Faculty Senate Meeting
Agenda January 31, 2020
1:00 PM until
adjournment DSC
Ledbetter A/B/C

I. Welcome and Roll Call

President Nolen calls to order at 1:04 PM

Secretary Barrio-Vilar calls roll at 1:05 PM

Present: **CALS** -- Anson, Barrio-Vilar, Cheatham, Condran, Deiser, Deng, Douglas, Scheidt, Smith, Stone. **CB** -- Hendon, Felan, Leonard, Woolridge. **CEHP** -- Grover, Hamilton, Otters, Ruhr, Sadaka, Solomon, Tate, Teague, Vander Putten. **CSSC** -- Blevins-Knabe, Giammo, Lopez Ramirez, Matson, Nahrwold, Scranton. **CEIT** -- DeAngelis, Jovanovic, Milanova, Shroat-Lewis, Turner. **LIBRARY** -- Macheak. **LAW** -- Woodmansee. **EX OFFICIO** --- Drale, Bain, Nolen, Wright, Weigel, Zakrzewski.

Absent: **CALS** -- Clifton, LeGrand. **CB** -- None. **CEHP** -- Atkins. **CSSC** -- Golden, Jensen. **CEIT** -- None. **LIBRARY** -- None. **LAW** -- Cain. **EX OFFICIO** -- None.

II. Review of Minutes from November 22, 2019

Nolen: We are pulling the minutes from the November meeting because there was a section where the comments are divorced from text they are commenting on. The minutes will be brought back at the next meeting.

III. Announcements

Barrio-Vilar: The Academy for Teaching & Learning Excellence, in conjunction with the Faculty mentoring Program and with funds from the Provost Office, are giving faculty new ways to engage with professional development: The Monday Morning Mentor video series offers faculty convenient professional development through 20-minute videos, available every Monday through a

Blackboard organization shell. Sign up by filling out a form available on the ATLE website: ualr.edu/atle. After watching each video, you can take a quick quiz that will earn you 3 points toward ATLE awards.

SGA: President Bobbit emphasized developing ties in Little Rock at the last meeting.The SGA contacted Little Rock mayor Frank Scott Jr., who will be attending one of the meetings to develop relationships between UA Little Rock and the city.

IV.   Airing of Grievances (2 minute limit)

Jovanovic: There is a faculty shortage in our program, yet a person has been hired to fulfill another position not on the college list. We will be facing an academic planning retrenchment involving planning and finance, but the Planning and Finance Committee is not being included in the discussion.

V.   Introduction of New Topics (2 minute limit)

Barrio-Vilar: Last semester, Provost Bain challenged us to think about what we need that we can articulate to people outside of the campus. I've been thinking about ways we can ask for practical things that would have a high impact on recruitment and retention. We can ask for stronger safety measures in the University District. The city might not be able to do something when it comes to campus business, but perhaps with the University District. There could be buildings in that area for sale that could turn into revenue for us as a way to help our community thrive. SGA or other upper administration could bring it up to the LR mayor.

Nahrwold: The other day I ran into a student that was scared. She was in the parking garage and I gave her a ride. She was appreciative, but very scared. Safety on and around campus is an issue that needs to be addressed so that everyone, especially our students, feel safe and welcome.

VI.   Reports
A.   Executive Committee - Amanda Nolen (15:00)

1.   Administrative report

First an administrative reminder to committees and committee chairs. This body passed legislation (FS_2016_1) that limited eVoting by standing committees. As it appears in the Constitution: Committees of the faculty senate may render decisions on matters of routine business through email provided that the committee follows the approved operating procedures by which it will be conducting e-voting. Operating procedures for e-voting must be approved by the senate.

Each committee wishing to use e-voting shall submit a proposal describing what matters may be decided by e-voting and the procedures that will be used to implement e-voting.

Subsequent legislation, FS_2016.2 defines matters of routine business and specifically states that "A policy decision or election cannot be considered as a routine matter of business" and thus is not eligible for e-voting.

If you are the committee chair, you need to make sure your committees are meeting to do this business.

Secondly, also for committees, again, referring to the constitution, standing committees must submit minutes to the secretary. This implies that yes, you should be keeping minutes. At a minimum, those must include 1) who was in attendance indicating whether a quorum was present and 2) any actions (ie., votes) taken. I will talk with Laura about how best to do this. It might just be a public google folder where you just regularly upload your minutes each month. Of course, for those who already distribute your minutes through the Provost's office, (UGC) just keep doing what you are doing.

The intent behind these issues is to protect the deliberative process that is the foundation of sound governance. Let's just tighten things up a bit.

FS2019_28 University & Distinguished Professor

Nolen: The revision that we passed on the floor was not approved by the chancellor, therefore current policy stands, which means that criteria for the designations of University & Distinguished Professor must be developed at unit level.

FS2019_35 Resolution to rescind policy 2004.6 - interaction with government officials

Nolen: We thought this policy was overreaching. This policy is not under the authority of the senate. We are not the custodians or the originator, therefore we do not have authority to revise it, but we do have authority to make recommendations as it does have direct impact on faculty regarding freedom of speech. The Chair of the Committee on Tenure has already submitted a revision with suggestions. Now I need to sit down with the Chancellor to make sure we keep the intention of the policy as she sees it, while removing restrictions that we feel hinder our ability to interact with the public.

Interpretation of Legislation Memo (Attachment A)

Wright made a motion to approve interpretational legislation. Matson seconded. Motion approved.

Awards

Also in the interim, Provost Bain asked the Executive Committee to consider two new awards. One was an award initiated by the Student Government Association for Faculty; the second was an award for unit-level initiatives for student success. At least for the latter, this is considered a pilot. This award must go to the Honors and Awards Committee to consider if this is an award that will

continue moving forward beyond this academic year. Just to tick the boxes, the Honors and Awards Committee could also work with SGA to codify the faculty award.

