
FACULTY SENATE Executive Meeting
March 9, 2017
12:30 P.M. in CTC 103

Present: *Monica Dillihunt, Kader Frendi, Joseph Taylor, Ramon Cerro, Mike Banish, Tim Newman, James Swain, Earl Wells, Laird Burns*

Absent: *Christine Sears*

Ex-Officio: *Provost Christine Curtis*

Guests: *President Bob Altenkirch*

- Faculty Senate President Mike Banish called the meeting to order at 12:33 pm.
- Meeting Summary:
 - Bill 403 and Bill 404 were sent out to the faculty student development and undergraduate scholastic affairs committee.
 - Bill 402 was sent to faculty student development committee.
 - Appendixes G & H were sent to personnel and finance committee.
- **Administrative Reports**
 - President Bob Altenkirch
 - I sent Mike two policies: Military Friendly Policy & Bicycle Policy. The bicycle policy is very similar to UA's policy. The policy does not speak to skateboards. The consultant report had comments about skateboards, probably unrealistic comments. I received an email from the skateboard club president. Tuscaloosa's policy says that a skateboard is not a means of transportation.
 - Ramon – What does skateboards have to do with the parking policy?
 - President – The consultant was thinking interaction between skateboards, cars, and bicycles from a safety perspective.
 - Mike – We can sign it out to a committee.
 - Tim – Do we have bike paths?
 - President – On the greenway, there are two.
 - Tim – Those are the only two?
 - Joseph – Are there any intentions to put any near the library? Or extend the paths from the greenway? This would connect bike paths around Morton.
 - President – Yes, we will eventually extend the paths up.
 - Mike – On the south side of campus, there aren't any sidewalks to get the material science, optics, to Tech Hall. That seems to be a safety concern.
 - Kader – I have asked about closing the loop.
 - Mike – From JRC to Sparkman, there isn't any kind of sidewalk.
 - President – Ok, we will look at it.

- On the parking report, we plan to make a presentation to the faculty senate, staff senate, and student government. We will then hold two focus group meetings that anyone can attend. Mike, when can we make that presentation to the senate?
 - Mike – We will make it a special faculty senate meeting.
- We met with a bus company and rode the loop. It takes twenty minutes with stops. If you have two buses running that is ten minutes between. We probably need to run three buses to get the wait time under ten minutes. You have to have four to run three. We talked to the city about using their buses dedicated to the UAH loop. We will have to pay them for that, but we are looking at the cost effectiveness.
 - Tim- We received your comment on chapter 4 of the handbook. There are some changes that are dramatic every time it comes back. The previous time there was a comment that all intellectual products from the faculty members were property of the university. On this return, there is reinsertion of up to one academic year of severance pay. When some of these come back, it appears to me it is a poison pill. We have been at this for eight years. Are these poison pills? Is there desire on the side of the administration to finish up the handbook? If not, let's just say we aren't going to finish this.
 - President – On the intellectual property, it is true you have to disclose all of it. If the university owns it is another story.
 - Tim – From the language, it means you own it. You withdrew it and I appreciate that. I was very surprised to see that in there.
 - Provost – It came from the interpretation from John Cates. We then looked at the patent policy. That is when we modified the language to mimic patent rule 509.
 - Tim – It isn't from the board policy that talks about patents, not intellectual property. If I write a song and receive royalties, that says the university owns some of it.
 - President – The board policy is where that came from.
 - Mike – I have to back Tim up. Maybe Donna lied to me, but I asked the faculty senate president at UA when it was vetted by the system lawyers, she said last year. Unless rule 509 has changed and none of the faculty senate knows about it, John Cates inserted something here that isn't true. It seems that we have pushed back and forth on this. I have to agree with Tim, that it seems we don't want to move forward with this. A lot of the things we are discussing will be covered by 509.
 - President – Christine, I thought we modeled this after the board rule?
 - Provost – We sent it to the senate early January. There was the language that Tim is talking about that implemented there was a broader sweep of intellectual property. That came from an interpretation John made that you accepted. I did not pick up on this. Towards the end of January, hearing verbally the rejections, I started working on them. We were able to clear up almost all of them. We decided at that point the best thing to do was go to the 509. I quoted more, the President modified and shortened. The end of January, the faculty senate decided to take it back and the President decided to put it back. You asked for clarification on severance, you received that.

