

Faculty Senate Meeting Minutes November 16, 2012

Attendees:

President: Pat Wurth

Vice President: George Meghabghab

Secretary: Marianna Mabry

TBR Sub-council Rep.:

Parliamentarian:

Math Science:

Allied Health:

Sue Sain

Gary Genna

Karen Feltner

Teri Gergen

Nursing:

Vickie Harris

Elaine Nagelson

Marcia Shloush

Humanities

Brenda Luggie

Ralph Monday

Jennifer Jordan Henley

Social Science/Business and Education

Casey Cobb

Library:

Ollie Nolan

Quorum was established

Pat Wurth called the meeting to order.

The minutes from October 2012 meeting were approved.

The President's Report:

Karen Brunner will chair the search committee for the Vice President of Student Learning which was vacated by Chris Whaley, our newly appointed president. Others serving on the committee include Pat Wurth, George Meghabghab and an appointee from each division dean and Kathy Rhodes. Kathy Rhodes is currently serving as interim VP.

Syllabus Committee Report

Dr. Goff wanted a common syllabus and the committee is reviewing suggested revisions and has a new draft ready. The new draft will be sent to the deans for input. The committee is trying to adhere to MLA and APA requirements. The draft will also be sent to faculty for comments and input and implantation for the finalized template is scheduled for fall 2013.

Security Committee

George said the committee has reviewed the credentials of the new chief of campus police. The committee is requested a meeting with VP Gibbs and the new chief. The chief's new credentials are impressive as he has 30 years experience. The Dean of Allied Health Science and Knox site director Knox, Mike Laman has submitted a spreadsheet that is a survey/ assessment of the Knox campus. The students and faculty provided the input for Dr. Laman's survey. George would like to use the same assessment tool for other sites.

Academic Freedom and TSU issues (Chris Whaley)

Chris stated the job qualifications for the open VP position would be out prior to the holiday and the search process would begin after break. He hoped by the first of February the group would begin the process and the new VP would be in place by June 2013. He selected Karen Brunner as the chair due to her good organizational and leadership skills. Also this is a position with which Karen would interact with on a regular basis. Chris advised the Chancellor's number one agenda item is completion and Karen Brunner would also play a significant role in that area. Regarding his authority to tamper with RSCC faculty senate functions Chris Whaley stated he has no such authority and there is no policy which permits him to do so. Chris also stated he likes the work of the senate and sees no reason to intervene in faculty senate functions. He described the TSU situation as unfortunate for all involved.

Regarding the policy on academic freedom Chris said he also voted against it and his vote was based strictly on a procedural matter not any disagreement with the actual policy itself. The procedural matter is the shared governance language needs its own policy and should not be included in the Academic Freedom policy. In an effort to show his support for academic freedom, the Chancellor has established a system wide task force to review the issue of academic freedom and shared governance.

Chris discussed the budget situation and advised the hold harmless dollars were paid back this year and the departments had been asked to provide a budget with a 5% reduction, although the reduction is unlikely. He said higher ed will need an increase in funding to carry out the completion focus. If there is funding it most likely will be tied to work force and that is always good for community colleges. The initial date as far as outcomes in the new funding formula looks promising for RSCC.

Chris is not comfortable with the alignment of all degree/certificates between TBR colleges but it is going to move forward nonetheless. Currently it does not address AAS or certificates and is starting with EMT Paramedic programs first. He does not see this direction prohibiting the start up of new programs for RSCC. The faculty sub council is our voice regarding the alignment process.

Financial aid appeals requiring an academic plan have been a time problem for support staff and faculty. The counseling process is lengthy. Advisement is also struggling to meet the needs of those students. Almost 76% of RSCC students are on some kind of financial aid and the changes in financial aid requirements have caused the overload. RSCC is unsure how to manage the large number (1100) needing academic plans. There has been talk of hiring completion coaches but there is not funding or staffing for those positions as of yet. Scott county has a completion coach but it is privately funded.