Post-tenure Review

It is my understanding that our revised P&T and Annual Review policies were going to be placed on the agenda for the November BoT meeting. Those documents were pulled when Joanne Maxey and her team identified inconsistencies related to post-tenure review. They shared those concerns with Chancellor Drale, who relayed them to me. In addition to legitimate inconsistencies, they also expressed concerns that indicated to me a misunderstanding of how we use annual review in determining whether one goes on post-tenure review. On December 20, at my request, I met with JoAnne Maxey, Michael Moore, and Mindy Pipkin to discuss these issues. It was a very constructive meeting, in my opinion. I hope they thought so as well. I was able to clarify the position of the faculty on our definition of "overall satisfactory," who has the authority to issue an overall satisfactory, and under what conditions one may receive an overall unsatisfactory.

As soon we could gather after winter break, the Executive Committee did that clean-up that you see in the agenda. Now let me address some of the chatter and agitation about this issue. I am determined that we need to do what it takes to fix this section of the policy at this meeting for a couple reasons: 1) The system office cannot send our policies forward for BoT approval without it and until that time we are out of compliance. 2) We have an HLC visit next month and I think we can agree that it would be preferable to have this approved through the Chancellor's level and at the system office for review.

B. Chancellor's Report - Christy Drale

Enrollment: There was a drop from 6.9 to 4.something in the daily enrollment reports, which will change by Monday, when the lists will be cleaned up. We expected to be down 9% for spring, but we are beating that. This is not a lot of money, but it is a positive thing. This means about 4 or 5 hundred thousand dollars in the positive--better than we thought--in the fiscal year.

We will be seeking formal retrenchment status in academic planning. The total amount we owe is $11 million, which doesn't take into account the 6% decline in enrollment we project having next year. If we are down what we are projecting--a 6% decline for Fall--that will be another $4+ million. The projected total loss will be then $15 million.

The very least amount we can do this year is approximately $5 million, which would at least have us balance our operations budget. We don't want to lose the confidence of those who support us, so I feel very strongly that that is the very minimum mark we can make for fiscal year 2020. We would like most of that $5 million to be permanent ongoing budget cuts, but it might not be. We might have to use temporary money, so if we don't spend all of our scholarship money this year, we will use that to balance the budget, but that won't help us for next year when we have to make up that difference.

I am projecting that we will get much further than $5 million because whatever we don't get to by

the end of this year, we will have to carry over and come up with that much more next year. We don't have an infinite amount of time to get to a balanced budget. We have the support of the Board of Trustees, but we will lose that support if we don't make progress. We have to go through the process and see how far we can get. My goal is $15 million as soon as we can.

The lion's share will from this point out probably come from Academic Affairs. It is the largest cost unit on campus (instruction, academic support, research, etc.) and is well over 50% of the budget. We lost 3,000 students in the last 6-7 years, so it's difficult to argue that we have a workforce that doesn't match that decline. Cody Decker has done a lot of work with streamlining student affairs and we are looking at efficiencies in other units. We have to do this together, even though it's going to be hard and there are going to be disagreements. I think we're up to that task.

Questions/Comments:

Is there a timeline for retrenchment?

Drale: We are pioneers in this regard as the first university in a decade to go through this process, but my interpretation is that there is no specific timeline for the retrenchment.

If the retrenchment focuses on academic planning, what other measures will be taken into consideration outside of it the non academic units to save us money?

Drale: One of the things people ask is why not do the financial exigency of retrenchment? To qualify for bonafide financial exigency, we have to demonstrate to the Board of Trustees that we are in essence financially destitute. We are not there nor do we want to be. We don't have to have exigency in order to downsize, reorganize, or restructure non academic units. The only reason we have to have Academic Planning retrenchment is because it involves tenure faculty or the potential involvement of termination of tenured personnel.

Student affairs has already undergone a massive review and restructuring. Athletics is taking advantage of a lot of vacancies to reorganize and restructure and become more efficient. I have asked Vice Chancellor McClellan to look into bringing in a consultant (which will come out of foundation, not E&G) to see a careful analysis of the structure and functionality within units to see where we might be better to see efficiency.

Information I've become aware of: The open position cuts have affected our non academic units as severely as some of our academic units, and not very many of those have been replaced. We did come to an agreement with the public safety department. We asked Chief Carter what the minimum level of personnel she would need to cover the control and public safety shifts. We were given a chart that outlined what that was, so the cabinet authorized personnel hiring to that level. Once she has a vacancy above that level, it has to go to the cabinet and be considered. Public safety is important and on people's minds so we are not likely to sacrifice much more there.

Which units are you considering getting an outside consultant for?

Drale: That is up to Vice Chancellor McClellan, but we are looking at Finance & Administration.

Do we have an estimate of how much money those reorganizations have saved us? (Athletics, etc.)

Drale: We don't have numbers for that.

Concerning 55% as number for academic affairs (E&G) - Academic affairs is the reason we exist, so there is Academic affairs and support services. 55% is a low number for the heart of the university. Budget cuts should not be to maintain current percentages but to aim for creating a larger number (80% or higher). What is the target for the percentage of the budget for academic affairs?

Drale: I don't know of any other university that has that particular set of percentage, but I'm willing to compare.

Wondering why we would hire a consultant outside of university and why not the management department?

Drale: If we can find subject matter expertise in those areas, I'm all for it.

Details for looking at programs and positions in respect to retrenchment?

Drale: That us what the Provost will be talking about.

Do we have timelines for when we need to start delivering decisions? Academic planning retrenchment will relate to # of credentials in relation to student population - estimate of # of credentials to be adjusted? (degrees)

Drale: With credentials, we don't know. As in my letter of intent, I said we would go to the Board of Trustees in the March meeting. Not that we will be done, but I need to be able to say "Here's what our draft plan is." Retrenchment is tied into all our processes, so it will take time to get through the review processes and curriculum, etc. This is not to say that academic planning stops at that point. It is an ongoing process.

Default position $ (or time) wise on when tenured faculty will be fired?

Drale: Tenured faculty are allowed a one year notification period, so notification would be by the end of this semester.

