our goal is to ensure that the faculty are engaged in this search process.
 - Academic Affairs
 - Update on the GradeBuddy Online Note Distribution System
 - GradeBuddy.com, according to their website, "provides a platform for students to access the best study materials to help accelerate learning and increase academic success." It is a system that allows student to sell their in-class notes via an online portal to other students. The question has been raised whether this should be considered academic misconduct and whether this represents an inappropriate use of the intellectual property of the professor.

Breese Quinn reporting: The issue here is the GradeBuddy website and sites like it. What is it? It's a portal for students to create their own sets of notes and study guides, and then sell them to Grade Buddy for other students. The concerns are about the use of this service, such as if it may be academic misconduct for students to profit from notes, and if it infringes on a professor's intellectual property rights.

Colorado State has something about this on their website, and their conclusion is that the proper use of this website (students generating their own notes and selling them) does not constitute academic fraud, but they have many warnings about how it could be problematic, such as posting course material created by the professor.

Another point of reference was a case where the student had uploaded the professor's class notes to Grade Buddy (the student didn't realize there was a problem in doing that, and they told the whole class that they had). The university quickly stopped that and gave the student a warning. That use is illegal for someone's intellectual property.

When the committee met, we identified 3 issues.

1. If we agree as faculty that this is or this is not academic conduct for the proper use of the website. Our general feeling is that we don't like it, but it is not academic fraud.
2. The monitoring and the enforcement of inappropriate use of the site. We have no idea how we would monitor this. You cannot just freely look on the site and

figure out if it is student produced content or not. Our only ideas include: a. best practices to encourage professors to include warning or disclaimers, and b. contact GradeBuddy to find out what procedures they have in place to protect against this, if any.

3. Check with the University Council on this to make sure we are covering everything.

Any questions?

Q: How many other websites are there? How big of a profit is this?

A: I'm not sure. GradeBuddy is fairly new. The CSU website mentioned a couple others, but I can't remember names. I did see a lot of questioning whether this business model would sustain.

Any other ideas or feelings?

C: I just had a question today about using that type of business idea for a model for a project in my class, and I said it may not be legal. In looking around, I saw 3-4 others. Clearly there are grey areas in terms of posting things and violating intellectual property, so I think it would be well worthwhile to include a statement on the university website or somewhere that would have this information for students.

Quinn: And it does get grey very quickly. It talks about student notes and study guides. Student notes that are basic transcriptions should not be allowed, though. It has to be their thoughts. So it is very grey.

C: I would agree that we should draft up on the heavy handed side for intellectual property. I personally would like us to take whatever steps we can to protect ourselves and not let students profit from our intellectual property.

- Academic Support
 - Proposed Resolution in Support of Equal Alternate Testing Accommodations (See Attached)
 - In response to the presentation at the meeting on March 17, 2015, the proposed resolution has been created calling for the creation of a center for accommodated testing available to all students, regardless of discipline

Jessica Leming reporting: The group met and we drafted this, and we're open for feedback.

Barnett: You all remember that a few meetings ago, we had visitors discuss with us testing accommodations. That's what this is about.

Motion: Yes. Seconded.
Discussion?

Q: I think it would be nice to have a whereas statement saying the university requests accommodations for different testing times for student athletes and other students that miss assignments and exams for university events. This document doesn't specifically say anything about disabilities.

Motion: Approved and seconded.

Q: Can you explain why you want to add that?

C: Because now only students with disabilities can use the facilities, and when students travel for sports, they need something, too.

C: You're suggesting this is for student athletes?

C: Can we change student athletes to just any broad students that would be traveling for a school-related event?

All in favor.

Q: The one that was just added- does the university request that those be accommodated? That's awkward wording.

C: The University does.

C: You don't have to make that accommodation though.

C: But the university is making the request for it.

C: The University itself does not request.

C: Oh, right. OK.

C: So it should read, "The university requests that accommodations be made for students ..."

Motion. Seconded.
Favor: All.

- o Finance: No new business.

- Governance: No new business.
- University Services: No new business.
- Old Business
- New Business
 - Proposed Resolution Calling for a Significant Role for the Faculty, as well as Other Stakeholders in the University Throughout the Search Process for the Next Chancellor of the University of Mississippi

To give you background, last Monday, I indicated that the Executive Committee met with Chancellor Jones to discuss with him how to best move forward. Our sense was that we should look forward to how we can have a voice in the search rather than continuing to advocate for his contract. Based on that, this is what was generated. We apologize that it took us a while to get it out.

Motion. Seconded.

Oliver [Dinius] was thinking it might be useful to see where Commissioner Borsig talks about the 20 step hiring process at his recent MPB interview. [Shows video clip]

Dinius: I saw this after we drafted the resolution, but I think it's important to watch because there is some mention that there will be an actual search, so I think it's interesting to think about this as a starting point.

Barnett: Part of the genesis of this is that I have received a lot of concern that this will be a political appointment, so we're hoping we can influence and be a part of a national search.

Discussion?

Q: In regards to a national search, I'm imagining that the process will take longer and we'll have an interim chancellor. This doesn't say anything about that. Do we have information about the interim process?

Barnett: I imagine that they think they will have someone in place without that. I imagine if there is an interim, it will probably happen like it does now.

Provost: I am trying to think back. I think they just appoint an interim.

C: It may be premature to add that at this point, but I wanted to bring it up. I'm not sure if that will fit in.

Barnett: I'm personally more concerned about chancellor than an interim.

Dinius: The spirit of the resolution was that we wanted continuity, so when you get technical like that, it doesn't speak to that.

C: Does anyone have a better sense of what role faculty senate has had in electing chancellors?