- Tim – The thing with “up to” doesn’t match your justification. Either or is exclusive. If you choose the “or” part, that could be as little as a few weeks. That is a poison pill to an untenured faculty member. Aside from when they are hired, they have one year of cushion on their employment. I think we should do at least the same for our tenured faculty.
- President – I am not interpreting it that way. This means that if we discontinued the program and don’t need the service, we will give them a year’s worth of severance. If we give them notice, we may pay them for one more semester and then the remaining time is paid.
- Laird- It doesn’t say a combination of both. The current language won’t stand in a court.
- Kader – I think we need to have a lawyer.
- Laird – If we get a new President, he could say we only need to give a week.
- President – That was the point.
- Laird – Can we update a version of the language to express that?
- Provost – Let’s see if we can’t modify that. It is always a year. It may be a combination of work and severance.
- Mike – It seems that the lawyers have very little knowledge of what goes on in an academic institution. Last year, Christine and I met with one of the lawyers. It had to do with some of the copyright policy. What was written in the policy at the time stated that UAH owned the course syllabus. I made it aware that the syllabus comes from the course book and asked did he now own the book? The lawyers seem to be living in some vacuum.
- Ramon – The problem is we are never negotiating with them.
- President - Tim, do you understand what we are trying to accomplish?
- Tim – Yes, on severance pay. We have different opinions on how to remove a Chair. The position that I hear from the faculty is that in our current appendix B there is a statement stating to remove a Chair you have to have 50% plus one vote. The faculty isn’t going to step away from that position. They view it as part of the handbook. Ramon, Kader, Christine, and I sat last year and discussed this. I actually think we got to a workable compromise. It was hard work to get there. In appendix B, there is a statement to remove a Chair midterm there has to be a majority vote of faculty.
- Provost – I don’t think it says that.
- Tim – The current language of what is on the web says that. The faculty is really intent on that. I think we came to a compromise that would work. That included a process where that could take place.
- Provost – It is in appendix B, but it isn’t a vote. There is a lot of input.
- Tim - I think as we tinker with our language, we are risking that unraveling. We have to be on the same page.
- President - What is the compromise?
- Tim – There is a process to terminate a Chair mid stream.
- Provost – When I read through the version, it is a detailed process. It asks for faculty input, but the Dean decides. If the faculty is in disagreement with the Dean, they can come to the Provost. It also states that at the beginning of the process, if 30% of the faculty says we have a problem. If the Dean is having issues the faculty may not be aware of; the Dean can

initiate that review. It is a process with a huge amount of faculty input. In the end, it clearly states that the Dean decides.

- Ramon – The problem is with the main concept of what a Chair is. To me, the Chair is the voice and leader of the faculty. If you have friction with the Dean, that may be part of the role to defend the faculty. If the Dean can get rid of the Chair, then there is absolutely no room for negotiation. The modification says you have the duty of the board to remove the Chair. I agree. It shouldn't be the Dean or Provost.
- President – What is the status of appendix B as Christine described it?
- Tim – I thought we had some agreement and I was made aware that you had issues.
- Provost- It didn't go to him.
- Tim – What went to him was different than what we sent.
- Kader – We had a very strong objection to the changes and we didn't move on it. We worked on chapter 4, but it wasn't a go on our side for appendix B.
- Ramon – The description of the Chair was he served at the pleasure of the Dean.
- Provost – It never went back to the President.
- Tim - The final one never did.
- Provost – We did say we were going to work together. It hasn't gone back to the President.
- Tim – We met in April last year, correct?
- Kader - Yes, we never got to it in April or the August meeting. We did pass in the senate chapters 4 - 6, & appendix A.
- Provost – It came to you and a lot of things you didn't like. We then came back to the UA handbook to use their internal process. It then went to the senate and different committees. After the initial, he hasn't seen it.
- President – We put the language back the way it was because Christine said we would be inconsistent with appendix B as it stands.
- Tim – Are you interested in having a handbook or staying with the one we have?
- President – Yes, I want to update it. We will have to decide to agree on some issues.
- Tim – It seemed things are coming forth to hinder the process. I know there are people on our side that would like to hinder to the process. It is a challenge for us to bring this forward. We are doing our best to operate in good faith. I am willing to stand up in senate and take hits. It's a good compromise between us.
- President – I can tell you, I worked with the faculty handbook at NJIT. It took ten years. It was a lot of starting and stopping. On the severance issue, I can work on the language to fix it.
- Laird – I think that is solvable. In contract law, what the party intends isn't always portrayed in the language.
- Kader – I devoted my whole time as President of the senate to the handbook. We always had special meetings, but we are still not there.
- President – Is the intellectual property ok?