How does this relate to remaining students in any given program?

Drale: We are required to do a teach-out for any program eliminated, so that is up to Provost Office.

Tenured faculty have two basic protections in retrenchment - non tenured have to be let go before tenured and tenured faculty should be able to teach in other programs they are qualified to teach in.

Drale: We would go along with the requirements of the policy. If someone is in a discontinued program, we would make every effort to relocate if possible.

For example, our department is our unit but we have seven different programs in our unit. I'm just curious whether it was thought through.

Drale: If you eliminate a whole unit, that last in first out policy does not apply. If you downsize a unit (cutting a dept in half) then that policy applies. We have thought this through. This is dependent on specifics. Every unit is different, and we will work this out as we go.

Provost: We have started framing all sorts of "what-ifs" and have been in legal conversations to frame up guidelines because none of us have gone through this before and there all sorts of questions we don't have parameters for yet. A document will be framed so we have clearer guidelines for this.

When you mentioned that UA Little Rock was the first to go through retrenchment, did you mean in the state?

Drale: I meant in the system. PTC has gone through a retrenchment before joining the system. UAMS has gone through a downsizing, but they did not terminate any tenured faculty.

Instructors in this process?

Drale: What we will do is look at employment within units strategically, so if a department has a mix (of tenured, tenure-track, etc.) … if the whole department is eliminated, everyone in that unit will be treated the same. I don't want to start from the bottom with cuts and go up. It is not strategic and does not serve our interests or students.

Fiscal year 20 budgets? Email from Dec had timeline - second round of cuts?

Drale: That was supposed to be done Tuesday or Wednesday, but I plan to announce them Monday or Tuesday. Round 2 will not be a large number - somewhere just under a million dollars.

Since the university council has been brought up - my understanding is that the council works for the systems office - they do not represent the campus or administration or faculty, specifically they do not represent individuals who are terminated.

Drale: All university councils work for the system and then are assigned to a campus. They are employees of the system office, but they represent the institution - so no they don't work for individual faculty members (as in, if you were in a dispute with the institution) but if an action

comes up for you as an employee for the university, then yes they work for you.

But if the university is trying to fire one of us, they work for the university, not for us?

Drale: Yes, that is correct.

C. Provost's Report - Ann Bain

Thank you to Katie Zakrzerwski and SGA for taking the lead in creating faculty awards to recognize our faculty's efforts and teaching.

Faculty Awards Ceremony - April 9th at 5:30 in EIT auditorium

On Retrenchment: This has to be a roundtable thing, not a faculty or administration sort of thing. Thank you to Amanda Nolen for her leadership, dialogue, and dedication. The BoT expects us to show action on addressing our budget deficit. We have a very short time frame to do something.

Faculty can send proposals forward for consideration. Traditionally the Dean sent forward proposals and then they were looked at administratively and then they were vetted for comments by the Faculty. We need to have more participation than that. I am forming a conjoined committee with representation from faculty, Deans, and Clinton School. Our hope is that this will give extra voice to this instead of one round in my office. We have a short time frame for this, and we will move forward as best we can with people at the table who are willing to have these conversations.

Questions/Comments

Reorganization of colleges - process and timelines that follows the reorganizing?

Bain: I met with the five deans and looked at the restructuring of the Deans' Offices. We are meeting the 800k mark. We have the responsibility to get this framed out - to notify the people whose positions will not exist. I'm keeping the deans (who are in permanent positions) in the positions they are in because we will be better served to have these people who have served in this capacity and have a knowledge of finances and faculty. When it comes to school reorganizing, the new college faculty should be meeting and having a dialogue about what is realistic and not realistic. We don't have sufficient information yet as to what the next step will be.

What is the mechanism whereby the faculty themselves can self assemble and communicate with the provost office when it comes to creating legitimate proposals?

Bain: I need one (or a couple) voices. I've been sent different ideas about consolidation, but I think the Deans will be reaching out. The Chancellor had to notify the board that we were doing this formal restructuring, so we now can move forward with getting processes together. I think you need to have dialogue with the deans to figure out representation.

From my end, we have engineering faculty who are streamed across multiple departments who do not have engineering faculty. The chairs don't universally represent the engineering faculty, so it's hard to see a mechanism where that group can get together. We have a president of the assembly of EIT but a part of that is from CALS, so we don't have an assembly that represents all of us - because we also have a Dean across two colleges.

Bain: If you were relying on the senators in this room--those who represent different units--would you have the representation that you need? This is an assembled body. It would be nice to use that assembled body as a mechanism for communication.

There are three colleges. How are we going to assemble? Is the Provost office going to say "everyone in college 2" should meet…?

Bain: If you want me to do something specific, please let me know. I'd love some feedback to make it easier. I do know that some of the deans are starting to meet across units that will be considered in that new college, so there has been some contact with that. There are also chairs and faculty that are meeting with this merge.

Another problem is governance documents that are operating and have been approved.

Bain: I think Dr. Nolen and her leadership team have a plan and answers for that.

Any bottom line parameters for mergers in new colleges? There is anxiety that our ideas will be rejected because you have criteria in mind.

Bain: I am not the expertise in that. We are in the neonatal stages of conversations. My hope is that as we start looking at budget reductions, we will get a better sense of where our time and effort can go in terms of new college formation.

New template for the dean's office in terms of new college?

Bain: I looked across the available resources in the current dean's office and there was a great deal of variability in staffing. We also know we have more responsibilities that will require security clearances, and we know there is an advantage to centralizing finance within those colleges so they can take some of that responsibility. I'm asking for time to frame what this would look like because it deals with positions that will be eliminated or relocated.

Mention of three colleges - what are these colleges being proposed? If these are laid out and we are told to be talking to each other if this is a decision to be made.

Bain: Information on the model has been out there for comment, so you may want to look at that. Let me say this. I know there were challenges with the last restructure and many people feel a lot of trauma surrounding 2014 when it comes to displacement. However, we have to move forward

and if we can carve out that much money and interconnect units and revitalize ourselves, we are obligated to do that. Thank you to everyone who has sent me ideas with different constructs.

