

2014-2015 Faculty Senate

MINUTES—November 3, 2014

Faculty Senate—East Tennessee State University

UPCOMING MEETING:	FOLLOWING MEETING:
November 17, 2014, 2:45 pm Forum, Culp Center	December 1, 2014, 2:45 p.m. Forum, Culp Center

Present: Fred Alsop, Beth Baily, Katie Baker, Robert Beeler, Patrick Brown, Doug Burgess, Randy Byington, Joyce Duncan, Susan Epps, Low Felker, Bill Flora, Virginia Foley, Lee Glenn, Tammy Hayes, Jill Hayter, Tod Jablonski, Karin Keith, Ken Kellogg, Dharendra Kumar, Fred Mackara, Anthony Masino, Tim McDowell, Peter Panus, Jonathan Peterson, Kerry Proctor-Williams, Judy Rice, Deborah Ricker, Thomas Schacht, Eric Sellers, Melissa Shafer, Kathryn Sharp, Taylor Stevenson, Bill Stone, Kim Summey, Jim Thigpen, Paul Trogen, Craig Turner, Jennifer Vanover-Hall, Ahmad Watted, Robert White,.

Excused: Kathy Campbell, Jerome Mwinyelle, Bea Owens, April Stidham,

Absent: Leila Al-Imad, Sharon Campbell, Daryl Carter, Dorothy Drinkard-Hawkshawe, Nick Hagemeyer, Bill Hemphill, Helene Holbrook, Koyamangalath Krishnan, Guangya Li, Mary Ann Littleton, Paul Timir, Darshan Shah, Liang Wang,

Guests: Jeff Howard, Dean of Students

CALL TO ORDER: President Foley called the meeting to order at 2:46pm

President Foley stated that she would make some announcements then give an update from the Senior Staff meeting.

- The Veteran's Day celebration will be Monday at 10 a.m.
- There will be a Safety Forum on Wednesday from noon to one, and another from 5 to 6. There will be a brief presentation and an opportunity for questions and answers about processes and procedures.
- The Chancellor of TBR and his staff will be on campus Wednesday. They have some meetings scheduled with students and with faculty and administration will present their budget proposal to the chancellor.
- Dean Osborne gave an update at the Senior Staff meeting on the Strawberry Plains site. We will be offering three undergraduate programs and two graduate programs there in the fall. Pellissippi State and Roan State will have students who will be attending ETSU at

that site. There is a lot of interest in adding more undergraduate programs. They are hoping that growth in that area would help offset some of the costs.

- Dr. Collins reported that the dome roof is nearly complete.
- The Council for Accreditation of Public Health is on campus this week.
- Ed Kelly reported that the university legal service is extending their immigration services. He also did a presentation on estate planning and talked about how including the university in part of your estate planning was an option.
- Bridgette Baird reported that our day on the hill with the legislators is going to be the evening of February 10th and the day of February 11th.
- President Noland announced that in the next few days he will be inviting some faculty members and a few administrators to serve on a committee charged with looking at OIT.

President Foley moved to the action item on the agenda: a proposed change to the Faculty Handbook regarding Instructional Development Grants. Senator Epps explained that the change is to set a date for the deadline for Instructional Development Grants. She moved that the wording as noted in the agenda be adopted into the faculty handbook:

Proposals should be submitted to the Chair of the Instructional Development Committee according to disseminated instructions no later than March 15 (if the 15th is on a Saturday/Sunday, the deadline will be the Monday immediately following). Grants will be made by May 15th of each year and will ordinarily run from July 1 through June 30 of the next fiscal year. Award recipients must submit final reports to the Office of the Provost by September 30 of the year following grant award. Failure to submit the report will result in ineligibility to receive subsequent Instructional Development Grants.

Senator Brown seconded the motion. President Foley asked if there was any discussion. Senator Schacht asked if there was any consideration given to having a rolling process as opposed to once a year deadline. Senator Epps responded that it was discussed. It was determined that it was better to review all of the proposals at one time rather than give money to projects and have something really good come in later and the money has run out. President Foley asked for all in favor to signify by saying "aye." The motion carried with no dissent or abstentions.