TBR Sub council Report

The TBR report is incomplete as our rep, Pam is ill and unavailable. Sue Sain mentioned that Pam would like the initial impression/feedback from the RSCC faculty senate regarding the matter of support for benefit equality. The UT faculty senate has already sent their interest in benefit equality to the Chancellor Cheek and he has responded (see attached). The faculty senate had a lively discussion regarding benefit equality and the fact that Tennessee does not recognize domestic partnerships. The initial response was a mixed.

New Business

The faculty sick leave bank is now an option for faculty who choose to participate. The required signatures to participate have been met (20 participants). Those interested can donate sick leave and then utilize the sick leave bank if a need arises. The policy has been sent out and is also attached to these minutes. Those faculty interested can join the group by emailing Pat Wurth.

The meeting was adjourned at 3:30.

Ollie demonstrated the research guide which focuses on faculty and faculty achievements. It promotes RSCC's faculty and their academic achievements. Ollie would like faculty to send her a short bio and picture in MLA or APA format to place on the new forum.

Cameron Brooks, an organizer from United Campus Workers visited the senate. He stated his organization lobbies for increased salaries and improved working conditions and they are active in elections and helping those candidates that meet the agenda. The organization is active at the UTK campus and has members at all TBR campuses. It is a national organization. Although state workers cannot strike they can help negotiate for workers. The UCW is an advocate for a flat dollar raise as opposed to percentage increases. Cameron provided a handout with information on the UCW (see attached).

The meeting adjourned at 3:30.

Respectfully Submitted,

Marianna Mabry
Faculty Senate Secretary

September 7, 2012

Steve Thomas
Associate Professor, University Libraries
648G John C. Hodges Library
Campus

Vincent A. Anfara, Jr.
Professor and Department Head
Educational Leadership and Policy Studies
325 Bailey Education Complex
Campus

Re: Faculty Senate Resolution on Support for Benefit Equality

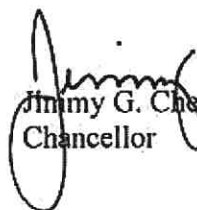
Dear Steve and Vince:

We have reviewed the Faculty Senate Resolution on Support for Benefit Equality, adopted on April 2, 2012, and offer this response.


We hope you understand that in our positions as leaders of an agency of the State of Tennessee, it is incumbent upon us to act consistently with the public policy of our state. We believe that the three specific proposals for domestic partner benefit equality outlined in the operative clauses of the resolution are inconsistent with the public policy of our state expressed in constitutional and statutory provisions.

We respect the role of the Faculty Senate and assure you that we give careful consideration to issues raised by faculty and staff. Diversity is an important value at UT, and we want our campus to be welcoming to all and hostile to none. Thank you for the role you play on our campus.

Sincerely,


Jimmy G. Cheek
Chancellor

Sincerely,


Larry R. Arrington
Chancellor, UT Institute of Agriculture

Guideline P-060**Subject: Formation and Operation of Faculty Sick Leave Banks****A. AUTHORIZATION:**

Pursuant to T.C.A. § 8-50-925, the following guideline shall be followed in the formation and operation of sick leave banks at all institutions and Tennessee Technology Centers within the Tennessee Board of Regents System. This guideline will be implemented in accordance with TBR Policy 5:01:01:00.

B. ESTABLISHMENT:

A sick leave bank is established when a group of employees agree to be assessed a specified number of accrued sick leave hours for a common pool. Such assessment of sick leave shall be deducted from the individual's personal accumulated sick leave and shall be nonrefundable. From this pool, the members may withdraw an amount of hours greater than their individual assessments upon request to and approval from the trustees of the sick leave bank. There can be no more than one faculty sick leave bank per institution or technology center. To form a sick leave bank, a minimum of 20 employees who are eligible to participate in the bank must petition the president of the institution or technology center director to authorize and direct the establishment of the bank. The petition shall include a declaration that each petitioner intends to participate.