Is any of the retrenchment going to affect the HLC visit?

Bain: They have been sent information on our processes and situation. They will not be showing up on campus surprised at where we are. One thing you can help us out with is that they asked for access to all the syllabi and they will randomly select those to review. When Ross checked to see what was posted and what wasn't, there was this huge void of documents that were not out there. If you get a notice about that, please take care of it in a timely manner.

Concerning the college-school-department restructuring, a few years ago, we were explicitly told it was not about cost reduction. This time it is.

Bain: One of the things is to try and decrease administrative overhead and to reduce cost and to maximize resources for units that could be stronger if aligned.

My other concern is the restructuring and the intersection between firing. I heard two different answers with tenure vs. non-tenure. Instructors?

Bain: Tenure rights will not be lost.

Drale: You would not lose tenure by getting reorganized. This restructuring will not cause anyone to lose tenure.

Bain: Let me give you an example. If we decided collectively that Nursing needed to be eliminated (I'm gonna choose something that's not threatening), that unit would look internally to see if anyone could cross over to another unit and that type of thing, but we would not say "Hey, in your unit you're highly populated with growth and an upward trend and you have three instructors in your unit." It would not be logical to cut those instructors because of something in the Nursing unit.

What exactly is meant by the word unit in relation to termination? Is it the same as department, program, or college? We have a single faculty with seven programs, but we are not involved with every program.

Before we get to the point where we are cutting programs, we need a framework for this. The questions in this conversation can be referred to that framework.

D. **Academic Planning Retrenchment -** Amanda Nolen

The IEC cannot do this work because every time it runs into the brick wall that is faculty authority. The Executive Committee and I are resolved that academic planning, especially that which

prioritizes programs or identifies programs for closure, must not just involve faculty but be led by faculty.

The process the executive committee sent out yesterday evening was patterned after the approach David Belcher used at Western Carolina that resulted in a collaborative and deliberative process to identify programs for closure. Also, we must avoid the mis-steps universities took in the wave of retrenchment in the 90's that landed them on AAUP censure lists by undermining faculty authority and abusing shared governance. Finally, it is important to me that we learn from the "great retrenchment" that happened in 1982-83 that targeted Arts and Humanities and other politically vulnerable disciplines, resulting in the dismissal of almost 7,000 faculty, most of whom were women. We need to be very careful because any cuts we make now will have long-lasting effects and can irrevocably change the direction of this university and its capacity for future growth.

Unlike the IEC process that had developed scenarios quietly so as not cause disruption across campus, this committee must operate differently. From day one, if your program is part of a proposal that we are considering, you will be engaged in the process. You will not find out about it from a Senate agenda or a report, you will find out about it because I sat across the table from you and engaged you in this process.

The committee composition was tricky but represents a bare minimum of who needs to be at the table as we start tackling this. The faculty who serve on the senate and the curriculum councils have been elected by their colleagues to represent them in these issues. That is why we restricted composition to these groups. I know you are busy and stretched, but this has to be the priority, there is nothing else.

Proposals brought to this senate will be grounded in objectively verifiable information. We will not make decisions based on anecdote, prior experiences, baked in biases or beliefs that privilege certain disciplines over others. Anything that is brought to the senate will be in full view and with full engagement of the campus, the senate, and more importantly, the affected program faculty.

This is going to be tough, possibly the most difficult decisions this body has ever had to make. But I am resolute that the faculty senate WILL assert its authority over this process. We will do this work. We will act as a team on this, providing each other cover, especially those of you who are untenured so that you can fully participate.

My hope is, on the other side of this, we can look back on a process that had integrity. While individually we might not agree with every recommendation, we will be able to look back on the work we do and say, "we did the best we could, given the constraints placed on us."

Thank you to Ann Bain for engaging in the negotiation process.

I am furious that we are in this position, but we need to use this rage as fuel to do the work necessary. Our colleagues and students are counting on us to be successful.

Questions/Comments

Q: How will the executive committee make this selection for an ad hoc committee?

Nolen: We wanted to make sure that all five colleges were represented, as well as the library, and to make sure different areas were covered. Once we figure out who the designated person in the council is, we want to make sure it is balanced. There is no metric for the perfect committee, but we want to make sure it is balanced and that all the curriculum areas and colleges are reflected in the committee.

Q: Decisions will be based on data, such as headcount. When official headcount is given, it doesn't take into consideration double majors. If we are looking at data, I hope we have transparency in the sense that we are looking at the same thing.

Nolen: My vision for this is that the data we are working from is also visible to this group. However, we do have to look at faculty load data. For the most part, the senate will be able to look into the data we are looking at. If the work group is identifying a certain program for whatever reason, they are going to go to that program faculty and say, "This is what we're seeing. What are we missing?"

Q: Can you explain the purpose for UA Little Rock general council.

Nolen: My vision is that they are not sitting on the committee, but they are there if we have questions. They are there as a resource. We need to have all the facts.

Jovanovic: Here is my motion. Faculty Senate will retain an attorney to provide advice and assistance to the ad hoc committee.

Anson: I'm always in favor of using our own resources. What about looking at our law school for resources?

Nolen: Motion to explore? Motion amended to explore retaining an attorney to give advice. Can we clarify that this attorney must have a specialization in higher education law, organization, and personnel?

Woodmansee seconded motion.

Q: Who is authorized to retain services on behalf of faculty?

Nolen: Executive committee

Q: Individuals affected by any unit closures would have to get their own council, so I don't understand the value gained.

Comment from floor: I don't see this as adversarial, but as someone who takes the perspective of faculty. There is not someone who has that position currently within the system.

Wright: I'm in a position of favor for the faculty senate president to have legal advice on repercussions.

Q: Does AAUP have a role in advising faculty at this level?

Vander Putten: It can extend to the fact that AAUP has a legal defense fund. We can have a consultation meeting as an individual. AAUP will not provide legal advice on this specific issue, but they have lawyers with expertise in retrenchment.

