

UNIVERSITY OF ARKANSAS AT LITTLE ROCK

Faculty Senate Meeting

Friday November 30, 2007, 1:00 p.m.

Donaghey Student Center A & B

MINUTES

Present: CAHSS— Anson, Bunch, Chadwick, Cheatham, Dhonau, English, Eshleman, Estes, Ramsey, Smith, Vinikas CB— Brice, Holland, Edison, Nickels, Watts.). CE— Barrett, Kushner, Lindsay, Vander Putten (*alt.*). CEIT— Jovanovich, Patangia, Trammel, Tschumi. LAW— Aiyetoro, Fitzhugh, Foster. CPS—Faust, Robertson, Turturro. CSM— Davis, Douglas, Elsalloukh, Perkins, Sims, Tarasenko, Yanoviak. EX OFFICIO— Anderson, Belcher, Ford, Williams.

Absent: CAHSS— Amrhein, Levernier. CE— Garner, Moley. CEIT — Bayrak, Wright. CPS— Gregg, Montague, Robinson. LIBRARY— Medin. CSM— Chen, Davis, Kosmatov, Rurup. EX OFFICIO—Bates, Garrett.

I. Welcome and roll call

President Ford declared it to be 1:00 p.m., and called the meeting to order.

II. Review of minutes

The minutes of the October 19, 2007, meeting were reviewed. Motion and second to accept the minutes. **Motion carried on voice vote.**

III. Announcements

President Ford believes everyone should have received a letter of invitation to the summit on retention next Tuesday in Dickinson Hall. He reminded the Senate of the chancellor's charge to Provost Belcher and Vice Chancellor Donaldson at the opening meeting of the University Assembly this fall. He said it is certainly in our interest to be there, hear from Belcher and Donaldson, and engage in the discussion..

The president apologized for his oversight in missing an e-mail from Sen. Aiyetoro that included a motion to be placed on today's agenda. He noted it could be introduced today upon a motion to suspend the rules or it could be held until January. He reported that Aiyetoro, in light of the length of today's agenda, graciously agreed to bring forward the motion in January.

IV. Reports

Ad hoc Committee on Academic Freedom—Rick Peltz, chair

Peltz distributed a report from the committee (see **Attachment C**).

Peltz raised concern last spring about the scope of academic freedom and its protection. He also observed there are activities outside the core functions of teaching, research, and service that ought legitimately to be protected by academic freedom.

A number of recent developments indicate judicial protections are declining. He believes academic freedom will come down to the terms of our contracts. The university constitution, which sets out faculty rights and responsibilities, defines our contractual relationship with the university, and it does indeed have language intended to guarantee academic freedom. In the committee's opinion, that language may not be broad enough and clear enough to adequately protect us. Peltz said they certainly are not concerned about our current chancellor and provost—adding parenthetically that he put in that line in case they were here—but that nonetheless, peacetime is the best time to prepare.

Peltz said the committee wishes to explore what else might be “the penumbras and emanations” of those three items, and perhaps seek to clarify the language of the constitution and the Faculty Handbook. He asked people to weigh in with opinions and concerns. What have we left off? Are the illustrations included in the handout (Appendix C) apt? Is the paragraph on limitations too much or too little?

Robertson, a member of the committee, added that they thought about a lot, such as that some departments' faculties choose textbooks collectively, so in every instance, an individual faculty member may *not* be entitled to choose the textbooks for a course he or she teaches.

Cheatham asked what might be the effect of local approval of changes on this campus, since this is U.A. System Board policy. Peltz answered that he doesn't know yet, and that the question is an important one.

They've looked at how the policy is presented on other campuses in the U.A. system and around the country. They've talked with AAUP, and have drawn from policies of other schools to inform the discussion of issues in the handout.

Cheatham suggested we should perhaps circulate our work on this to all the other universities in the system. Peltz thought it a good idea.

Nickels raised the question of sovereign immunity, asking how relief could be sought since Arkansas law prohibits suing the state. Peltz demurred, noting that he's not an expert in Arkansas law. He said if there are sovereign immunity limitations on our current contracts, this won't change that. But, he added, it's in our interest to better define academic freedom.