President Foley suggested that we continue the discussion on academic misconduct started on Oct 6th and when Dean Howard arrives, we will listen to his explanation of the policy. She proposed we form an ad hoc committee to look at academic misconduct and determine what response faculty senate wants to propose.

Senator Schacht stated that currently only individual people have standing to bringing a complaint or grievance. Sometimes, however, there can be issues with broader policy that could affect an entire group and not just an individual. A group could be substantially populated by people without tenure. To bring a grievance or a complaint can be very intimidating. The faculty in a department should be able to vote as a group to bring a complaint to grievance. It doesn't necessarily have to go through the current grievance or complaint process, but there should be some mechanism for a concern to be heard when it is brought by a group as opposed to brought by an individual.

Senator Stone wondered if we don't have mechanisms for that right now. The College of Medicine has a Faculty Advisory Council. Groups of people can bring issues to that council and that's its primary function. There are no department chairs at these meetings, so it is entirely faculty driven. The other option would be bringing it before the faculty senate.

Senator Stone continued that this is about bringing an academic cheating violation forward; that's a special channel of legal steps. He thought the point of Senator Schacht's proposal was to let the steps be triggered by something other than an individual complaint. It is not just to call to the attention of the higher authorities a concern; it's a very specific type of legal grievance having to do with academic integrity. It was the purpose of the proposal to say that the cheating violation be a complaint that can be brought by a group other than an individual, because sometimes an individual is too vulnerable to bring that complaint.

Senator Beeler said that it could also be a case where the faculty member has a student who is cheating, brings to the chair and takes the appropriate steps. Usually these grievances are not heard until the following semester. So a lot can happen between the time the complaint is brought and the time the academic misconduct panel meets.

Senator Brown stated that grievances and academic misconduct are two different things. Senator Schacht said that he probably muddied the waters by throwing in the words grievances and complaints. He said the whole thing got started in the discussion of academic misconduct.

Senator Masino stated that from the information we received, it sounds like they bypassed a due process procedure. When we have academic integrity issues, we have to follow the rules. This goes beyond academic integrity. As a department or college, there has to be some sort of grievance filed.

Senator Brown said he thought what Dr. Schacht was saying is that the procedures got shoehorned, but this faculty member can't come and say "Hey, I got stomped on and procedures weren't followed", because this instructor happens to be an instructor and not a tenured professor. Regardless of whether it is academic misconduct or not there should be some way to insulate vulnerable faculty members behind a wall of colleagues so a complaint could be heard without fear of reprisal.

Senator McDowell asked if we were broadening the issue now. He said we are either discussing a broad category of things that are grievances by somebody who is vulnerable or a narrow category of things such as an academic misconduct violation can be brought by a group and not just by an individual.

Senator White said that he thought this conversation began because of misconduct at the administrative level for lack of due process. He thought we were looking at ways to bring a grievance forward at the university level against administrative misconduct in any academic case, not just cheating. If the administrator oversteps their bounds, what course of action do we have? How does a vulnerable faculty member feel confident upholding academic integrity when the administrative or university level does not appreciate academic integrity?

Senator Kellogg stated that he is all for the idea of putting up some sort of a bulkhead to protect non tenured faculty, but it is pointless if the administration is simply going to say “come into my office, I’ll listen to anybody.” We can do everything we want to do and if that’s going to continue, then why do it.

Senator Burgess said he thinks we aren’t all talking about the same thing. He suggested that we table this until Dean Howard arrives. President Foley added that Dean Howard is coming to explain TBR’s academic misconduct policy as ETSU is interpreting it.

Senator Schacht suggested that if there was a procedure for handling academic misconduct that required the administration to have some sort of conversation with the department faculty as a whole before they can act, then the problem that happened in Biology wouldn’t happen. He said we need a flow chart for how these things get handled so the administration can’t step in and trump the faculty without even talking to them.

Senator Flora said that they had a doctoral student who circumvented IRB and after they followed the misconduct process, the student was sent back to the program to redo his dissertation. Senator Flora said that he finds it absolutely appalling because now we’re sending someone who is unethical back into the field as a potential superintendent with a doctorate from our university. At some point in the decision making processes there needs to be some internal governance procedures.