Barnett: I don't know about the senate. There has been faculty on advisory committees, including on Dan Jones's.

Provost: That's as far back as I remember, too. There was a pretty broad campus advisory committee that I wasn't on, so I can't tell you how much advice was given or received. I think it was about 25 people that met with the search committee, which is comprised of board members. Alice Clark was our lead on that for Jones.

Barnett: So I don't know the answer to that. Hopefully we'll get some answers tomorrow.

Dinius: A concern is that tomorrow might change what we want to do, so I'm wondering if we can wait on this particular resolution now?

Barnett: What do you think we might learn that might change this?

Dinius: What if Jones stays longer?

Barnett: Provost, will you speculate on Jones remaining another 4 years?

Provost: I would have to base that on what Jones tells me, and I get the feeling that it's not likely that he'll move forward in that regard.

Wilkins: I found a press release on the previous advisory committee that names who was on it. [Read names aloud].

Barnett: Part of this resolution is talking about the lack of transparency on this thus far, and we want to put our voice out there very strongly that if a search exists, we would like to help advise. Oliver, are you asking to table this?

Dinius: I don't think we should table it.

Wilkins: There is an important statement in this press release: "The committee will identify no less than 5 candidates." So if history repeats, they would have an inclusive process and the committee would have a very active role in sending nominations on to the Board.

C: So could we modify the last sentence to talk about history? "...higher learning as it has in the past to identify suitable candidates and participate in a national search for such a leader..."

C: Actually, the senate didn't, so that's not true. But we speak for the faculty, so the last line could delete "Senate" and that would work.

Motion: Yes. Seconded.

Discussion: None.

All in favor of this change.

Any other discussion?

C: I am deeply grateful for the Executive Committee working on this, and I'm deeply grateful to the Chancellor, but the thing I'm noticing is that this document has a very short scope. It talks about his record and in my mind, the university is much bigger than that. We don't want to dilute this document, so I think the scope should be broader. I think much of what he was able to accomplish was because of his predecessor. I think he would readily acknowledge that. This is a very short time window that we're building from, and I wonder if we want to expand it to the talking about the university as a long lived institution. I don't want to just continue what he started, I think there is more on the table.

So, one change I suggest is in the sentence that states the next Chancellor should have "academic credentials." I would be inclined to strike "academic" and make it just "credentials."

Motion. Seconded.

Discussion:

I disagree with that. We have to have "academic." I also disagree with the notion that this is about just 6 years. This is about the process of removing this chancellor under the things that were articulated. I think the spirit is why are you removing an individual based on what you are putting forth? So I don't think the legacy of any other chancellor (Khayat) has anything to do with that. We disagree with the process, and we want to be involved. If anything, we need some sort of criteria by how the IHL measures the chancellor. This board has not put out how they measure a chancellor, and we do that for every other position. This is more about the process as opposed to Jones himself.

C: I whole heartedly agree that no one is happy about the process, but my only concern is that if we want to talk about the process, that's one thing, and the process about where we go from here is another thing. If we want to do that, we need to focus on that. So we will focus on two separate issues.

C: If we want to move forward, I don't think we want some General from an army heading us, and I think that taking out "academic credentials" opens that up.

Dinius: In some ways, we want to say informally "don't blow up the Oxford campus about some disagreement that has nothing to do with us." In terms of "academic credentials," we're not saying he has to have a PhD. We're not defining the academic credentials.

C: What is the intent of this letter? To be a backhanded statement that we think the board made a mistake, or what?

Barnett: OK, let's take a vote on this change.

In favor: 0.

Barnett: Dwight [Frink], do you have more suggestions?

C: Yes. The sentence "...expand on the recent successes of academic" I would like to change to "build on the foundations and continue the momentum of the state's flagship..."

Seconded.

Discussion?

C [Frink]: I'm trying to open it up because I think we have more than just academic successes.

C: I like the way it was originally worded. There was some energy behind it. We are taking into account what we see happening here and now. I feel like the new wording speaks to the past. I'm trying to look at it from the IHL board, and I don't want to leave anything to chance because we still don't have transparency. I don't want to feed in to anything that could be misconstrued, so I like the original language because it's fresh.

C: The other side of that- what happens if the athletic successes decline some? Can't the board use that to get rid of the chancellor?

C: I think that's a great comment, and that goes back to asking about criteria, but I don't think that's the conversation to have right now.

C: I have a general comment. I understand what you're saying about focusing on one message, but I actually think this resolution is when we need to send a couple messages, including that we want faculty involved. I like references to current successes because I do not want the IHL board to think we have moved on. They should know we are very cognizant and that we are still not happy as we move into a new search.

C: One more. This is really important to me, and I want the best outcome for everybody. The last sentence “the next chancellor must protect...” I suggest using “advance” and take out “these” to say “the university’s accomplishments.”

Motion. Seconded.

Discussion:

C: What’s the difference between advance and further? It’s redundant. I’m just pointing this out.

Favor: 43. Opposed 2. Abstentions: 0.

C: I propose cutting “further that success.”

Motion. Seconded.

Discussion: None.

In favor: all.

Discussion: None.

In favor: 45. Opposed: 0. Abstentions: 0.

Barnett: One last announcement. Please encourage your students and colleagues to attend the Brown Bag Discussions on Academic Freedom, Governance, and the Future of the University of Mississippi. We are cosponsoring these.

Dinius: I would like to report that at the first brown bag meeting, I kept hearing that not enough noise is being made. I was telling them that we’re trying to do what is best and act responsibly. I just wanted you to know that some are upset that we’re too passive.

- Adjournment: 8:22 PM