Q: If we go forward with this attorney, will they represent tenure, non tenure, instructors, etc?

Nolen: That person will provide council to the senate and not represent one individual.

Motion passed.

Wright moves to adopt the memo. Seconded.

Friendly amendment to add untenured/non-tenured track faculty members to representation for membership?

Nolen: I would accept that as a friendly amendment - that amongst the membership it would also include either untenured or non-tenured track faculty.

Motion passed.

Wright: In the process of reviewing the graduate council report, we found a curricular item, embedded within which were governance issues.

Nolen: The executive committee referred this issue to the Governance Committee.

        E. Council Reports
                1. Council on Core Curriculum and Policies
                2. Undergraduate Council
                3. Graduate Council

        F. **Academic Technology and Computing Committee** - Boateng

Academic Technology and Computing Committee Preliminary Report

Committee Members: Kwasi Boateng, Thomas Clifton, Wei Zhao, Naeem Bajwa, Chris Stewart, Whitney Freeman, Melissa Serfass, Robert Minarcin, Thomas Wallace, Cynthia

Johnson.

Committee Activities/Meeting:
1) The committee started meeting in fall 2019
2) Committee elected a new chair fall 2019
3) Committee activities focused on
a) Obtaining information on committee related actionable items.
b) Obtaining IT policy documents and information from the Vice Provost for Information and Technology Tom Bunton and Faculty Senate President Amada Nolen.
4) Created a Blackboard myOrganization shell for committee activities and as an archive for committee work and documents.

Policies Under Review
The committee has draft copies of amendments to these policies and exception form:
1. Acceptable Use Policy
2. Incident Response Policy
3. Cloud Services Policy
4. E-Mail and Digital Communication Policy
5. Data Encryption Policy
6. Security and IT System Access Policy
7. The Maintenance of eLearning technology Policy
8. Workstation Administrative Rights Exception Request.
9. Draft resolution on Academic and Instructional Technology Support and Software.

Other Policies to be addressed
1. Honorlock Proctoring tool
2. Campus transition to VoIP (Voice over Internet Protocol (VoIP)
3. Workstation Active Directory system.
4. The decommissioning of the server with personal web pages for faculty and students

Timeline
The committee plans to bring policy amendments to the Faculty Senate in February and March 2020 for Senate action.

Faculty Governance Cmte - Cheatham

We have a new website accessible to the campus that includes the approved governance documents. Some governance documents are from the 1980s. We have done a variety of restructurings and leadership changes, so we encourage everyone to look for their governance document and check if they are in compliance. We might have to consider going back to the generic documents. Share your thoughts and suggestions with the committee. To have specific language for Distinguished Professor and University Professor in each governance document has proven challenging, so we will be working on a solution. The committee will also work on the structural changes we will need once we move from 5 to 3 colleges.

Questions/Comments

Angela Hunter: If you're working on this repository for your governance documents and you think have a more recent one, then you are formally in the College of Arts, Humanities & Social Sciences. It may be the case that those documents did not leave the Dean's Office and make it to the Provost Office.

DeAngelis: Will the governance documents currently waiting for approval be addressed before the restructuring?

Provost Bain: Yes.

Condran: Plan under the restructuring for the governance documents to live within each department or an entire school?

Cheatham: They would still emanate from departments.

Jovanovic: If we move to a school model, instead of a department model, why do we need this departmental governance documents?

Cheatham: At least for now, we keep the structure we got until we figure out what's appropriate.

Douglas: How in this process of restructuring do we guarantee a faculty selected person and not a head appointed by a dean?

Cheatham: It's somewhat beyond my purview to respond to that question, but I'll say that our overall governance documents handbook talks about the department head and the process by which that person is elected--not coming from a top down structure.

G. Planning & Finance Cmte - Cheatham

The committee has met twice this week. We find it challenging to find a current chart that includes information below the vice chancellor level. We need to know, for example, who reports to the Provost. We need to identify the efficiency of certain positions in Academic Affairs and be more strategic about operational systems and processes.

There is a fiscal funding clause opportunity that gives us a way out of.

VII.   Old Business

None

VIII.   New Business

A.   **Motion FS_2020_01.** Executive Committee (Legislation. Majority Vote at one Meeting, no second required) Routing of appeals to the Faculty Appeals Council (Policy

403.15)

Be it resolved that to amend the Promotion and Tenure Policy (Policy 403.15, 11/2018, 10/2018, 4/2017, and 1/2011) pertaining to the routing of faculty appeals to decisions made by either a dean or the provost as indicated in Attachment B (underline indicates addition; strikethrough indicates deletion); and

Be it further resolved that upon approval, implementation of the change will go into effect July 1, 2020.

Commentary: As indicated in the Interpretation of Legislation contained in Attachment A of this agenda, current language pertaining to routing of appeals is inconsistent throughout the policy and thus is causing confusion. After conferring with the chair of the Faculty Appeals Committee, the executive committee propose changes to the routing that allows the individual faculty member to maintain agency and authority over their own appeal rather than cede that authority to a dean or provost to submit an appeal on their behalf.

Motion approved by acclamation.

B.   **Motion FS_2020_02**. Executive Committee (Legislation. Majority Vote at one Meeting, no second required.) Post-tenure Review (Policy 403.3)

Be it resolved to amend the Policy on Annual Review (Policy 403.3; 3/2019, 10/2018, 4/2017, and 4/1993) as it pertains to *Section II Post-tenure Review* as indicated in Attachment C (underline indicates addition; strikethrough indicates deletion); and

Be it further resolved that if approved, implementation of the change will go into effect immediately.

Commentary: The Faculty Senate approved changes to the Annual Review policy in Section I that have created inconsistencies with the process of post-tenure review as described in Section II of the policy. The proposed changes resolve those inconsistencies and aligns the policy with UA Board Policy 405.1.