Senator Alsop commented that the most recent case involved two students caught cheating and they admitted that they were cheating and they did not appeal. Their parents went from administrator to administrator and got things changed. There was no feedback to the department or department chair.

President Foley suggested we wait until Dean Howard arrives for any further discussion. She asked Senator Sellers to give his information report on the Information Technology Guidance Committee.

Senator Sellers stated that two or three years ago there was a task force that looked at OIT practices. There were a lot of meetings; a lot of information was collected, but nothing was really resolved. What the ITGC found was that we should focus on faculty and research issues rather than the broad category of OIT. ITGC has identified four or five issues that need to be addressed in regard to research on campus. One is related to security issues with our data. He said that Senator Schacht raised a very good point that we are in violation of HIPAA law because we have to use the ETSU email. Anyone can read our email and there is confidential information on patient records and such in that system. We are developing a survey to find out about different software programs on campus. Can we develop better communications between departments? Research in the library is another issue the ITGC wants to look at. And one of the big issues is that OIT has consistently said “we don’t support that.” The university needs an actual definition of support and faculty need more flexibility in support for research projects. We need a policy for how they’re going to support technology in research. President Foley thanked Senator Sellers. Senator Byington stated that he would like to commend Eric for his leadership on this committee.

Senator Glenn offered information on the Faculty Club proposal. He said that he had worked on developing a Faculty Club about three years ago and it sort of fizzled out for a number of reasons. There was a lot of interest in this from groups such as the Staff Senate and the Retirees Association. But taking it from where it is now to the next level is a very big step. The faculty/staff club would not be a part of ETSU, It would be a separate organization. He said that there was talk at that time with the people at the Carnegie Hotel. They had a number of ideas. Initially, they would provide a room for the club. They also talked of quartering off a part of the restaurant that could become part of the faculty club. That is still something that would have to be negotiated when we find out how many people would pay dues. The problem comes in when you're asking people to pay dues, they want to know what they're paying dues for. What comes with it? What are the benefits? We don't know what the benefits will be until we know how many people will be in the club.

Senator Beeler asked what was envisioned for yearly dues. Senator Glenn replied that they calculated around \$150. Senator Alsop added that there were about 250 people who indicated they were interested at the time. Senator Masino asked if there was a club that was serving as a model. Senator Glenn replied that they didn't model it on anything because where they broke off is when they decided not to have it as part of the university itself. Senator Kellogg stated that there was a similar club at a university he worked at and there were two days a month that were set aside where this facility was expecting large numbers of the university to show up. Part of the incentive to become a member was your first drink was free. They never had a problem with membership.

President Foley announced that Dean Howard had arrived and would talk about academic misconduct procedures. Dean Howard stated that he thought it would be helpful to bring a copy of a report the last time the policy was amended. In fall 2010 ETSU had an increase in cases that were being reported up through colleges related to academic misconduct. In spring 2011, a task force was appointed that reviewed honor codes, existing policies and procedures, and benchmarked those against other institutions. Around the same time the Tennessee Board of Regents was going through a major review of all institutional codes of conduct across the state for all 4 year institutions. That had a lot to do with due process rights of students. Under our old ETSU policy, students could appeal an academic misconduct through the grade appeal process at the end of any semester. So a student could have been found responsible of some academic misconduct very early in the semester and their only recourse at the time was to file a grade appeal at the end of the semester. The Tennessee Board of Regents said this does not afford students due process. The student must be able to appeal the decision at the time it is made. If a decision is made in week two or three, the faculty member has an obligation to tell the student she or he was found responsible of academic misconduct and give her or him the sanction.

The Board came out with a blanket language that is the basis for all institutional codes of conducts across the state. ETSU took advantage of the opportunity and as part of our review made some recommended changes. Our institution chose to keep the language that allowed faculty members to give an F not only on the assignment in question, but also allows the faculty member to give an F for the course, even for one academic misconduct issue. We kept that in our policy. The Board removed that state-wide. The task force made recommendations. The final date on the report is from February 2012. At the time the task force did come and talk to faculty senate and student senate about the

recommendations and changes. The full report is available online on the Academic Integrity website: etsu.edu/academic integrity. Dean Howard said that he went back through the report and he would say 2/3 of the report was adopted by Academic Council. Of that 2/3, maybe 1/3 has been implemented.

