



UNIVERSITY OF ARKANSAS AT LITTLE ROCK

Faculty Senate Meeting

Friday, April 10, 2009, 1:00 p.m.

Donaghey Student Center, Rooms B & C

MINUTES

Present: CAHSS— Clausen, Chadwick, Eshleman, Estes, Giammo, Martin, Ramsey, Vinikas. CB— Brice, Nickels, Watts. CE— Bandre, Garner, Hayn, Lindsay, Pack. CEIT— Chan, Jovanovich, Patangia, Tramel, Tschumi, Tudoreanu. LAW— Aiyetoro, Foster. CPS— Collier-Tenison, Faust, Rhodes, Robertson, Robinson, Smith-Olinde. CSM— Douglas, McMillan, Tarasenko, Yanoviak. EX OFFICIO— Anderson, Belcher, Ford, Williams.

Absent: CAHSS— Anson, Bunch, Levernier, Webb, Yoder. CB— Edison, Holland. LAW— Fitzhugh. LIBRARY— Pine. CPS— Robinson. CSM— Chen, Kosmatov, Perkins, Prince, Sims, Wiscaver. EX OFFICIO— Davis, Lyn-Cook.

I. Welcome & Roll Call

The president declared it to be 1:00 and convened the meeting. The secretary called the roll.

II. Review of Minutes

The Senate reviewed the minutes of the March 13, 2009, meeting. **Motion and second to accept the minutes. Carried on voice vote.**

III Announcements

Vice-president Ramsey reported briefly about the budget process and his observations. He commended the chancellor and provost for having done exemplary jobs of making the process as open as possible. He noted also President Ford's advocacy for faculty raises this year, in bringing to the chancellor's budget hearing his economic expertise, great graphs, and strong, eloquent arguments. Ramsey suggested we listen closely for what the System trustees do about requests for tuition increases, since they will be the determining factor in raises.

President Ford said he has scheduled the first meeting of the Committee on Committees for 1:00 on Friday, April 24. He noted that whoever sits on the Senate next year, and the next, will play a significant role in the future of the university as the process gets

underway for rethinking the bachelor's degree. He asked that senators think about leadership development within the faculty and be in touch with their Colleges' members of the Committee on Committees.

IV. Reports

A. Chancellor Anderson

The chancellor, noticing that Ford had introduced him as giving us his report on the state of the University, declared, "All things considered, the state of the University is good," thus tailoring the traditional opening statement of U.S. Presidents' state-of-the-union addresses to Congress.

George Jensen is working with the chancellor to refine and revise the tenure and promotions document that came to him from the Senate. Following his most recent meeting with Jensen, the chancellor said he's feeling good about what's going to emerge. There are a few issues of substance, but his greatest concern has been the need to create a single, coherent voice for the document, so that it reads like good policy should. He said he thinks we'll be pleased with this version.

He reminded us that before the document is finally settled as policy, it has to be endorsed by the Senate, by the chancellor, and by the System. It will come back for the Senate's review.

The chancellor gave the Senate a series of updates about the legislative session:

- The General Assembly adopted a law banning smoking on all campuses to be effective a year after our ban goes in place.
- Bill passed that sets a common spring break for all high schools in Arkansas.
- The governor and legislature used the state's surpluses as a rainy-day fund. That helps with our appropriations for the next year of the biennium, but there are two shoes yet to drop: First is the UA System Board of Trustees' decision on a tuition increase. We're requesting one, modest in size but important. Second is revenue stabilization. The A category is basically the same amount we got for this year. Our A category, though, includes some one-time money, which effectively reduces the revenue for general operations. Next year, that one-time money almost certainly will not be there, and barring other changes, we'll be even a bit further behind. The hope is that economic recovery will by then fill the holes that one-time money is filling for the coming fiscal year.

He is relieved we're in as good shape at this point as we are. In July, we began to get the communiqués about health costs going up, then sharp rises in the cost of utilities. In August, we saw a decline in enrollment, and in the fall, the loss of investment income because of the steep stock market decline. We avoided one-size-fits-all solutions to the financial strain, and he ventured to say that few of us

felt our work directly affected by it. We had a small increase in spring enrollment, not enough to make up for earlier losses, but a good sign at this time.

He is not optimistic about compensation increases for the coming year. We've never failed to give promotion increments to faculty who are promoted in rank, and we will fund those—probably 12-15 people. The other thing not yet clear is what will happen for classified people. We don't know how that's going to come out, but we may get some state funding for it.

