

Minutes from the April 11, 2022 Meeting of the Faculty Senate

The regular Faculty Senate meeting was held on Monday, April 11, 2022 at 3:30 PM. The meeting was conducted both in-person in JUB 100C and via Zoom for those who preferred to attend remotely.

Attendance

Jeremy Aber, Anne Anderson, Vaughn Barry, Vishwas Bedekar, Larry Burriss, Lando Carter, Rick Cottle, Sally Ann Cruikshank, Betsy Dalton, Andrea Dawson, Laura Dubek, Rudy Dunlap, Robert Gordon, Lisa Green, Michael Hein, Seth Jones, Kyle Kennedy, Francis Koti, Dan Morrell, Kari Neely, David Nelson, Martha Norkunas, Todd O'Neill, John Ouellette, Sharon Parente, Dianna Rust, Scott Seipel, Daniel Smith, Nat Smith, Raj Srivastava, Ben Stickle, Suzanne Sutherland, Zhen Wang, Andrew Wyatt

Zoom

Sal Barbosa, Claire Cook, Michelle Finch, Rene Jones, Rebekka King, Rachel Kirk, Lei Miao, Alicia Pence, Ariana Postlethwait, Stephen Salter

Excused

Patrick Richey

Absent

Jacob Avila, Song Cui, Douglas Dabbs, Christina Hiers, Preston MacDougall

Faculty Senate President Bob Gordon called the meeting to order at 3:33 PM.

Welcome Remarks — (Robert Gordon)

Gordon announced that Larry Burriss is filling in as Parliamentarian for Pat Richey and that James Floyd, the University Counsel, is visiting.

Anne Anderson moved to hold the officer election at the end of the meeting, and Dan Smith seconded the motion. The motion carried.

Gordon reported that he is attending meetings with the Chairs Council on General Education Redesign and on Academic Freedom in order to coordinate responses.

March Minutes Approval (Suzanne Sutherland)

Anderson moved to accept the Faculty Senate March Meeting Minutes as written, and Vishwas Bedekar seconded the motion. There was no discussion. The motion carried.

General Education Proposal — Open Discussion

Gordon called for discussion of the General Education Redesign models and how the Senate should respond.

Kari Neely provided an update on the process, stating that the committee intends to continue evaluating the current model and stated that all faculty will need to resubmit course proposals that meet the new Student Learning Outcomes (SLOs). No matter which path we take, everyone will be required to resubmit their proposals with assessment plans. The chosen model will determine how these courses will populate. There is currently one model being presented with either pathways or integrative seminars. A survey of faculty has been sent out and the deadline to take the survey is today. The General Education Committee might vote to approve the model at their next meeting. Neely reminded Senators that Faculty Senate is in charge of staffing and overseeing the General Education Committee.

Sutherland reported a list of faculty criticisms of the process including: the perception that the Redesign Team/General Education Committee does not respond sufficiently to faculty feedback/requests; the Team/Committee focus on a single unpopular model that proposes drastic changes; the Team/Committee's apparent lack of knowledge about current General Education High-Impact Pedagogies, Student Success programs, and other initiatives and where they are embedded in General Education; the absence of any analysis that would suggest that throwing out the current model is needed or will lead to better results in student success, retention, or enrollment; the risky nature of the proposed models especially for transfers; the lack of a plan for assessment to make sure new courses in the Explorations category are meeting the new SLOs.

Senators discussed some of their questions and concerns about General Education Redesign. Anderson moved to continue the discussion at the next meeting, and Nat Smith seconded the motion. The motion carried.

Academic Freedom Resolution — Open Discussion

James Floyd, the University Counsel, presented on the new divisive concepts legislation recently signed into law by Governor Bill Lee.

According to Floyd, the law is designed to promote discussion and not to penalize anyone for having a specific viewpoint. The law does not infringe upon freedom of speech, academic freedom, does not require any action contrary to academic accreditation requirements. The law does not prohibit teaching of any particular subject matter, does not mandate the teaching of any particular subject matter, and does not inhibit the promotion of diversity, equity and inclusion, provided those measures are not inconsistent with the law.

There is a provision in the law that anyone who believes their rights have been violated may seek damages. However, the law does not provide for attorneys fees.

Floyd asserted that the law has not altered the current environment in terms of claims that can be brought against faculty members. The university can defend faculty in any claims as long as faculty have not behaved criminally.

Faculty must not require a student to endorse a specific ideology to pass a course or to get a grade. From an academic standpoint, faculty do not typically do this since the university is intended to be a marketplace of ideas that spur discussion.

MTSU will need to address how to do some trainings going forward, including Title IX and VII.

Floyd called for comments and questions.

Q: In the teaching of history, the ideology of the Lost Cause has been widely discredited to explain the cause of the Civil War. We teach the cause was slavery—this is a widely accepted fact among professional historians. However, students might claim faculty are assuming an ideological position. There are concerns students might choose not to take a test or read an assignment, they might even file suit against the instructor.

Floyd: What you described is based on the scholarship in the field. Scholars can have different opinions in addressing a factual situation. These differences still fall within the realm of academic freedom. It is not my job to tell you how to teach a course but I can say that if you are falling within the rubric of academic freedom, the state will defend you. You are immune from liability for acts within the scope of your employment. It is an exercise in academic freedom in how you are teaching your course. Do not be surprised if there is some litigation that comes out of this. I cannot control if someone sues us. However, our intent is not to infringe on free speech or academic freedom. Your space as faculty has not changed. I will not say it is comfortable. I think the law will encourage some people to pursue litigation. I had a case here at MTSU more than twenty years ago. I had a student who was offended by a reading requirement in an English course. The Court of Appeals agreed that the reading requirement fell within academic freedom. This situation is not new but it is heightened.

