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**FACULTY SENATE MEETING**  
**January 17, 2019**  
**12:50 P.M. SST 103**

***Present: Chris Allport, Milton Shen, Sophia Marinova, Laird Burns, Kevin Bao, Amy Guerin, Joe Conway, David Johnson, Andrei Gandila, Deborah Heikes, Shuang Zhao, Mike Banish, Yu Lei, Meong-Moo Yoo, Earl Wells, Gabe Xu, Gang Wang, Christina Carmen, Francis Wessling, Elizabeth Barnby, Ron Bolen, Lori Lioce, Carmen Scholz, Jeff Weimer, Tim Newman, Seyed Sadeghi, Vladimir Florinski, Paul Whitehead, Ron Schwertfeger, Harry Delugach***

***Absent with Proxy: Dilcu Barnes, Holly Jones, Carolyn Sanders, Sherri Messimer, Angela Hollingsworth, Jennifer Palmer, Katherine Morrison, Robert Griffin, Robert McFeeters, Monica Dillihunt***

***Absent without Proxy: Jeff Neuschatz, Christina Steidl, Kirolos Harleem, Eric Mendenhall, Thomas Sever, Shangbing Ai***

***Ex-Officio: Provost Christine Curtis***

- Faculty Senate President Mike Banish called the meeting to order at 12:52 pm.
- **Meeting Review:**
  - **Bill 429 passed second and third reading.**
  - **Determination of Copyrights Policy passed.**
- **Approve FS minutes from January.**
  - **Tim – We should add bullets to show that the FS minutes and FSEC are approved from last meeting. All in favor. Ayes carry. 1 abstains.**
- **Accept FSEC Report. Laird moves. Tim seconds. All in favor. Ayes carry.**
- As you know, Dr. Nash could not make it today. There was a horrific accident south of Birmingham. We have already rescheduled for the 28<sup>th</sup> of March.
- **Administrative Reports:**
  - Provost Christine Curtis
    - The President is talking with Senator Ore this afternoon. He asked me to update you on Executive Plaza. The planners have been on campus the last two days. They are starting the planning. He mentioned to me about putting in a bridge over Sparkman to allow ease of access across campus. Since there is a rise near Beville Center, they are looking at the elevation and see if it is doable. There are a lot of decisions to made, and input to be received. They will be sending out surveys to the campus, and notices of town meetings. If you are interested in the plaza and its development, I encourage you to answer surveys and meetings. We want to get some revenue from this also. This could be an opportunity for upper classman/graduate housing. We could use the space for some of our programs. They are looking at demolishing some of the buildings. Some are in a horrible

shape. We are losing money because we have to have security due to theft. The buildings not occupied will be demolished.

- Right now, there has been discussion ongoing about Cyber Security and Technology School for grades 7-12. They will start housing students in a year or two. The plan is to use Beville Center for a year or two. They will then build a building on a separate campus from ours.
- The I2C building between Wilson and Business building will be finished sometime this spring. They are a bit delayed because of the rain. It is already connected to the business building. The classrooms that were merged are in use. There are about a half of dozen or more entities that will be moving from Executive Plaza to I2C.
- The URB met and will be going through 24 files. They will be working on lecture promotions. Several years ago we established the policy for lecturers. We are going through the first promotional process. In the future, they will be simultaneous with tenure and promotion. We decided it would be and more reasonable to spread it out some the first year. The files will be completed March 15<sup>th</sup>. I will send them out April 15<sup>th</sup>.
- The faculty hiring is moving forward. Every college is working diligently. Thank you all for your efforts on the search committee. I commend you for seeking excellent candidates and a diverse pool.
  - Carmen – How many new hires do we expect?
  - Provost – Probably around 15, I would have to count them up.
- The Academic Misconduct Policy will be coming your way soon. We have worked on it within the Provost Office. We sent this out to Deans/Associate Deans. We thought their input would be valuable. You will receive it along with SGA and Staff Senate. I hope that it will be done by the end of this semester and in place for fall. It goes through Student Affairs currently. They do their very best in being fair, but in Academic Affairs, we know our values.
- Last time we talked about the reception at commencement. Peggy Bower had also decided independently that it would be a good idea. She is making arrangements for another room for this coming commencement. We are working also to make that a continuing thing.
- We have all been working with Canvas for about four years now. Most faculty has complied in posting their syllabus and grades on Canvas. I am asking now that you post your syllabus, grades, and assignments. The students are coming in use to using learning management systems. They need it active in every course.
- There are eight large classrooms in Morton plus some in the addition. We have to get through fall. I am asking the Deans/Associate Deans to schedule more throughout the day. For whatever reason, 9:40 and 1:00 are the two most desired hours of the day. We are going to have to use the whole day. With the projections for enrollment, we won't fit everyone in. Next Wednesday, the Associate Deans and Associate Provost are going to work through the schedule and try to spread it out. I extend my thanks for doing this because it is necessary. The exact classroom you will be in for fall, you won't know until right before it starts. We allow students to be admitted until the very start of class and register to that point.
  - Mike – I am going to recommend that you have some from Undergraduate or Finance committee to come to that meeting.
  - Provost – Anyone is welcome.