The chancellor reminded the Senate how important it is to look around us. If we think it's bad here, he said, we haven't been paying attention to the rest of the world. We really are in better shape than most.

We will, however, feel it next year. He's going to be encouraging the deans and chairs to look at places where they might be able to increase class sizes here and there, which might enable us to eliminate an adjunct here or there. We have to sweat enrollment. He's optimistic that we'll be at least even, but if we're not, we'll be obliged to take some steps quickly next year to cover the loss. If state revenues don't decrease a whole lot more than current projections, he thinks we'll have a tight but livable year ahead of us.

Q from Eshleman: About classified employees, what's been the history there? *A:* There hasn't been a big disconnect for a number of years between what classified and nonclassified have gotten in raises.

Comments from Faculty Senator and State Representative Nickels: Last day or two we passed a law having to do with concurrent employment. Whatever the university provides those students in fee reductions, this money will count against our scholarship pool. *Response from the chancellor:* If it looks like you describe it, and I think it does, it doesn't have any effect on us because we've always treated concurrent enrollment benefits as scholarships. The chancellor expressed his opinion that there is still policy that needs to be improved in relation to concurrent enrollment.

Q from Jovanovich: Some concurrent enrollment students come take classes on campus, and they DO pay tuition, don't they? *A:* Yes. And that's the kind of concurrent enrollment that makes his eyes gleam—and not for the money, either. Rather, being part of the campus experience is a strong recruitment tool and provides, in his opinion, a richer educational experience.

In closing, the chancellor reinforced that he's not wanting to be guilty of "happy talk," but really does feel a sense of relief that we've gotten through the year in as good shape as we have.

B. Provost Belcher

The provost noted that we're at the time of year when we do a lot of recognition of people for extraordinary accomplishment, and he extended a salute to two who have made an unusual and important contribution to university and community:

Jim Nickels and Ann Clemmer, both of whom are first-time elected members of the Arkansas General Assembly.

Act 182 (which we sometimes call “the transfer bill,” or “the Burris bill”) provides that if transfer students come to us with AA, AS, or AAT degrees, we’re not supposed to make them take any more lower-level courses, with a few exceptions such as having not met particular degree requirements. Some concerns have emerged about the Act.

The language was changed to “discipline-specific courses,” which appears to mean that our nine-hour foreign language requirement would not comply with the law. This is a concern of provost and chancellor, and they intend to engage this issue. They clearly believe it is our right to determine that this is a degree requirement, in spite of the courses not being “discipline-specific.” He wanted faculty to be aware of the problem, and to let us know we’re pursuing resolution.

One of the things Act 182 requires is that all four-year institutions have an articulation agreement with two-year institutions in a 50-mile radius. Two-thirds to three-quarters of our students bring transfer credit, so we intend to have those even with schools well beyond the prescribed 50-mile radius.

We are establishing an Office of Transfer Student Support Services intended to be a one-stop-shop to make the transfer process and articulation of credit as easy as possible for arriving students.

The provost acknowledged that a number of senators were involved when we worked with Pulaski Technical College to support a study of both campuses that could help us improve our relationship. One recommendation of the study was to institute periodic meetings of all the deans. We’ve been doing this once a year. In some ways, they are symbolic, but seem to be producing some useful increases in cooperation and coordination.

The provost put in a word for senators’ and other faculty’s input in two processes: the review of proposed policies and procedures for IRB, and the annual undertaking of the Assembly’s Committee on Committees to appoint people to fill the university’s appointed committees. The quality of the work done all those committees and councils depends on the quality of people we recruit and the people we elect. Shared governance is a right, and is also a responsibility, and required the faculty to step up and step in.

Tschumi reminded the provost that Rep. Burris, chief sponsor of what became Act 182, had assured us when he addressed the Faculty Senate he had no intention of interfering with degree requirements such as our nine hours of foreign language. He made the offer to do whatever is required to correct unanticipated consequences of the legislation. The provost thanked Tschumi for the reminder.

C. Reports of Standing Committees:

1. *Graduate Council, Anne Lindsay, chair*

Lindsay said there's a ton of stuff coming down, but they have nothing to report today. Next month will likely be quite different.

2. *Undergraduate Council, Jeanette Clausen, chair*

Clausen reported on a number of actions by Undergraduate Council. Her full report is Attachment A of these minutes.