Q: It seems like you are trying to reassure us. Are there some things we should be worried about or thinking about as we prepare our classes/assignments?

Floyd: I do not have any specific points to advise you on or suggest that you engage in.

Q: What about student views of evolution? Some students, based upon personal beliefs, think they should not be required to learn this.

Floyd: I just want to assure you that, from a liability standpoint, you have protection as far as how our courts have been interpreting this recently. Current practices are consistent with how academic freedom is being reviewed by the courts currently.

Q: Is MTSU planning to publish this information?

Floyd: I, along with our new Assistant to the President for Community Engagement and Inclusion, Dr. Monica Smith, as well as Provost Byrnes, intend to confer to evaluate broad communication to the faculty.

Q: There is a requirement in the law to review (take a survey) every two years. Should we be worried that the results will be sent to state representatives and could result in some kind of adverse reaction from them in terms of the funding formula?

Floyd: I cannot project what their responses may or may not be. We have to conduct a survey. The nature of that survey focusing in on the ability to speak freely on campus regardless of political affiliation/ideology and how the survey is gathering responses is something to look into.

Q: There was a discussion in the Steering Committee about who will be the administrator of the survey and if the survey will be common to all institutions or tailored to specific institutions. The law does not specify a centralized approach to the survey, correct? It just says you must conduct it and it must address these issues.

Floyd: I am not sure. Our initial survey would need to go out this fall in order to provide a response to the general assembly next spring.

Q: Is the survey going to be voluntary? We will get a skewed response if it is voluntary. Is there a way that the university could prime the students to understand what academic freedom is?

Floyd: I am not sure—the statute does not set out parameters for conducting the survey. It is unclear how we can encourage participation. The results also may be skewed by those who are upset about their experiences.

Q: What happens if a faculty member is found to be in violation? What is the process?

Floyd: One of the early versions of this bill had a provision addressing tenure. That is no longer in the law. The law only says the person who believes a violation has occurred may pursue legal remedies. I am not sure what relief they would get. Perhaps they could go to court and seek a restraining order.

Q: We still have to record our classes. What if we discuss something controversial and the recording is sent out to the public?

Gordon intervened to say that he is pursuing an answer on current COVID-19 policies such as 311a and recommending that we get rid of it.

Q: A student can use the survey to retaliate against a particular faculty member. How would the survey be formatted, considering this danger?

Floyd: This is a question of the design of the survey. There is no requirement for providing open-ended questions. I do not have an answer yet on how we will format the survey. I anticipate it will be best for us to have a submission ready by the next legislative session.

Q: The UTK Chancellor and Provost signed a letter of support for faculty called “We are here to support you.” Could we get something similar here?

Floyd: I will be conferring about that.

Q: Part of the bill states that you must not use state appropriated funds in teaching divisive concepts. What about funding graduate student research?

Floyd: Research falls within the rubric of academic freedom.

Q: Could you please confirm the following...If I have on my quiz “what’s the cause of the Civil War”? and the student says “the Lost Cause” and I say “no, that’s wrong: it was slavery,” what happens? Can I continue to teach my course as I have been teaching it or does this have a chilling effect and I should change what I am doing?

Floyd: In the teaching space, faculty have broad sway in how they approach their teaching. If that is supported from an academic standpoint, and there can be a divergence of opinion on that, I think you are fine in that space. That’s not to say a student will not disagree--that can happen. But from an exposure standpoint, the law specifically says it does not impinge on academic freedom. It is clear that the law intends to keep in place the framework of academic freedom.

Gordon concluded the discussion and thanked Floyd for answering questions.

Gordon asked whether Senators wished to issue a resolution. Senators asserted that a public resolution of this nature required more feedback from departments and/or an all-faculty vote.

Anderson moved to continue the discussion at the next meeting, and Bedekar seconded the motion. The motion passed.

Elections

Gordon presented the candidates for President-Elect, Andrew Wyatt and Kari Neely. The candidates gave short speeches explaining their qualifications and why they were running for office.

Gordon called for nominations for Recording Secretary. Sutherland nominated Larry Burriss, and Burriss accepted the nomination.

Gordon reported that the election would be held using Google Forms, and voting would remain open for 24 hours.

Office of Sustainability — (Jeremy Aber—see attachment)

Gordon requested to defer this topic until the next meeting, and Aber agreed.

New Business

There was no new business.

Anderson moved to adjourn the meeting, and Bedekar seconded the motion. The motion carried.

The meeting was adjourned at 4:48 PM.

Documents handed out electronically:

DRAFT of March 14 Faculty Senate meeting
History Department Resolution on Redesign
Gen Ed Current Model
True Blue Core Comparison Models

Senate Bill—Academic Freedom
UTK Faculty Senate Resolution Divisive Concepts/Passed March 2022
MTSU Sustainability

Addendum (April 12):

Of the 39 responses received from the election ballot Kari Neely received 24 votes, Andrew Wyatt received 15 votes, and Larry Burriss received 39 votes.

Kari Neely will be the-President Elect and Larry Burriss will be the Recording Secretary for 2022-2023.

Respectfully submitted by Suzanne Sutherland, Recording Secretary.