- The Budget and Planning Advisory Council has scheduled their first meeting. It is February 5<sup>th</sup> from 2-4. The President set up that group.
- The President is also working on setting up the Indirect Cost Recovery task force.
  - Jeff – You mentioned the I2C opening in the spring. Will there be a welcome tour of the facilities?
  - Provost - I would assume so. There was for the residence hall. I am sure there will be a ribbon cutting.
  - Tim – I would ask the President, but he isn't here. A colleague asked me to bring up the new health plan. The pharmacy may submit the claim and insurance will say you haven't met the deductible. They make you pay out of pocket, so you aren't working to meet your deductible.
  - Provost – I will make the President aware of it. If the colleague would contact Sandra Parton in HR, that would make a statement.
  - Harry – Did I hear the unoccupied parts of the Executive Plaza will demolished? Where I2C is housed there now, will it be demolished?
  - Provost – I don't know for sure.

➤ **Officer/Committee Reports:**

- Christina Carmen, Ombudsperson
  - No report.
- Gang Wang, Undergraduate Curriculum Committee Chair
  - No report.
- Laird Burns, President-Elect
  - I had a chance to meet with the President and Provost on the progress of the faculty handbook. We will be revising a response to those. If you have budget issues, please let Jeff or Mike know. As we are growing, what are we doing with our money? How do we allocate our priorities? Please share your thoughts.
  - Mike – I will try to finish something up with the budget numbers.
- Tim Newman, Parliamentarian
  - No report.
- Jeff Weimer, Finance and Resources Committee Chair
  - We have 56 RCEU proposals. They have been divided and sent out for review. I want to thank the F&R committee members who were at the meeting. We hope within the next two weeks to meet again.
- Mike – Dr. Curtis, would you send the telecommunications policy to Dr. Burns.
  - Provost – The telecommunications manual has been revised since going to VoIP. I want to make an interim policy. It has useful information about VoIP.
  - Carmen – Whoever works with the telephone system, could you please push the issue that the telemarketer calls could be screened out?
  - Provost – I doubt if they can do much, but I will ask.
- Carmen Scholz, Past President
  - No report.
  - Mike – Historically, we have had issues getting RCEU students paid, are you working on that still?
  - Carmen – I was told that the Provost had a small group working on that issue.
- Vladimir Florinski, Personnel Committee Chair
  - We are reviewing the survey for the five year renewal for the library.
- David Johnson, Faculty and Student Development Committee Chair

- No report.
- Lori Lioce, Governance and Operations Committee Chair
  - No report.
  - Mike – To remind you that Dr. Lioce will be starting to work on new faculty senator member elections.
- Mike – I asked Dr. Nash for an update on the Chancellor search. The committee, which is just the BOT, has identified several candidates from a wide area and backgrounds. The Presidential search for UAH, we plan to meet on the 25<sup>th</sup> of February. I have been communicating with the search firm and asked her to reach out to some people asking them to apply.
  - Carmen – It seems the process takes longer than before. The road map I was told, we would get the Chancellor and then hire the President. Are we deviating from that? We are waiting for the Chancellor first?
  - Mike – The memo came out late December/early January. The Chancellor would be in place March/April. I would imagine we would go through the first round of resumes in February. Then we will start airport interviews. These occur over the process of a week. I would say we would be lucky to have a President by first of May or June.
  - David – Have you confirmed the date we are meeting with Jason Green?
  - Mike – No, remind me.
- Mike - I would like a motion to introduce Bill 429. Laird moves. Tim seconds.
  - Mike – One of the problems with the healthcare system is that 15-20 years ago stock exchanges got in trouble for getting kickbacks for pushing certain stocks. These kickbacks were hidden. There has been some reports in the newspaper that a lot of these pharmacy benefit management companies are getting paid by drug manufacturers to put their drug in the portfolio. This allows them to get paid rather than evaluating the effectiveness of the cost. This causes impacts on us. It seems as you change providers, the drugs available to us suddenly change by orders of magnitude. The point of the bill is to ask the President and BOT to please clarify whether our pharmacy management companies are getting kickbacks.
    - Harry – Do we have any evidence before this bill that this particular company has engaged in these practices?
    - Mike – I think their name was listed.
    - Harry – I would like to make a friendly amendment to change the word “kickback”. No company will ever admit to that.
    - Mike - Second to that amendment. Jeff seconds. Ayes carry. 3 opposed. 1 abstains. Motion carries and we will take out “kickbacks”.
    - Laird – I motion that it is changed to “other monetary or non monetary benefits”.
    - Mike – Is there a second? Carmen seconds. All in favor. 1 abstains.
    - Jeff – I have never liked “etc.” that means anything in a document. I might propose that if we didn’t cover what we wanted, take that out.
    - Laird –I second that.
    - Mike – All in favor. Ayes carry. 1 opposes.
    - Tim – The CEO has admitted publicly that they accept for drug flow. We have a new manager. Nationwide the question is why are my drugs changing? The reason for the word “etc” to be there is there is a process