V. *Old Business*

President Ford opened discussion of proposed IRB policies and procedures, which are expected to come forward as a resolution at the May 8 meeting of the Senate:

John Pittenger, a member of the IRB, was at the podium for the discussion. He said the IRB, in discussion with the provost and chancellor—and the chancellor has the final say, of course—had recently reached some new positions for the proposed policies. Human-subjects research by graduate students should go to the IRB for review. On the other hand, those classroom research projects that are for the purpose of learning skills, but are not intended primarily as research, may be vetted without IRB review. Pittenger said the chancellor had suggested that each college have a faculty member who could advise faculty about which projects need to go to the IRB and which don't.

About research on educational programs or teaching: if the department is gathering information for its own use, IRB approval is not required. If we want to talk to anybody else about it, we would be treating what we found as generalizable knowledge and such a project should go to the IRB. So what happens if we discover generalizable knowledge without having planned to? We should go to the IRB after the fact, and treat it as secondary data analysis, thus making sure that proper safeguards of human subjects are in place.

Ford asked when the new material Pittenger discussed would be folded into a draft of the document so we can take a look at them. Pittenger said he had a clear answer to that: he has no idea. This material came out of discussions with provost and chancellor, so he guessed that would be up to them.

Robertson, a member of the IRB, asked that everyone who has identified key issues with the institutional review process that need to be fixed get those issues to the board. The more of us who do that, the better off we'll be. Robertson spoke of the document as a moving thing. Most of the policies in the overall document, he said, are about different types of research and the process we're trying to follow—and there are arguments about whether in any specific case, these policies apply.

Ford again asked when we might expect to see a draft that incorporates either new decisions by the IRB working group reached independently—such as

those Pittenger just discussed, or coming as a result of feedback from the meeting the IRB is holding in colleges.

Tschumi made the point that we can't just get verbal assurances. We have to capture this in writing, or we're going to have trouble voting for it.

Smith-Olinde, also a member of the IRB, asked if what Pittenger discussed were perhaps examples of how specific matters might be handled rather than actual policies. Pittenger's reply was difficult to interpret.

Ramsey's sense is that everyone wants what would pass for a final document to come to the Senate for review. Q: Does the exemption you mentioned earlier apply to undergraduate theses? A: Don't know.

Q from Jovanovich: What if faculty and students carry out an undergraduate classroom project, and after the fact it looks like the results are worth writing up and presenting. A: Pittenger's reply went to secondary data analysis. Follow-up Q from Jovanovich: Then whatever's been done to the human subjects has already happened, so what's the role of the IRB? Robertson responded, directing attention to the sections of the document that deal with secondary data, where the focus of review is on ensuring that identities of subjects are well cloaked.

Comment from Tschumi: Faculty members explore new teaching techniques. They find after they do it there's good stuff that needs to be shared with the academic community. Those faculty members haven't done anything wrong; they've done their jobs.

Pittenger responded that the IRB has to balance two things: protecting human subjects and not obstructing research. It can be hard, he said, to distinguish between people who were doing program evaluation and found fortuitous results from people who knew they were doing research and failed to seek prior approval. He said the IRB has noticed that some people are stretching the definitions of secondary data. Things that were not human research do not become human research just because you want to tell somebody else about it, he said. You knew who was in the class when you were gathering the data, but in this case, this is perhaps not relevant.

Further discussion of some "what-ifs" followed.

Comment from Provost Belcher: He noted that even this discussion is difficult to follow. We are, he said, trying to write a policy that insures the protection of our university, because if we don't, we risk losing funding we can't afford to lose. He said the chancellor, too, would like to get to something like a "final" document, but the IRB has stopped revising until it can meet with all the colleges. Some meetings have taken place, but others haven't, and he encouraged us to get on with them, bringing our issues for discussion to those meetings.

Robertson observed that research goes on, and we can't wait until something's "final."

Smith-Olinde suggested that this seems like a no-brainer: if your research involves human subjects, you plan to submit it for prior review to the IRB.

Jovanovich asked whether he should go to the IRB for review if he wants to study what happens in his classroom, and may or may not discover something of interest to other teachers.

Tschumi said he believes we have become overzealous in our fears about protecting the university, and are pushing our policies far beyond the law as he reads it. It specifically exempts pedagogical research done as a normal part of teaching, yet we are saying such research is NOT exempt.

Watts read to the Senate a message prepared by Sen. Holland, who could not be present. The statement is Attachment B of these minutes.