C. ELIGIBILITY:

Participation in the sick leave bank will be available to regular full-time employees who hold faculty rank, whether serving in an academic or fiscal year appointment and to regular part-time instructional staff.

Employees previously enrolled in the Non-Faculty Sick Leave Bank who are appointed to faculty positions with no breaks in service shall be eligible immediately for membership in the Faculty Sick Leave Bank with no additional assessment and waiting period required. In addition, members who are terminated and rehired with a break in service shall also be entitled to transfer membership in accordance with the provisions for accruing leave and longevity credit. A faculty member who transfers with no break in service from another TBR, University of Tennessee institution or state agency and participated in the previous employer's sick leave bank is immediately eligible for membership in accordance with the receiving institution's sick leave bank by-laws. If membership is requested at the time of the transfer, the faculty member shall designate the required minimum assessment.

Prior assessments will be transferred to the Faculty Sick Leave Bank when the change in classification becomes effective. Employees who are unable to meet additional assessments charged by the Faculty Sick Leave Bank since its establishment, shall lose the right to request bank sick leave, in accordance with Section E, 7. All records regarding prior usage of bank sick leave will be made available to the Faculty Sick Leave Bank trustees.

3. Bank sick leave shall not be used for: elective surgery, illness or death of any member of the individual's family or during any period when the individual is receiving disability benefits from social security, a state-sponsored retirement plan or Board of Claims benefits. Approved bank sick leave will run concurrently with FMLA leave for an eligible employee who has not already exhausted the twelve (12) workweek entitlement.

4. A restriction will be established on the number of hours that may be withdrawn by an individual bank member on account of one (1) illness, particularly an illness known at the time he or she elected to join the bank. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent or twenty (20) consecutive days for which the applicant would have otherwise lost pay. Subsequent grants of bank sick leave shall not exceed the hourly equivalents of sixty (60) days in any fiscal year, or ninety (90) days for any one illness, or recurring diagnosed illness, or accident.

A bank member may be eligible to receive sick leave that has been donated by other employees if s/he has made application for bank sick leave and the necessity for bank leave is substantiated by the trustees. Should bank sick leave be denied, the bank member shall be eligible to receive donations from other employees as provided in TBR Policy 5:01:01:15.

5. When a bank member is physically or mentally unable to apply for bank sick leave, the immediate next-of-kin may make a request for bank sick on his or her behalf. If there is no next-of-kin available, this request may be made by the legally appointed guardian or conservator or an individual acting under valid power of attorney.

6. At any time the trustees may request from a bank member a physician's statement certifying the illness or condition of the bank member requesting leave. Refusal to submit the certification will result in denial of the request for bank sick leave.

7. A bank member shall lose the right to request bank sick leave upon termination of employment, retirement, cancellation of bank membership, refusal or inability to honor the trustee's assessments, and going on leave of absence (in a non-pay status) for reasons other than illness, injury, or disability.

8. A bank member may cancel his or her membership at any time upon written notification to the trustees. Assessed sick leave days shall be nonrefundable upon cancellation of membership and nontransferable upon transfer to another TBR institution or technology center, UT or State agency.

9. Employees who are granted bank sick leave shall continue to accrue sick leave and annual leave, if applicable, and service credit for retirement and longevity purposes, during the time they are on bank sick leave. Also, they will receive credit for any holidays that may occur during the bank sick leave period.

10. Grants of bank sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.

The president of director, upon approval of the trustees plan of operation, shall determine the date on which the sick leave bank becomes effective. This date shall be no later than 180 calendar days after the date of receipt of the original petition.

G. DISSOLUTION OF THE BANK:

The sick leave bank shall be dissolved if the institution or technology center is closed or if the bank membership falls below twenty (20) individuals. The total hours on deposit shall be returned to the participating members at the time of the dissolution and credited to their personal sick leave accumulation in proportion to the number of hours each has been assessed.