The other members of the committee are Sonny Rhodes, Roby Robertson, Olga Tarasenko, and Fred Williams. Peltz again urged Senators to contact committee members with ideas and concerns, and to encourage other faculty to do so as well.

Committee on Tenure—Gary Geissler, chair

The committee Monday e-mailed an invitation to all faculty to participate in an on-line survey. More than a hundred completed questionnaires are in as of today. He asked that we all do it within the next week, and that we encourage colleagues to, as well.

The committee thinks it has a pretty good handle on the issues, but they want to give the entire faculty a chance to say what they believe the most important issues are. In that way, the committee can be sure they haven't overlooked any.

Having examined the responses to the current survey, the committee will develop and distribute a second, more detailed survey in early spring. Using data from the second survey, the committee will draft a set of specific recommendations about tenure policy.

Ford wants to be sure senators understand that the committee's job is not to come up for tight guidelines for all the university's departments, but the broad policies on which we agree at the university level—"not the tight underwear, if you will," said the president, "but the looser, *outer* clothing." When order was restored, Geissler agreed that was indeed the case.

*Ad hoc Committee on the Rank of University Professor —
John DiPippa, chair*

The committee, DiPippa said, has two charges: to determine feasibility of using the rank of "university professor," and to bring a proposal to the Senate for policy to implement its use.

The committee agrees using the designation would be a good thing to do, and that it should be used for people who have contributed significantly over a long period of time to the university. They're still thinking through eligibility, but have come to the notion that to be eligible, one must have had at least ten years at the rank of full professor, with at least five of them here at UALR.

The committee has looked at Fayetteville's procedures, and likes them. They resemble the procedures for promotion, entailing nomination from the faculty of a department, and review of the nomination at the level of the college. Then, Fayetteville has a "council of distinguished professors," who may indeed meet on Mount Olympus, DiPippa said, but who do review the nominations and make the final recommendation to administration for appointment.

Stodola, a faculty member present at the Senate meeting, asked about how this plays into a major problem we have on campus in retaining and supporting junior faculty. Second, she asked whether we ought instead to place a priority on raising salaries across the full range of faculty positions. Third, she asked whether consideration has been given to the role of development in supporting university professorships.

DiPippa replied that the second comment on general salaries across faculty is surely outside the committee's scope, and that the first and third are interesting and useful. He will take them to the committee.

V. Old Business

There was no old business before the Senate.

VI. New Business

A. MOTION: Executive Committee (Legislation; requires majority vote at one meeting):

Those applicants completing all requirements for various degrees in the 2007 Fall Semester shall be approved for graduation.

Vice-president Ramsey made the motion, noting parenthetically that he'd still like to see the list.

Motion carried on voice vote.

- B. MOTION: Admission and Transfer Credit Committee (Legislation; requires majority vote at one meeting):

The requirement for Fine Arts/Humanities requirement in the university core shall be changed to read "9-12 hours of arts and humanities."

Commentary: The rationale for this is that there is no possible way to satisfy the required 44 hours of core credit without at least 9 hours in the Fine Arts/Humanities category. Our current form reflects the Faculty Senate wording of "6-12 hours...." Since 9 are required mathematically, the wording change will help prevent confusion on the part of academic advisors.

Tschumi, a member of Admission and Transfer Credit Committee, brought the motion forward on behalf of the chair. What this is doing, he said, is cleaning up some of the language in the Senate's earlier legislation: we had miscalculated the totals possible in connection with the ranges set in the various categories, so that, given the total hours required, it's not possible for students to take *only* 6 hours in the arts/humanities category.

There was some confusion about what was being amended. Cheatham and Tschumi reminded the Senate that it had passed legislation—in May 2006, they believe—which refined our policy on how to handle *transfer credit* in determining whether transfer students may be considered to have met the core requirement.

The secretary and Tschumi tried to locate the previous legislation in Faculty Senate minutes, and were unable to do so in the few minutes available.

Motion to postpone so that the legislative history could be made clear. Seconded. Motion passed on voice vote.

- C. MOTION: Ad Hoc Textbook Committee (Legislation; requires majority vote at one meeting):

See Attachment A for the original language of the proposed policy, with changes made today incorporated in it.