Discussion:

Rob (?): This came to the executive committee from the council's office and after they worked on it, it was sent to the committee on tenure. We realized there were two errors. *see handout* If you were found to be overall unsatisfactory, under the board policy, not to be fired, you must be found satisfactory or have made meaningful progress towards being satisfactory.

Matson: You cannot make meaningful progress and be unsatisfactory.

Belinda Blevinsmoves to refer back to committee on tenure before Feb meeting.

Seconded.

Wright: Is there an urgency with this?

Nahrwold: I have a problem with voting something in with the intention that we are going to change it because I have a feeling it won't happen.

Wright: It seems like there are differences between proposals, but they did not seem to be vast. This seems like this could be handled by an amendment.

Josh: The ambiguity in meaningful progress is an additional protection for faculty. We need to meet.

Clifton: Are we voting to make incremental progress in a timely manner?

Anson: Call to question.

Motion on the floor is to refer this matter to the committee on tenure. Seconded.
Motion passes.

IX.   Open Forum

Move to suspend the rules to go back to new business to provide colleagues an opportunity to make motion.

Cheatham: Motion for elected presidents of the 5 College Assemblies to meet as soon as possible to develop process for allowing faculty in the newly proposed colleges to engage with Provost about plans for restructuring within the colleges.

Motion passed.

College 1 has had a long list of proposed titles that needs to be embedded into new college structure.

Leonard: There are funding issues associated with the names of the colleges. For example, donors donate to the school of nursing.

X.   Adjournment

Adjourned at 4:18 PM

Attachment A: Interpretation of Legislation

TO: Ann Bain, Provost and Executive Vice Chancellor, University of Arkansas at Little Rock FROM: Amanda Nolen, President of the UA Little Rock Assembly and Faculty Senate
DATE: January 15, 2020
CC: Faculty Senate, Faculty Appeals Committee, Deans
SUBJ: Interpretation of Legislation: Promotion and Tenure Policy (403.15)

It has come to my attention that the language contained in the Promotion and Tenure Policy (403.15) related to the process of forwarding faculty appeals to the Faculty Appeals Committee is inconsistent and thus confusing. Specifically, the process of who is responsible for forwarding the appeal to the committee is described in sections 3.E when appealing a dean's decision and 3.F when appealing the provost's decision. The process is described again (but differently) in section 3.I Appeal to Faculty Appeals Committee (FAC).

The Faculty Senate Executive Committee met on January 14, 2020 to interpret Faculty Senate Legislation as this inconsistency has imminent implications as faculty promotion and tenure materials are making their way through the review process. We agreed that for the 2019-20 academic year, the process would follow that described in 3.I:

> "3. I. Appeal to Faculty Appeals Council (FAC)
> The candidate has the option of submitting one and only one appeal to the Faculty Appeals Council. The appeal may be initiated after a negative decision by either the dean or provost. If the dean's decision is negative and the candidate does not initiate an appeal, he or she reserves the right to appeal after the provost's decision, providing that decision is also negative.
> The appeal is in letter form. However, the candidate may include limited supporting materials that bear direct relevance to earlier decisions. The supporting materials are considered part of the appeal and are forwarded with the letter.
> **Appeal after the Dean's Decision**. To initiate the option of appeal at this point, the candidate must notify the provost within five business days after receiving the dean's negative decision. The candidate also provides a copy of the notification to the dean. Within ten business days of receiving the dean's decision, the candidate must submit the appeal to the provost. The provost forwards the appeal to the chair of the Faculty Appeals Council upon completion of the FAC's deliberations; the chair of the FAC forwards the committee's findings to the provost.
> **Appeal after the Provost's Decision**. To initiate the option of appeal at this point, the candidate must notify the chancellor within five business days after receiving the provost's negative decision. The candidate will also provide a copy of the notification to the provost. Within ten business days of receiving the provost's decision, the candidate must submit the appeal to the chancellor. The chancellor forwards the appeal to the chair of the FAC. Upon completion of the FAC's deliberations, the chair of the FAC forwards the committee's findings to the chancellor."

The executive committee will bring the matter to the faculty senate as soon as possible to make the necessary changes to unify the appeal process moving forward.

Attachment B: Routing of Faculty Appeals

Policy 403.15 Promotion and Tenure Policy

1. Faculty Roles

…

2. Policies for Promotion and Tenure

…

3. Procedures for Awarding Promotion and Tenure

The procedure for recommending promotion and tenure begins at the department level (see Board Policy 405.1, III and IV.A). (Note: If the college or school does not have departments, the promotion and tenure document for the college and school will typically establish a committee that serves the function of the department in the review process, including providing tenure-track faculty an opportunity to review recent successful tenure applications.) This evaluation of promotion and tenure applications is based on written departmental guidelines that are consistent with these rules and established by the department and approved through administrative channels. The departmental recommendation is particularly important because it evaluated the candidate's dossier against the standards of the discipline.

Departmental promotion and tenure documents must be consistent with guidelines established in college, university, and the University of Arkansas System. These documents must also be consistent with applicable laws. When there is a conflict, the law or higher level policy will be enforced.

The granting of tenure requires documented evidence of sustained achievement, as well as evidence of potential for sustained tenure accomplishment over an entire career.

3. A. Process before Tenure
Departmental, college, university, and system-wide written criteria for promotion and tenure decisions shall be presented to the faculty member at the beginning of employment (see Board Policy 405.1).

In preparation for promotion and tenure, the chair may assign the tenure-track faculty member with a mentor. The mentor will provide guidance on developing a research agenda and building a dossier. All faculty of the department are similarly encouraged to support tenure-track faculty by providing an opportunity to review recent successful tenure applications.

A mid-tenure review by the departmental Promotion and Tenure Committee (PTC), the department chair, and the employee is mandatory. The review, typically completed by May 15 at the end of the third year in rank, will follow procedures delineated in the departmental and college policies. An external review of the candidate's scholarship may be required only

if procedures for external review have been established in the department's approved promotion and tenure policy. After the review has been completed, the PTC will send a report to the chair. The chair will meet with the faculty member to answer questions about the review and then forward the report with a cover letter to the dean.