Source: November 1, 1988, Presidents meeting, August 15, 1989, Presidents Meeting; November 12, 1996, Presidents Meeting; November 6, 2002, Presidents Meeting

OFFICIAL FACULTY SICK LEAVE BANK ELECTION FORM

(PETITION)

We, the undersigned, do hereby indicate an interest in the establishment of a sick leave bank at (institution/technology center) and further, we hereby declare our intention of participating as members in said sick leave bank upon its establishment.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.

() REGULAR FULL-TIME EMPLOYEE WITH FACULTY RANK

() REGULAR PART-TIME INSTRUCTIONAL STAFF MEMBER

A copy of the sick leave bank plan, and regulations have been made available to me. I am aware of the contents and that any assessments made of my accrued sick leave by the trustees of the bank shall be nonrefundable and nontransferable.

Signature

Date

**FACULTY SICK LEAVE BANK
NOTICE OF ASSESSMENT**

As a member of the (name of institution or technology center) Sick Leave Bank, you are hereby notified of an assessment of (number) hours from your accrued personal sick leave bank balance effective (date). This assessment is made in accordance with the statutory provisions and institutional or technology center regulations governing the sick leave bank and is based upon projected potential need of the bank's membership. Since authorized by you, this assessment of hours is nonrefundable and nontransferable.

Trustee Chairperson Signature

Date

To Be Completed by Human Resources Office:

Accrued Sick Leave Hrs. * _____ Accrued Annual Leave Hrs. * _____

Human Resources Officer: _____

Signature

,

Date

*Must be equal to zero as of effective date bank leave would begin.

Trustees' Action:

Approved: _____

Chairperson Signature Date

Disapproved: _____

Chairperson Signature Date

The Campus Workers Bill of Rights

Our universities, colleges, and higher education systems, like all our public services, should be bedrock democratic institutions in our communities. These institutions are threatened by an economic and political consensus that prioritizes profits before people, and by an agenda that would privatize all public services. This agenda sees workers as just another cost, and diplomas as just another commodity. It is a vision that has led to underfunding, layoffs, and privatization, and it is winning out.

But we know that without campus workers, our campuses don't work—and ours is a different vision. We see our higher education system as important community and statewide institutions that should model the best democratic values and provide powerful education to all those who want it for the betterment of our communities and our state. We believe that at the heart of this vision is a commitment to the dignity and rights of those who make our institutions work, and those who seek to learn—regardless of how much money they make, the color of their skin, their gender identity or their sexual orientation, or where they come from. We know this is something worth fighting for today and for the long haul.

In accordance with our vision, all campus workers have human rights to:

A Living Wage and Just Compensation

We have the right to a base salary high enough to provide for our families to live a decent life without reliance on governmental assistance or private charity, and to salaries that are equitable with wages paid at peer institutions and in private employment.

Job Protection

We have the right to jobs protected from the threat of privatization, outsourcing, and subcontracting.
We have the right to employment that is not "at will," and to not be terminated except for just cause.

A Right to Organize

We have the right to organize labor unions; to official recognition of our union; and to the ability to "meet and confer" with officials at the departmental, institutional, and state levels on all issues of concern. We have the right to freely conduct meetings on non-working hours; to petition for redress of grievances; to deduct dues from paychecks; and ultimately to bargain collectively in order to protect and advance our collective interests.

Due Process

We have the right to a grievance procedure that includes the right to grieve all matters that can impact safety, evaluations, raises, transfers, layoffs, promotions, and disciplinary actions, and we have the right to representation of our choice at all levels.

Non-Discrimination

We have the right to a workplace free from harassment, exploitation, and discrimination. We have the right to receive fair and equal treatment, opportunities, pay, and benefits regardless of our religion, race, nationality, immigration history, gender, gender expression, sexual orientation, age, disabilities, or political orientation. We have the right to equal pay for equal work.

Adequate Benefits

We have the right to guaranteed comprehensive health care; to an adequate retirement; to paid vacations and/or sabbaticals; to paid parental leave; and to tuition remission or adequate funding for educational opportunities for us and our families, including partner benefits.