Commentary: This policy only affects publishing contracts entered into after the passage of Act 106. Further, (1). it only applies to texts required for classes or sections directly taught by the author; (2). recommended titles are not covered by this Act; and (3). only royalties directly assigned by the publisher to the said author/teacher are covered. Given that typically royalties are not paid until approximately one year has passed from the date of sale, such accounting will take place in the year following the use of the text under the covered circumstances.

The motion and commentary published on the agenda were incorrect. Anson handed out the actual proposal, noting that the proposal transmitted to the president for inclusion on the agenda was inadvertently in error.

The change is the language "course materials" rather than textbooks."

Q. from Cheatham: She understands the committee's recommendation is that we adopt the policy developed by the provost with these recommended changes. She reminded us that the Senate temporarily gave authority to the provost to implement policies that will ensure our compliance with the law until the Senate can formally adopt its own policy. So the committee is recommending that the Senate now, with these changes, approve the entire policy on textbook royalties? *A.* Yes.

Anson accepted as a friendly amendment the addition of "required" before "course materials" in the second paragraph.

Flinn urged the Senate to use the language "materials the purchase of which is required" rather than "required materials."

Jovanovich read the law, and suggested to the Senate that the proposed policy goes far beyond the two simple requirements enumerated in the law. Anson said that's where the committee began, as well, but that the System attorneys were absolutely adamant about the policy being responsive to the *intent* of the law. He pointed out that this version of the policy is much more flexible than are the policies they've seen from the other campuses.

The committee got an agreement from counsel that if a faculty member assigns royalties so that the publisher distributes them to someone else, the problem is gone. He noted that this was responsive to Flinn's concern.

Jovanovich argued that we should not change the current policy without having a better one to change to. He does not see this as an improvement.

Anson reminded the Senate that the intent is for each college to develop its own policy within these broad guidelines. He read two by way of example.

After extensive discussion, in which the secretary participated and thus could not record accurately, there were a series of friendly amendments.

Robertson moved the question. Seconded by Vinikas.

Motion carried on voice vote. The policy as approved by the Senate may be found in Attachment A.

D. MOTION: Executive Committee (Legislation; requires majority vote at one meeting):

The Departments of Criminal Justice, Construction Management, History, and Nursing are hereby authorized to participate in a three-year pilot project to test and understand potential revisions in university policies and practices governing transfer of credits from other institutions of higher education in order to facilitate progress of transfer students within their majors toward a baccalaureate degree; AND, That the following provisions shall constitute the framework within which the Departments of Criminal Justice, Construction Management, History, and Nursing shall carry out the pilot project:

Transfer-of-Credit Pilot Project

Guidelines for Participating Academic Departments

- 1. The pilot project, which will begin January 1, 2008, and extends through Fall, 2010, includes undergraduate students/programs, not graduate.*
 - 2. Students eligible to be in the pilot program are those who are majoring in the participating departments. For degree requirement modifications to apply, a student in the program must have a signed degree plan on file by the end of the Fall semester, 2010. A student who has been in the pilot program and later decides to change to a major in another department will not carry with him/her exceptions to normal requirements granted while in the pilot project; all regular requirements for graduation will apply.*
 - 3. The following graduation requirements will continue to apply:
 - Minimum hours (124) and GPA (2.00) required for graduation*
 - Minimum hours and GPA required for majors and minors*
 - Foreign language for BA majors*
 - Math 1302 & U.S. History/Government**
 - 4. Flexibility will be permitted on the following requirements, provided the intentions of these requirements are kept in mind and honored:
 - 45 upper-level hours*
 - 30 hours in residence*
 - core requirements**
 - major requirements*
 - minor requirements**
- *While students entering UALR with a high number of semester credit hours (75 or more) in transfer should be given the benefit of a broad interpretation regarding satisfaction of core requirements, the state specified 35-hour core would be applicable.*
- 5. Participating departments should keep two broad criteria in mind when considering waivers, substitutions, exceptions, etc., to current policies: (a) Will the student be as ready for graduate study in the discipline? (b) Will the student be as employable?*
 - 6. Participating departments will keep records on each transfer student, preferably in mutually-agreed and similar formats, to enable the Faculty Senate to determine whether the outcomes of the pilot project support or do not support a case for revisions of policy and practice regarding transfer of credit. The Associate Vice Chancellor for Academic Affairs/Academic Policy, with assistance as needed from the Office of Institutional Research, will collect the data and at minimum submit two reports to the Faculty Senate, one report in Fall 2009 (after three full semesters) and a final report at the end of the pilot project.*
 - 7. The Faculty Senate may abbreviate, end, or extend the pilot project or choose to take action on changes in transfer policies during the period of the pilot project.*