Senator Beeler asked if there was any policy for when a student misrepresents themselves to a professor. Dean Howard replied that that is not under academic misconduct, but is a violation of our broader Code of Conduct. Providing false information not related to academic misconduct can still be brought forward. The Code of Conduct is published in the undergraduate and graduate university catalogs.

Senator Kellogg asked if Dean Howard could quickly summarize what the procedure is when a student is caught cheating hands down. Dean Howard replied that the professor needs to make a decision if they're going to invoke a grade sanction. Are they deducting points or giving them an F for the assignment or the course? He said that it is up to the professor to make a determination if they feel like it was simply an accident, the student failed to list a reference or citation, for example, the professor can use it as a teachable moment. They simply indicate this to the student and talk with them about it.

If the misconduct was intentional and there are points deducted or they are given an F, here is the process: You have the right to apply a sanction up to an F for the course. Let us say you applied an F on the paper. You return it to the student and you either email or provide a written copy of a letter that says you have applied this sanction because the student violated the university's academic misconduct policy. The student should be informed that they the right to appeal and what the procedure is to appeal. It is decentralized on our campus. It is ruled by the individual colleges, usually by the dean's office. That person then contacts the student and says they have been informed a sanction has been applied. Most of those dean designees meet with the student in person and say they've reviewed the case, this was applied, and do you accept that penalty? In which case they say yes and accept the penalty, then that's the end. Unless the dean or designee has reviewed the central reporting, and says this student had a violation two years ago and maybe a year ago they had another one and now there is a third and they feel like the penalty is not strong enough. You could move that forward to a suspension/expulsion or some other penalty. The dean designee is the appeal officer. With due process, they have to have the ability to review and to accept or amend that sanction with the student. If the student denies it, they have the right to go to an appeals hearing with a board.

Senator Hayter commented that the examples Dean Howard gave postulated three academic misconduct charges on the student's record. She said her understanding is that there is only a two strike rule and you're out. Dean Howard replied that was many years ago. Currently there is no minimum or maximum.

Senator Alsop asked if the designee of the dean may change the sanction that was given by the professor. Dean Howard replied that the appeal begins with the dean or designee, yes.

Senator Alsop asked if Dean Howard was aware of the case in Biology where the parents pushed it up the line. The student admitted their guilt to begin with. Dean Howard said that he didn't know all the details. Although he chaired the task force a few years ago, academic misconduct at the university is

decentralized amongst the colleges. At many institutions, it is centralized. In reviewing best practices across the country the task force felt it would be better if there was one board who heard cases on a rotating basis...that there would be some consistency.

Senator Trogen said imagine Mark and Mary both turn in identical papers for a homework grade. Let's say the homework is five points and I cannot tell who originated the work and who copied, so I decided the only logical consequence I can see is to give 2.5 points to each and tell them I would prefer not to see this again. He asked at this point does he have an obligation to report them. Dean Howard replied that based on that scenario, yes. You made a determination. You would report both and they could appeal.

Senator Hemphill asked if the misconduct is reported to Dean Howard. Dean Howard replied that no one reports to him. The charge is centrally reported to Ms. Williams.

Senator Stone said that Dean Howard mentioned during an appeal a dean or designee could say it wasn't punitive enough and suggest a change. Could they also say it was too punitive? Dean Howard said that they could.

Senator Stone stated that there is then feedback down the line to the professor that initiated it. Do they report a rationale for the decisions that were made? Dean Howard replied that whatever decision is made at that level is told to the student and there is a formal letter that goes back to that person and the faculty member receives a copy of that as well.

Senator Stone asked if a student registers again, is that information given to the college that now has that student. He asked if I had been found guilty of several infractions in my academic career, can I still graduate with honors. Dean Howard stated that the information is not dispensed. If there is a violation the college checks to inquire about any previous history. It is not something that is distributed. It is a part of the student's disciplinary conduct record. The task force felt that a student at the university who was suspended or expelled or had a sanction applied for issues related to academic misconduct, that it should be recorded on their transcript. They found many institutions were using a grade of XF meaning they were failed for cheating. It appeared on the transcript for several years and then it rolled off. For some institutions it was never removed. They recommended and that was not approved or implemented. A student could be found guilty of academic misconduct and graduate with honors.