The group established that college meetings with the IRB are scheduled until at least May 1 and May 5, which means we are unlikely to have a different draft of the document. Ford told the Senate he had advised the chancellor in his monthly meeting that it looked to him as if the Senate is unlikely to be able to make a recommendation on the proposed IRB policies this academic year.

VI. *New Business*

A. *MOTION*. Executive Committee, presented by Earl Ramsey, vice-president.

(Resolution; no second required; majority vote at one meeting.)

Be it resolved by the Faculty Senate of the University of Arkansas at Little Rock that:

“The University of Arkansas at Little Rock supports the creation of equitable and inclusive learning environments for our students, faculty, and staff. We encourage University employees to learn about, and, where possible, implement the principles of universal design to assist in the fulfillment of this goal in ways that support the University’s mission to provide a quality education for our students. This commitment to universal design, however, should in no way be interpreted as limiting the academic freedom of faculty members to control either the content or method of delivery of course materials.”

Commentary:

Universal design is defined as “the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaption or specialized design” (Center for Universal Design, North Carolina State University). The resolution adopting universal design asks the UALR community to be mindful of the needs of every member of our community as we plan for the future. It asks us to take into consideration how the intellectual edifices we build, our policies and practices, as well as the physical environments we create impact students, faculty, staff, and visitors to our campus. At the same time, the resolution expressly supports academic freedom, both in terms of the content and method of delivery of that content, as well as the importance of protecting educational quality. The intention of this resolution is to encourage University employees to look for ways to improve the

University's learning environment to make it more accessible for all, but it not to in any way impose specific restrictions on what faculty members teach nor on how they choose to teach it beyond those already required by law.

Ford recognized the "wise president," as he was referred to in the agenda, who noted that his strength is roughly equal to the president's usual eloquence.

This resolution represents the work of the ad hoc committee, but in real life, the ad hoc committee reached an impasse, with a so-far irreconcilable split between the faculty on the committee and the staff of the Disability Resource Center on the committee.

Following Ramsey's introduction, Ford said he had used his influence to press forward with this resolution.

Giammo spoke as a member of the working group. The motion represents the version that Jim Parins and Giammo wrote for the ad hoc committee's consideration. Our perspective, he said, was that if we're going to pass something, it should include a clear statement about academic freedom and educational quality. When it came down to it, the staff of the Disability Resource Center was unwilling to recommend a motion with that language in it, suggesting that we would be embarrassed in the future as an institution to have this language in an endorsement of the principles of universal design. He said that given the task force's inability to reach a consensus, and even though he prefers this statement to the original, he would, in light of its unacceptability to DRC staff, vote against the resolution in deference to them.

Smith-Olinde, also a member of the working group, spoke in favor of the resolution, saying she thinks it's important that we as faculty be sure we do protect academic freedom, the right of faculty to determine both content and teaching methods in their courses, along with endorsing universal design.

Jovanovich asked why the executive committee is bringing this forward instead of the ad hoc committee.

Williams said his reasons were that while he thinks most of us do endorse and support the principles of universal design, he believes it is equally important for us to protect the principles of academic freedom, making them very clear to everyone.

Watts said he's still unclear about what universal design means. He said that though he had asked for clarification from DRC staff, he didn't get his lack of clarity resolved.

More discussion ensued, until **Watts moved immediate consideration. Seconded by Rhodes. The motion for immediate consideration passed on voice vote.**

The main motion failed on voice vote.

Ramsey asked the president to extend the offer to DRC staff to return to the Senate and continue to educate us.

VII. Open Forum

Comments from Watts: We're just awarded scholarships in our department, and discovered that the amount of available money has gone down sharply. When we asked about what's going on, we get only vague and unsatisfactory answers.

A senator from the College of Education observed they have about a third the amount of money as in previous years and twice the applicants. Said they too can't get good answers about what exactly has happened to the funds they have invested.

Watts asked that the faculty get tough in trying to ensure that we know what's happening with our endowed funds. The numbers we're seeing, he said, are consistent with the current state of the market only if we're invested fully in high-risk equities, and it makes no sense at all that we should be.

Ramsey noted that we're talking about funds being held by the Foundation, and that he understands our general scholarship funds are fairly healthy, since they come from state appropriation.

Ford said he took that as direction to get someone knowledgeable here to talk about those Foundation funds.

VIII. Adjourn

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Judith Faust, Secretary.