Safe Workplaces

We have the right to a safe and secure working environment with adequate training and the proper safety equipment necessary to perform our duties; to timely and effective corrective measures to our health and safety concerns; and to refuse dangerous work when proper safety precautions are not adequately met.

Governance

We have the right to participate in determining the content and direction of the institution, including freely elected representation on governing bodies, and without fear of retaliation for expressing our views.

Universal Inclusion

All higher education employees, regardless of status or job classification, have the right to be treated equally with regard to all of these rights. Adjunct and contingent faculty especially have the right to work without exploitation and to be transitioned to real employment.



Our Pensions are Under Attack: Understanding our pensions, how they are being dismantled, and what to do about it!

By Tom Smith and Ashlee Henderson

The Tennessee Consolidated Retirement System (TCRS) is the largest pension plan covering higher education employees. Additionally, TCRS covers all state agency workers, teachers and school support staff across the state, and municipalities that have opted to participate. TCRS is a “defined benefit” plan. This means that a portion of employees’ compensation is set aside to be paid after retirement as a pension, and that this payment is guaranteed to be a specific amount. This is different than “defined contribution” plans, such as 401ks, that can disappear when the economy goes into another round of crisis.

For pension payments to be made, the fund must remain solvent. This means that there are large enough reserves invested to cover present and future “liabilities”—in other words, there is enough money in the bank to make current pension payments to retirees and to be able to afford a part of the payments for future retirees.

Across the country many public employee pensions are drastically under-funded. Many states have failed to make the annual payments needed for pensions to remain solvent. Additionally, the economic crisis and fraudulent Wall Street practices caused many pension plans to lose money that had been invested. It is not uncommon for a state to have plans that are less than 70% funded. TCRS is one of the *best funded plans in the country!* Right now our pension is 92% funded! But the push to attack pensions means that even with no crisis, TCRS is not safe.

Despite the financial stability of TCRS, some lawmakers are attacking the plan in order to cut employee compensation. In 2010, newly elected Gov. Bill Haslam spoke to the media about the need to bring public employee pay and benefits in-line with private sector workers. In 2011, the Tennessee’s General Assembly passed legislation that eliminated the teachers’ union’s ability to appoint members to the TCRS board of directors. In 2011 and 2012, Senator Brian Kelsey (R-Germantown) introduced bills to eliminate pensions for new hires. Kelsey’s bills, SB 2171 and SB 2668, were comprised of text created by the American Legislative Exchange Council (ALEC). ALEC is a corporate organization that writes legislation to destroy labor unions, environmental regulations, and the social safety net and gives it to state legislators to submit as bills.

In May 2012, towns and cities in northeast Tennessee began to opt out of TCRS. In June 2012 UCW met with Tennessee Board of Regents Chancellor John Morgan, who is the former state treasurer. At the meeting Morgan spoke directly to us about upcoming potential attacks on the pension system. Finally, during the summer new regulations and accounting rules were enacted that changed the methods of reporting the health of pension funds. Analysts note these new methods will show larger gaps in funding levels for many public pensions.

So that’s the bad news. Now, what can we do to protect our pensions?

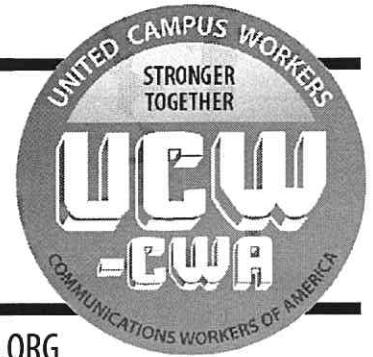
- Monitor and study the situation. So far our pension remains well funded and the bills attacking it do not have broad enough support to last.
- Learn from other examples of workers who have fought to save their pensions and won. The CWA Public Sector has great resources.
- Run our members for the state pension board. Are you interested?? Contact us at fairness@ucw-cwa.org!!
- Build coalitions with teachers and school employees so we can struggle together to save our pensions!
- Last, but certainly not least: Organize, organize, organize! There is power in our numbers, and over the years we have certainly learned that we win what we are organized to take. Sign up at least one new member, explain to them that our pensions are under attack and encourage them to join us at our annual lobby day to explain to legislators the importance of saving TCRS.