Senator Schacht asked who was in charge of accepting it and approving the task force's recommendations. Dean Howard replied that Dr. Bach chaired the task force. The final decisions for adoption after they had worked on it were made by Academic Council. What was approved by Academic Council was adopted and has been implemented.

Senator White inquired if there was ever a recommendation that people who ran afoul of the academic misconduct policy undertake a class on academic ethics that would be a mandatory class with 0 credits but placed on the transcript.

Dean Howard said that there were some similar recommendations. The task force recommended an interactive online tutorial be developed for all students about academic integrity and that there should be a second one developed that could be used as a sanction in lower level cases. That has not occurred.

Senator Sellers asked if the student isn't satisfied with the result of his or her hearing, can he or she appeal up the chain? Dean Howard confirmed that they can appeal the board decision, especially for due process reasons. To convolute things even further, the state of Tennessee has a process called TUAPA. Students have the right to elect a TUAPA process which allows them to have legal counsel. It has to be offered if the potential outcome is suspension or expulsion.

Senator Sellers stated that there may or may not be some misconception about what actually happened in the Biology case. Dean Howard stated that once the faculty member has taken an action, everything beyond that is an appeal. It is a due process for the student to have an appeal. In our system, that initially goes to the dean designee for the college. The appeal officer has the ability to review and amend the situation or it's not an appeal. The process has been that the dean designee 99.9% of the time is simply saying here is what the professor assigned, do you accept or do you want to appeal?

Senator Schacht commented that with the biology situation, the controversy arose because the syllabus was crystal clear about what the sanction was to be. The students had pleaded guilty, and then the appeal essentially overturned the syllabus. Are there guidelines or constraints on the exercise of discretion in appeal or is everything up for grabs on whatever basis our dean chooses? Dean Howard responded that in an appeal, everything is on the table. There are three grounds for appeal. The grounds for appeal are new evidence, the sanction is unduly harsh, or due process rights were not observed.

Senator Kumar asked if it was expected that both parties be there when this hearing takes place or can the dean decide whatever he or she wants to decide? Dean Howard replied that at the first level with the dean designee there is a great deal of sharing of information with the faculty member. The faculty member has to report and provide a copy of whatever it is to the dean designee's office. They meet with the student and there is language that there can be no coercion. There is supposed to be a representative from either the faculty member or in some cases the chair. He said his understanding is both sides need to be at the table to present the information.

Senator Peterson stated that the colleges now have a precedent where if somebody who admits they were guilty for a cheating violation was able to withdraw from the course with just a W on their transcript. Dean Howard said that if someone is charged with a violation, there is a hold placed on their account. They cannot drop the course until the resolution is reached.

Senator Peterson replied that we have a situation where they admitted to guilt, and they were encouraged to withdraw from the course. Dean Howard said that under the current policy they can't do that until the case is resolved. It is still a reported offense so it is still on their record.

Senator Sellers added that the reason that the students were given that opportunity was because due process could not be followed in that situation. It was a 5 week summer semester and it couldn't be resolved in time for that to occur.

Dean Howard ended by encouraging the senators to check out the academic integrity website.

President Foley thanked Dean Howard for his time. She asked if the senators felt an ad hoc committee was needed to study this further. She wondered if we recommended that academic misconduct matters be centralized in light of differences in the way colleges are handling things, if it might be heard differently now. Senator Epps added that this is not the same group of deans who reviewed the task force's recommendations a few years ago.

Senator Schacht said that the report Dean Howard was quoting from contained a lot of the ideas that we've been talking about but they were rejected. If there was a requirement for periodic review of the academic integrity policy so that every x period of time it has to come back to the Academic Council and they have to look at it again, that might take some of the crisis mentality out of how this gets handled.

Senator Glenn motion to adjourn. Senator Brown seconded.

ADJOURNMENT: The meeting was adjourned at 4:45 p.m.

Please notify Senator Melissa Shafer (shaferm@etsu.edu or 9-5837, Faculty Senate Secretary, 2012-2013, of any changes or corrections to the minutes. Web Page is maintained by Senator Doug Burgess (burgess@etsu.edu or x96691).