Commentary: This legislation responds to the Chancellor's challenge that the faculty give attention to UALR's transfer-of-credit policies through a three-

year pilot project. It is his contention that the existing approach to transfer of credit across higher education in the United States reflects a paradigm that no longer fits realities, and that faculty should see themselves as members of a national faculty in their respective disciplines. He addressed the issue and made the challenge in a speech to the University Assembly on April 25, 2006.

Pilot projects by definition are limited in scope. This pilot project is limited to four academic departments that have volunteered to participate out of a total of some 37 academic departments. The volunteer departments are : Department of Construction Management (College of Engineering and Information Technology), Department of Criminal Justice (College of Professional Studies), Department of History (College of Arts, Humanities, and Social Sciences), Department of Nursing (College of Science and Mathematics).

The proposal presented here was shaped by discussion in two meetings of department chairs, deans, Undergraduate Council members, Faculty Senate officers, the Provost, and the Chancellor.

The proposal responds to the fact that UALR serves thousands of transfer students each year. Given the number of transfer hours we already accept, we are no longer just certifying that our graduates have completed our degree. We are in effect certifying in many instances that a UALR graduate has earned a sound degree that is broadly similar to ours.

The goal of the pilot project is to discover and understand changes in current policies and practices that could be enacted broadly after conclusion of the pilot project—changes that would enable UALR's transfer students to realize the enormous benefits of a university degree at the lowest cost to them in time and money.

Members of the Faculty Senate can access his speech on the webpage of the Chancellor's Office: <http://www.ualr.edu/chancellor/speeches/Transfer-of-Credit-Paradigm-Shift.asp>

Cheatham explained to the Senate that since the motion was drafted, a work group on the pilot project, including the five participating departments, vetted the language carefully and suggested two modifications which she led Senators through noting on their copies: first, eliminating the last sentence from section 2; and second, in section 4, moving the bulleted item with the asterisk to the bottom of the list so that it's next to the language that explains it. A third change since the language was drafted is the addition of a fifth department, Biology, to the pilot project.

She reminded the Senate that this arose from the chancellor's call to the faculty for a paradigm shift in viewing more broadly the nature of transfer credit. Some 70 percent of our students have substantial transfer hours, and more than 40 last year had more than 80 transfer hours. This has big implications for departments as they try to move transfer students toward meeting degree requirements.

Based on a series of meetings at the chancellor's invitation, we want to create a three-year window of opportunity during which five departments might take on broader responsibility, as specified in this proposed policy, in approving transfer of credit. Obviously, there is some need for mutual faith and assurance between the Senate and the five departments volunteering to participate in the pilot project. The executive committee hopes this policy accomplishes that. The departments are, of course, required during the pilot to keep meticulous records and to report. The Senate, of course, has the power to revoke the pilot project at any time during the five years.

Vinikas passed on Bolton's strong support for the pilot project and for the guidelines embodied in the motion before the Senate. Faculty from Nursing, Construction Management, and Criminal Justice also spoke in support of the motion.

Anson offered a friendly amendment, accepted by Cheatham, to insert the words "of competencies" after "broad interpretation" in the asterisked paragraph.

Douglas asked what we'd find ourselves giving up if we accept a bunch of lower-level courses in the discipline. Cheatham replied that we won't really know until we see what the pilot shows us. Cheatham also noted that we do this sometimes right now; we just do it by a special-exception process that bumps the decision up to the provost's office. Tschumi added that he shared Douglas's concern, but that he doesn't believe we're going to give away the farm in this pilot project.

Cheatham reiterated that we're not by this legislation changing the rules for the university. All we're doing is giving a three-year window for the pilot in five departments, which will report to the Senate after three semesters, and at the end of the three years. Robertson spoke to the importance of this built-in sunset provision.

The motion as amended carried unanimously on voice vote. The motion as amended appears in Attachment B, below.

VII. Open Forum

There being no discussion in the open forum and no further business, the meeting was adjourned at 3:20 p.m.