that lacks transparency. There seems to be an effort to disguise how the incentives are coming. This word is used to close the loopholes. I voted no because it needs a catch all phrase. If we want this to be consumer oriented health system, we need more transparency.

- Harry – I agree with the sentiments of Tim. Either they want to be transparent, or they won't. They will find another loophole.
  - Member – From a language standpoint, I thought we took out the kickback.
  - Laird – Etc doesn't mean anything in contract law.
  - Jeff – Is it possible to put the language there that we are voting on?
  - Mike – I can make those changes.
  - Mike – All those in favor of Bill 429. Ayes carry. Bill passes second and third reading.
- Determination of Copyrights:
    - Mike – There is still some heartburn on a particular sentence. My opinion was to put that negotiations have been reasonably scheduled and documented.
    - Laird – I am wondering if we can avoid the whole conversation about scheduling. If we change “negotiated terms will be agreed upon (name of form)”.
    - Tim – If there is no form, then there is no signed agreement.
    - Jeff – That still leaves open when you say negotiations have occurred.
    - Laird – If the Dean assigns someone to do something, it should be documented on a signed form. If the faculty member doesn't agree, the work isn't done.
    - David – That is the problem. Negotiations in good faith, but lawyers wouldn't like that term. We can schedule negotiations but nothing really happens.
    - Jeff – Can I ask the Provost a question? How hard are the legal offices going to be on this sentence? If negotiations do not occur, after the responsible party initiated it, may be an option.
    - Provost – I think they would take that.
    - Jeff – I motion, “if negotiations do not occur after being initiated by the responsible parties”.
    - Laird – I would say that the negotiations are put into writing. So it covers the Dean in saying I did initiate.
    - Tim – I don't think this wording captures what we are trying to do.
    - Jeff – Do we want to put a time frame on when the negotiations would occur?
    - Mike – The effort cannot begin until the end of negotiations.
    - Jeff – There are two parts to this. There is a part of setting the time, also setting a specific time. This could be handled by listing a specific time metric.
    - Laird – When does the clock starts?
    - Jeff – When the negotiations are initiated.
    - Carmen – I appreciate what you are saying, Laird. I have a problem bringing corporate lingo into academics. This is not a business world. We have a total different motivation to do something. I don't want corporatization drug into this.
    - Laird – It is contract law, not corporations. If you are negotiating, you are negotiating a contract. I will negotiate before it starts. I am trying to help other faculty members.
    - Mike – Somebody has asked a faculty member to do something, and you received time to do that. We would make the assumption that at that point in time, the faculty member should be owed a certain percentage of that work. This defaults to

the position the faculty doesn't own any of that work. You could put in there that the copyright would be jointly owned.

- Tim – The language in three in close to one the changes need to be made there as well.
- Mike – Anyone in favor of the language stating the material is jointly owned?
- Member – As it stands, there is no motivation for the Dean to do any negotiations.
- Mike – “The copyright shall be jointly owned by the University and the authors, and the”. I think we have hashed this out. I would like to put forth a motion that the language modified here is the language submitted back. Member motions. Jeff seconds. All in favor. Ayes carry. 2 abstain.
- Mike – All those in favor of amended copyright policy. Ayes carry. 3 abstain.

➤ Motion to adjourn at 1:58.