Resources:

- TCRS website: <http://treasury.tn.gov/tcrs/index.html>
- TCRS benefits calculator: <http://treasury.tn.gov/tcrsapp/>
- TCRS annual report: <http://treasury.tn.gov/TCRS-AnnualReport-2011.pdf>
- CWA Public Sector site on pensions: <http://www.cwapublicandhealthcare.org/pages/pensions>
- ALEC Exposed! Has collection of bills concerning pensions: <http://www.alecexposed.org>

CAMPUS VOICES

News from Tennessee's higher education union



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Union Members Meet with Decision Makers

Campus workers assert their voice and priorities to state leaders



UCW members from five Tennessee Board of Regents campuses discussed priorities with Chancellor John Morgan, head of the TBR, June 2012.

On August 7, the fourth of Governor Bill Haslam's roundtable meetings with "employers and educators" took place in Memphis at the University of Tennessee Health Sciences Center.

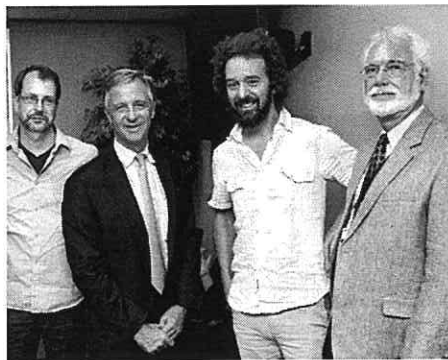
The expressed aim of these meetings is to gather input on how to meet what are described as the three challenges of post-secondary education: 1) addressing costs; 2) producing more graduates; and 3) maintaining quality, with the overarching question being how to make it more "market relevant," according to the Governor.

Cedar Lorca Nordbye, Associate Professor of Art at the University of Memphis, commented, "I went into the meeting with some trepidation that with all the business leaders, it could be another step in the direction of the corporatization of American education. That concerns me greatly because there is more at stake in higher education than jobs alone; there is the quality of jobs and the quality of life."

Aren't Tennessee's campuses themselves employers? How do we main-

tain quality with regard to the people we employ at our institutions of higher learning? Paying people enough to live without reliance on governmental assistance or private charity is one way to ensure this.

Higher education is not only essential to our state's economy, it is an economic engine. The people who make it possible – the campus staff, faculty, instructional staff, students, and part-time workers are part of the equation for improving campus operations, for priority-setting, and for implementing what gets decided.



UCW members with Gov. Haslam following the 8/7/12 Memphis post-secondary review meeting.

Myths versus Facts: Why you should join your union!

MYTH 1: *It costs too much to join.*

FACT: Joining UCW-CWA means paying monthly dues of \$13. This is only \$0.43 a day. You likely spent many times that amount to get your education because you rightly saw it as an investment in your future. Similarly, joining the union is an investment with direct benefits to you. UCW-CWA has led the fight for pay raises, and of our efforts have won consecutive raises in 2011 and 2012.

MYTH 2: *Unions are illegal in Tennessee and I can be fired for joining.*

FACT: No, unions are not illegal in Tennessee. Your right to belong and be active in a union is protected by more than state and federal law, it is a constitutional right! It is illegal, however, to be fired for joining a union.

MYTH 3: *I am a professional. I do not need a union. Unions are for factory workers.*

FACT: Being a "professional" is no protection against being underpaid, overworked, or treated unfairly. In fact, professionals are often the most overworked and underpaid. This fact has led tens of thousands of university faculty, professional staff and technical employees across the country to form unions. It is why millions of nurses are in unions.

Stories continued on back page