Judith Faust, Secretary

Attachment A

Policy on Prohibition of Acceptance of Inducement to Require Purchase of Textbooks; Textbook Royalties

The University of Arkansas at Little Rock adopts the following policies as part of its Conflict of Interest policy to implement the provisions of Acts 105 and 106 of the 2007 Regular Session of the 86th General Assembly.

Conflicts of Interest: Acceptance of Inducement to Require Purchase of Textbook Prohibited; Royalties.

- a. For purposes of this Policy:
 - (i) “Compensation” means any royalty or other compensation from the sale, use, or publication of any Textbook **required for purchase** that includes the employee’s own writing or work, received by an employee as a result of the sale or use of the Textbook in a class or classes taught by the employee.
 - (ii) “Proprietary Materials” means any Textbook **required for purchase** that includes the employee’s own writing or work.
 - (iii) “Textbook” shall include any printed material, course materials, or other property a student is required to have available for use in any coursework or instruction offered by or through the University.
 - (iv) “University” means the University of Arkansas at Little Rock.
- b. Neither the University, any department of the University, nor any employee of the University shall demand or receive any present or promised gift, payment, loan, subscription, advance, deposit of money, services, or any other thing of value as an inducement for requiring a student or students to purchase a specific Textbook for coursework or instruction offered by or through the University.
- c. It is not a violation of the provisions of this Policy for an employee of the University to receive, whether or not as a result of the employee’s request:
 - (i) sample copies, instructor’s copies, or instructional material of a Textbook required for coursework or instruction offered by or through the University; or
 - (ii) subject to the provisions of Paragraphs d, e, and f, Compensation from the sale or publication of Proprietary Materials.

- d. An employee may receive Compensation from the sale, use, or publication of Proprietary Materials which is received pursuant to and as provided for in a written agreement with a third party entered into prior to the effective date of this Policy, to the extent allowed by University policies in force immediately prior to the effective date of this Policy.
- e. Compensation from the sale, use, or publication of Proprietary Materials pursuant to an agreement made after the effective date of this Policy, or pursuant to a written agreement in effect prior to such date but amended after the effective date of this policy, constitutes a conflict of interest.
- ~~f. Each college shall develop guidelines for the use of royalties received by an employee from the sale of Proprietary Materials for classes taught by the employee. At a minimum, the guidelines must:~~
 - ~~(i) Require that an employee who intends to require the purchase of Proprietary Materials by students in a class or classes that the employee will teach provide a description of and a justification for the use of Proprietary Materials in writing to the department chair and dean.~~
 - ~~(ii) Require that the employee obtain prior written approval from the department chair and the dean to require the purchase of the employee's Proprietary Materials by the employee's students.~~
 - ~~(iii) Require that no later than the deadline established by the University for the reporting of outside employment, the employee receiving permission to use Proprietary Materials provide a report to the employee's dean on compensation received and its disposition.~~
- f. Recognizing that the receipt of royalties may constitute a conflict of interest, royalties directly assigned by the publisher to a particular UALR faculty author that result from the sale of any required course materials in a course or a section of a multi-section course taught by that same faculty author will be surrendered to a scholarship or program account in the author's academic department. Faculty, however, who have entered into contractual arrangements prior to the passage of Act 106 are exempt from the provisions of this policy.
- g. These textbook authors will be required to report annually the amount of royalties directly assigned to them by the publisher for course materials used in their classes during the preceding academic year to the chairperson and arrange for the deposit of the funds in the agreed upon program or scholarship account.
- h. Violations of Paragraph b of this Policy shall be reported within ten (10)

business days to the Provost and Vice Chancellor for Academic Affairs, who shall within the ten (10) business day window, forward the report to the General Counsel of the University of Arkansas System and the Legislative Council of the Arkansas General Assembly.

Attachment B

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*While students entering UALR with a high number of semester credit hours (75 or more) in transfer should be given the benefit of a broad interpretation of competencies regarding satisfaction of core requirements, the state specified 35-hour core would be applicable.

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Attachment C

(Sorry—the secretary failed to request an electronic copy of the report, and didn't notice until too late to type it. She will contritely add it to the minutes when they're posted to the Web, and will be glad in the interim to supply a copy to anyone who needs one.)