- Provost – The way we are doing it now is more expedient. The lawyers are looking at it from their point of view that we may have to work through.
 - President – Christine and I will work to make the severance language better. In regards to Chair, what is in chapter 4 is consistent with appendix B.
 - Kader – The staff are wondering if you are going to carry the flexible schedule for the summer.
 - President – Unless there is a problem, we will carry the same.
 - Provost – For the academic affairs group, I just tell them we have to cover M-F. If it is a small unit, I tell them to join with another group so everyone can take advantage if they want to.
 - Kader – They were just confused.
 - Monica – Have we addressed concerns about parking?
 - Mike – No, we will. I want to address PI accounts. The one to look at is the one that OSP has control of moving 20%. We have heard a rumor that 4.1% of PI was going to disappear. I am just passing on the information.
 - Laird – I know we have the faculty accounts to spend first. Do we have to spend our PI accounts before we get departmental funds?
 - Provost – You have to ask the Dean. During the time there was an interim Dean in College of Business, I did set the rule. There were some large professional development accounts. The Dean put money into it. If you travel you have to spend it.
 - Laird – After that was spent, they went to another account.
 - President – There isn't truth to any of the rumors.
 - Provost – What about the 20%?
 - Mike – Within policy 07-02-09, it says that 20% will be transferred to the OVPR.
 - President – I think the ceiling is there to keep people from padding fixed price contracts.
- Provost Christine Curtis
 - Tenure promotion letters are going out today. The signatory authority for academic affairs has been sent to Mike.
 - We have signed the modified duties and extension of tenure clock ready.
 - I need to ask you for two members to serve on an external search for a CIO. The committee will be composed from each division of the university.
- President, Mike Banish
 - As we said, Christine, Carmen and I sat down concerning appendix G & H. We took some language from the UA appendix that has been viewed by a lawyer. I wanted to ask in appendix G for the patent policy, I think the language isn't correct.
 - President – Isn't this the language from the board?
 - Laird – Let's say some faculty member leaves the university; everything you invent according to this language is the university's property.
 - Provost – I read out loud the board rule. I will double check.
 - Tim – I can't believe that is in there.
 - Laird – Without consideration, it means it is enforceable. The original one isn't written very well. The other part in section 4, I am curious of the definition.

- President – I guess what they intended is you work here and patent something; the royalty stream still comes back to the university.
- Tim – I think there is an out here. The policy is always applicable, it isn't future inventions.
- Laird – That is a different story.
- Mike – I am going to supply a business chain management to put a sentence at the end of three to clarify.
- Laird – Maybe Tim and I can look at the board policy and not UA.
- Mike – I would say intellectual property developed while within those campuses.
- Laird – There is a potential issue with appendix H. I am on the online task force. I am in supply chain; all of my graduate classes have to be designed online regardless of what others do. Do I have to transfer all the rights?
- Provost – The online policy addresses that. If you were to leave the university, the courses you develop here, the university owns them.
- Laird – If my courses are recorded and I leave, you can use all of my courses?
- Provost – The courses doesn't disappear.
- Laird – If I write my own course pack, the university uses that?
- Mike – We can't rebroadcast your recorded lectures without your permission.
- Provost – If you develop a course, you can't say you can't teach that course because I developed it.

➤ **Officer/Committee Reports**

- President, Mike Banish
 - Apparently there was a physics lecture that came and all those parked in visitor spots were ticketed.
 - Provost – I have gotten some of those, if they aren't a UAH employee or student, they drop the ticket. It isn't good public relations.
 - You have four bills in front of you. Are there any comments to any of these?
 - Ramon – Yes, Vladimir is with the new physics department. They are involved in research. When you give a faculty course release because he supports a graduate student, who supplies the funding for the lecturer? I think that is what is missing. I would assume it would trickle down to the department. If someone buys out, and there is no money coming back, who will pay for the lecturer?
 - Mike – Do you have suggestion for the language?
 - Ramon - I can try. Their concern is more with Post-Doc. The other concern is they want to have more than two courses.
 - Mike – No. If you can get the language set, I would appreciate that.
 - Laird – The business school doesn't have two courses per semester.
 - Mike – I heard that differently. I will change that.
 - Monica – Ramon, did you get the comments about education?
 - Ramon – Yes, I received those.
 - Monica – Did you include those?
 - Ramon – I didn't write any of this.
 - Laird – If you get 30% for each semester and you are on a two semester program, is that equivalent? Financially it is, but will the

Dean not give you the buy out? If you get 15% across the year, that is how I see it.