Attachment A

Undergraduate Council Report to Senate, April 10, 2009

Jeanette Clausen, Chair

1. Business conducted since my last report on March 13, 2009

- The Council approved new courses, course revisions, and deletions of courses no longer offered for a number of departments and programs, including (in the COB) Economics, Marketing/ Advertising, and Management; (in EIT) Systems Engineering; (in CSAM) Math and Statistics, Biology, Chemistry, and Earth Science; and (in AHSS) Theatre Arts and Dance. All the course changes were motivated by the need to update curricula and serve students better. In some cases, the deletion of obsolete courses and the addition of new ones necessitated modifications of the major or minor requirements as well be modified as well. All such changes were made to keep pace with changes in the field, take advantage of faculty expertise, and offer students a better educational experience. In Theatre Arts and Dance, the change to a single alpha code (THEA) for all courses was especially welcome to those who had been bewildered by alpha codes such as DRED, DRAT, DRPE, DRTE, and DRTN. The approved changes will go into the 2009-2010 UALR catalog.

The Council also recommended approval of several **new certificate programs**:

- The Math and Statistic department has developed a new certificate program to provide an Algebra I endorsement Grade 8 for Middle School Teachers. The certificate was developed in response to a request from DHE and meets a need for Algebra-qualified teachers at the Middle School level, since Algebra I is increasingly being taught already in grade 8.
 - The Mass Com department has developed two new undergraduate certificates, a 15-credit Journalism certificate and an 18-credit Professional Certificate in Media Production and Design. Both were created for professionals who need to update their credentials due to the numerous changes in the field of mass communication, especially the convergence of print and electronic news and the prevalence of electronic tools for media production and editing.
2. The Council had a first reading of the proposed revision of the AA in Law Enforcement and expects to see that back on our agenda next week. We are also bracing for a new onslaught of CCFs from various departments that did not have someone to flog them into getting their proposals in early. As always, if you need more information, you can check out our agendas and minutes on the UGC web site.

3. I want to thank the UGC members, both the members elected from the faculty and the ex officio members, who keep the rest of us from falling on our faces. This has been a great group to work with and I thank them for all the work they've done and will still do this year.

This concludes my report.

Attachment B

Comments and Concerns about the Proposed IRB Policy and Procedures

Larry Holland, 4-10-09

I have a few comments and concerns about the proposed IRB policy and procedures. Unfortunately, I will not be able to attend the Faculty Senate meeting on Friday, April 10. Therefore, I would like to submit these written comments:

1. The 185-page document is far too large to constitute an effective policy and procedure. I suggest that the document be summarized into a 5-10 page document containing the most critical information. The current document seems to contain extraordinary detail, most of which may well apply to a relatively small portion of the research on this campus.
2. I was unable to find any appeal procedure, any checks and balances, or any allowance for due process if a disagreement occurs between the researcher and the IRB. Indeed, the IRB chair can even restrict a researcher from making an appearance or a statement to the IRB committee. This opens the clear possibility of misunderstandings or even inappropriate and uncontrolled actions by the IRB, which could lead to damaging consequences to the career of an innocent researcher. There needs to be some sort of due process, including an appeal procedure. Also, in the case of a disagreement, a mechanism (or a safeguard) needs to be present that brings to the light of day all relevant issues before any negative action is taken by the IRB.
3. The document needs to spell out carefully the procedures and actions that the IRB Chair, staff, or the committee pursue if an alleged violation occurs. I would like to see involvement with the researcher in trying to work things out before any negative actions are taken, especially any actions that might be damaging to the career of the researcher. This is especially needed if the violation is simply a procedural technicality.
4. There needs to be a clearer statement of research that is exempt from IRB review. The current document requires a much larger process to be deemed exempt. Policy 4.001 on page 85 lists item "2.1 Categories of research *eligible* for exempt status. Then items A, B, and following identify research in educational settings (i.e., pedagogical research), which are exempt from IRB review. However, the Policy 4.001 as a whole requires *all* such research to be reviewed by the IRB. This means an incredible amount of unnecessary paperwork for almost all pedagogical research. Section 2.4 outlines the procedures for filling out a form and submitting the form to the IRB for review and approval. And files must be maintained of potential audit later. All of this apparently applies not just to

written documentation of research (articles, etc.) but also to any verbal presentations, which would require prior approvals. Taken to an extreme, even a demonstration or a discussion of best practices would need prior approval (i.e. any ATLE program here on campus) – holding to the requirements of the current document.

There are other issues that I am not clear about within the 185-page document; I only had enough time to document the above items.