3. B. Recommendation of the Departmental Promotion and Tenure Review Committee (PTC) All departments shall have a promotion and tenure review committee (PTC). Only tenured faculty members and administrators who hold tenure shall serve on the PTC. Only faculty who hold a rank equal to or above the rank sought by the applicant shall participate in the promotion review process. No administrator, such as the department chair, college dean, associate dean or assistant dean, may serve on the PTC to review any case for which he or she has participated as a reviewer within that academic year.

The department's promotion and tenure document should define a mechanism for supplementing the PTC when it has less than three members at the appropriate rank. (For example, if the PTC must vote on a candidate's promotion to professor, the PTC would need at least three members on the committee at the rank of professor.) If there is no mechanism for adding members, the faculty of the department, in consultation with the chair, will provide the dean with a list of at least four names, from which the dean will select the remaining members. Typically, the chair of the PTC should be a member of the academic unit.

The PTC shall present its recommendation in a letter to the chair. All members of the PTC shall sign the letter. Significant minority opinions may be identified but need not be attributed to individual members of the committee. Separate minority reports may be written and submitted as attachments to the PTC's letter; a minority report must be signed by the members of the PTC who endorse it.

3. C. Recommendation of the Chair
After reviewing the candidate's dossier and the PTC's recommendation, the department chair will make an independent recommendation. As discussed, the chair shall not serve on the PTC. The chair will meet with the candidate to review the recommendation of the PTC and the recommendation of the chair. At this time, the chair provides a copy of each recommendation to the candidate. After the meeting, the chair will forward the PTC's recommendation and any minority report(s), the chair's recommendation, and the candidate's dossier to the dean.

After receiving the chair's decision, the candidate has the absolute right to initiate a rebuttal within five business days (sec III. H.). The candidate shall suffer no negative consequences for submitting a rebuttal.

3. D. Recommendation of the College Review Committee (CRC)

A college may develop written criteria, policies, and procedures for promotion and tenure through its governance structure consistent with this policy. Such criteria may include a college promotion and tenure review committee (CRC), which will advise the dean on recommendations about reappointment, tenure, and promotion. Colleges shall have procedures ensuring that a faculty member abstain from vote on a CRC if a candidate from his or her department is undergoing review and the faulty member on the CRC has served on the PTC. No faculty member may vote in the same case as a member of both the PTC and the CRC.

When a CRC exists, it reviews the candidate's dossier, the PTC's recommendation and any minority report(s), the chair's recommendation and the candidate's rebuttal (if any); it then makes an independent recommendation to the dean (who will not serve on this committee) and provides a copy to the applicant. All members of the CRC shall sign the recommendation. Significant minority opinions may be identified but need not be attributed to individual members of the committee. Separate minority reports may be written and submitted as an attachment to the report of the committee; a minority report must be signed by the members of the CRC who endorse it.

3. E. Recommendation of the Dean

If the candidate initiates a rebuttal after the chair's decision, the dean will forward the rebuttal to the CRC (where applicable per 3.D) before it begins deliberations. After reviewing the candidate's dossier, all recommendations (those of the PTC, department chair, and CRC), and the candidate's rebuttal (if any), the dean will make an independent recommendation to the provost.

After receiving the dean's decision, the candidate has five business days to initiate either a rebuttal, if he or she did not do so after the chair's decision (see 3.H), or an appeal (see 3,G.I), but not both.

If the recommendation is positive, the dean informs the candidate. If the candidate does not initiate a rebuttal, the dean forwards his or her recommendation to the provost with the candidate's completed application forms, statement, curriculum vita, letters of evaluation (annual reviews, peer reviews, and letters from external evaluators, when appropriate), and the recommendations of all prior review levels. The remainder of the applicant's dossier shall be retained in the dean's office until the review process is complete. If needed for their decisions, the provost and chancellor may request the complete dossier be forwarded.

If the recommendation is negative, the dean shall meet with the faculty member to review the recommendation.

If the candidate initiates a rebuttal after the dean's decision, the dean forwards the candidate's dossier and the rebuttal to the CRC or provost (see 3.H).

~~If the candidate initiates an appeal at this point, the dean forwards the appeal to the chair of the Faculty Appeals Committee (FAC). The dean will provide the FAC with access to the candidate's dossier, including the summary materials. When the FAC has completed its deliberations, the chair of the FAC forwards the committee's findings to the provost with a copy to the dean. At this time, the dean forwards the summary materials to the provost.~~

3. F. Recommendation of the Provost
After reviewing the candidate's summary materials, the rebuttal (if any) and the appeal (if any), the provost will make an independent recommendation to the chancellor and inform the candidate of the recommendation.
After receiving the provost's decision, the candidate has five business days to initiate an appeal, if he or she did not do so after the dean's decision (see 3.~~G~~ I).

If the candidate initiates a rebuttal or appeal after the dean's decision, the provost considers it in arriving at his or her decision.

~~If the candidate initiates an appeal at this point, the provost forwards the appeal and the rebuttal (if any) to the chair of the FAC. The dean will provide the FAC access to the candidate's dossier. When the FAC has completed its deliberations, the chair of the FAC forwards the committee's findings and summary materials to the chancellor. The chair of the FAC also provides a copy of the committee's findings to the provost.~~

~~At this time, the provost forwards the summary materials, the rebuttal (if any), and the findings of the FAC (if any) to the chancellor.~~

3. G. Recommendation of the Chancellor
After reviewing the summary materials, the rebuttal (if any), and the appeal (if any), the chancellor will make an independent recommendation to the president and inform the candidate of the recommendation.

3. H. Rebuttal
The candidate may submit a rebuttal even if the decision of the chair or dean is positive. The purpose of a rebuttal is to provide the candidate with an opportunity to correct errors made in the preparation of his or her dossier, critique perceived misinterpretations of the dossier or provide context that might alter the recommendation at subsequent levels of review. The rebuttal is in letter form. However, the candidate may include limited supporting materials

that bear direct relevance to earlier decisions. The supporting materials are considered part of the rebuttal and are forwarded with the letter.