- Ramon – This is a university policy. The university says you get 15%. This is a battle of interpretation.
 - Tim – Is the intention here to receive a reduction of one course some time of the year or each semester?
 - Mike – One time of the year. This is a normal policy to a set of universities.
 - Tim – I think there needs to be a sentence stating one semester. You said more than two is not possible? Does it say that here?
 - Laird – It used to be three, right?
 - Tim – I don't know. I have a faculty member in my department that has bought out 100% for a long time. This faculty member brings in money. It has happened so long now, we expect it.
 - Ramon – I think it is good for the department, but bad for the university.
 - Tim – If we were making a hiring decision, I would vote no on another like that. I don't see any harm to my unit the way it currently stands.
 - Ramon – I think everyone should teach.
 - Mike – Bill 400 is still in committee.
- Bills 402, 403, and 404. Are there any comments?
 - Kader – I move to move them to committees. Move bill 403 and 404 to faculty student development and undergraduate scholastics affairs.
 - Mike – Bill 402 goes to faculty student development. All in favor of moving these bills to these committees. Ayes carry.
 - I have sent to you all appendixes G & H. Besides the sentence we are going to try to insert into three of the patent policy, are there any other comments?
 - Provost – Has there been any discussion of the new patent policy? You combined two policies together. I would respectively consider you look at number eight and make sure everyone understands and is in agreement.
 - Mike – It is board rule 509.
 - Tim – The 15% is there. That is the only number there.
 - Provost – This has come to you as a separate policy and has not been looked at. My point is, is this substantial?
 - Kader – I move to send it to the personnel committee?
 - Mike – Let's send to finance too.
 - Laird – Under 8ii, what does financial inequities mean?
 - Tim – Appendix G is being sent to finance committee.
 - Mike – Appendix H will be sent to finance, all in favor? Ayes carry.
 - Kader – Bill 405, this is a result of the failure of the sense of the senate resolution. We are putting it into a form of a bill.
 - Ramon – I think that we should say, "We will not tolerate." If it didn't pass because of that word, we are saying to the one person who voted against it, they were right. Tolerate means you are sitting in a passive position. The question is as a faculty we said we don't tolerate that.

- Mike – If a faculty member does something, what are you going to do about it?
 - Ramon - I am going to let him know that I don't agree.
 - Mike – That isn't tolerating in a legal sense.
 - Kader – I didn't see in any other resolutions, they didn't use that language. This goes along with senates around the country.
 - Provost – It says race, gender, and religion.
 - Kader – We could say including but not limited to.
 - Tim – You are saying you want to amend it to add veteran status? I don't know what all the classes are; I listed four that we were interested in.
 - Mike – I want to move this meeting forward. I am going to say that you two are going to come up with more inclusive language; I would like to move this to the agenda for the next faculty senate meeting. All in favor. Ayes carry.
 - Mike – I would like to motion for five minute extension, Tim seconds.
- Mike -I sent to you the military policy.
 - Provost – The Provost office doesn't have access to the information that you say we need. It isn't in our database. We may be able to find active military service, we don't have dependents. We aren't the owners of that information.
 - Mike – This is a classroom bill. I don't think student affairs controls whether we give the tuition money back. I have had instances where I had students say they are going on deployment. There needs to be a chain of command that I pass off to the Dean and the Provost. That is the point I am trying to get to. There has to be someplace where someone takes over for that student.
 - Provost- That should come out of the Dean of Students.
 - Mike – I would like to pass that off to one of my bosses.
 - Tim – Would it work if the Dean of Students Office maintained those records?
 - Provost – They are the ones that work with veterans. We don't have a veterans group we work with.
 - Mike – We need a process to keep up with this.
 - Provost – We haven't worked out a process, so I don't know that we can put that into policy at this point. I cannot tell you I will have access to that data.
 - Tim – I propose an amendment. I move that we strike the phrase about the Provost office maintaining this. I think it should say that President will direct an appropriate office to maintain records of students currently in the military.
 - Provost – Is there a thing that is a voluntary deployment? If you work for the military, you have to expect to be deployed?
 - Mike – It may be in the contract that you will never be deployed.
 - Provost – There are withdrawals that are voluntarily or due to job description.
 - Earl – Seconds amendment. Ayes carry.

- Mike – The President sent this down and I made a correction to it. The red is what I wrote or deleted. All in favor of removing involuntarily. Ayes carry.
 - Approval of Faculty Senate Meeting 577 agenda.
 - Add lecturer policy, Bill 405, and military policy. All in favor of this agenda. Ayes carry.
 - Tim – I move to add bicycle policy to agenda. Earl Wells seconds. Ayes carry.
 - Motion to adjourn meeting by Kader Frendi. Member seconds. Ayes carry.
- Meeting adjourned at 2:11 p.m.