The rebuttal is not an appeal; it does not prompt a reconsideration of decisions by previous reviewers. It is, rather, an opportunity to provide a supplement to the record that is considered at subsequent levels of review.

Rebuttal after Chair's Decision. To initiate the option of rebuttal at this point, the candidate must notify the dean within five business days of receiving the chair's decision and provide a copy of the notification to the chair. Within ten business days of receiving the chair's decision, the candidate must submit the rebuttal to the dean. The dean forwards the rebuttal to the CRC before that committee begins deliberations <u>or to the Provost if no CRC exists</u>.
The rebuttal is also forwarded with the summary materials to each subsequent level of campus review.

Rebuttal after the Dean's Decision. To initiate the option of rebuttal at this point, the candidate must notify the provost within five business days of receiving the dean's decision. The candidate also provides a copy of the notification to the dean. Within ten business days of receiving the dean's decision, the candidate must submit the rebuttal to the provost. The rebuttal will be forwarded to the chancellor with the provost's recommendation.

3. I. Appeal to Faculty Appeals Council (FAC)
The candidate has the option of submitting one and only one appeal to the Faculty Appeals Council. The appeal may be initiated after a negative decision by either the dean or provost. If the dean's decision is negative and the candidate does not initiate an appeal, he or she reserves the right to appeal after the provost's decision, providing that decision is also negative.

The appeal is in letter form. However, the candidate may include limited supporting materials that bear direct relevance to earlier decisions. The supporting materials are considered part of the appeal and are forwarded with the letter.

Appeal after the Dean's Decision. To initiate the option of appeal at this point, the candidate must notify the provost within five business days after receiving the dean's negative decision. The candidate also provides a copy of the notification to the dean. Within ten business days of receiving the dean's decision, the candidate must submit the appeal to the ~~provost~~ <u>chair of the FAC</u>. ~~The provost forwards the appeal to the chair of the Faculty Appeals Council~~ <u>U</u>~~u~~pon completion of the FAC's deliberations, the chair of the FAC forwards the committee's findings to the provost.

Appeal after the Provost's Decision. To initiate the option of appeal at this point, the candidate must notify the chancellor within five business days after receiving the provost's negative decision. The candidate will also provide a copy of the notification to the provost. Within ten business days of receiving the provost's decision, the candidate must submit the appeal to the ~~chancellor~~ <u>chair of the FAC</u>. ~~The chancellor forwards the appeal to the chair of the FAC.~~ Upon completion of the FAC's deliberations, the chair of the FAC forwards the committee's findings to the chancellor.

II. Post-Tenure Review

Post-tenure review is a mechanism to ensure that the university can maintain a faculty capable of fulfilling the university's mission effectively. It should encourage productivity, reward exceptional performance, and offer correction of unsatisfactory performance without changing the <u>due process and tenure</u> rights of faculty ~~as enumerated in the current UALR Faculty Handbook~~.

~~Annual review is conducted for all faculty. Criteria, standards and procedures are specified in policies set forth by the trustees, UALR administration, faculty senate, and academic units. The reviews are used for determining salary increases, promotion, tenure, and assisting faculty in professional development. Faculty also have appeal processes as outlined in departmental governance documents and the UALR Faculty Handbook.~~

~~Annual reviews for tenured faculty will be used for post-tenure review. Departmental level academic units will define overall unsatisfactory performance for tenure faculty. If a tenured faculty member receives two unsatisfactory reviews in sequence or three such reviews in five years,~~ <u>If a faculty member receives an overall evaluation of unsatisfactory from the departmental tenure committee as described in section I.A.11 of this policy, then the faculty member, departmental tenure committee</u> ~~departmental group charged with peer review~~, the chair, and the dean shall prepare a professional development plan supported by appropriate resources. <u>The plan must contain measurable benchmarks for progress.</u> The plan shall cover ~~up to three years~~ <u>one calendar year</u> ~~with the possibility of a one-year extension~~. During the time period of the professional development plan, progress toward successful completion of the plan will become part of the annual review process for the faculty member. <u>If the faculty member receives an overall satisfactory annual evaluation during the plan, the plan will be considered successfully completed.</u>

If the faculty member receives ~~two~~ <u>an</u> additional <u>overall</u> unsatisfactory ~~reviews~~ <u>evaluation</u> during the professional development plan period, the department chairperson ~~with majority vote of the~~ <u>annual review committee (I.A.4)</u> ~~departmental group charged with peer review,~~ and the dean <u>may</u> initiate a process for terminating with cause the tenured faculty member as specified by ~~the UALR Faculty Handbook~~ <u>UA Board of Trustees Policy 405.1 Appointments, Promotion, Tenure, Non-Reappointment and Dismissal of Faculty</u>.

CLEAN COPY W/ PROPOSED CHANGES:

Post-tenure review is a mechanism to ensure that the university can maintain a faculty capable of fulfilling the university's mission effectively. It should encourage productivity, reward exceptional performance, and offer correction of unsatisfactory performance without changing the due process and tenure rights of faculty.

If a faculty member receives an overall evaluation of unsatisfactory from the departmental tenure committee as described in section I.A.11 of this policy, then the faculty member, departmental tenure committee, the chair, and the dean shall prepare a professional development plan supported by appropriate resources. The plan must contain measurable benchmarks for progress. The plan shall cover one calendar year. During the time period of the professional development plan, progress toward successful completion of the plan will become part of the annual review process for the faculty member. If the faculty member receives an overall satisfactory annual evaluation during the plan, the plan will be considered successfully completed.

If the faculty member receives an additional overall unsatisfactory evaluation during the professional development plan period, the department chairperson and the dean may initiate a process for terminating with cause the tenured faculty member as specified in UA Board of Trustees Policy 405.1 Appointments, Promotion, Tenure, Non-Reappointment and Dismissal of Faculty.