

Faculty Senate Minutes
Signal Mountain Room, University Center, 3:10 p.m.
March 1, 2007

The minutes can also be found at: <http://www.utc.edu/FacultySenate/minutes.php>

Division	Present	Absent
President	Gavin Townsend	
Past-President		Richard Rice
At-Large	Jim Hiestand, Cheryl Robinson, Randy Walker, Judith Wakim, Joanie Sompayrac and Michelle White	
Adjunct	Jean Howard-Hill	
Behavioral Sciences	Lyn Miles, Fritz Efaw, and Shela Van Ness	Helen Eigenberg
Business Adm.	Debbie Archambeault, Diane Halstead, Chris Brockman and Beni Asllani	
Eng & Comp Sci	Roger Briley, Claire McCullough, and Ignatius Formunung	Kathy Winters
Fine Arts	Jillian Zwilling, and Mac Smotherman	Stuart Benkert
CHEPS	John Freeman, Dolly Gerregano, Kay Lindgren, Linda Johnston, Dana Wertemberger and Michelle Vineyard	
Humanities	Felicia Sturzer, Joe Wilferth, Rebecca Jones, and Bryan Hampton (for Matthew Guy)	Jennifer Beech
Library	Mike Bell and Jason Griffey	
Math & Sciences	Betsy Darken, Bob Marlowe, Sharon Brueggeman, Joey Shaw, and Manuel Santiago	
Ex-Officio	Herb Burhenn, David Pittenger, and Theresa Liedtka	Richard Brown, Roger Brown, Jocelyn Sanders and Hugh Prevost

Among the guests present: Linda Orth, Yancy Freeman, Charles Nelson, Terry Denniston, Deborah Arfken, and Karen Adsit,

Summary: Tony Blasi from the TN Conference of the AAUP visited the Senate and urged UTC to re-establish the UTC Chapter of the AAUP. Karen Adsit and Charlie Nelson gave a presentation on the make-up of the Strategic Planning Task Force Committees. An effort has been made to include more faculty and more exempt staff. After long discussion, the Senate moved by a voice vote to refer the discussion on full faculty meetings and quorum to the Handbook Committee. The Senate asked that the Handbook Committee give a report at the March 22 meeting of the Senate. The Senate also discussed the 1969 Merger agreement. A motion was passed to form an ad hoc committee to review the document. If you are interested in joining this committee, please contact Gavin Townsend before the next Senate meeting. Before adjourning, Provost Burhenn reminded the Senate that the budget hearings will begin next week.

1. Call to Order:

Meeting was called to order at 3:17 P.M.

2. Approval of minutes from February 15, 2007:

Minutes were approved by voice vote with the following change: Mary Tanner's name was listed twice in attendance.

http://www.utc.edu/Departments/fcouncil/Archives/2000_2010Archives/2006_07/2006_07Minutes/2007Minutes_0215.pdf

3. Visitor to address the Senate: Anthony Blasi, TN Conference of AAUP

Tony Blasi (TN State) spoke to the Senate about the TN Conference of AAUP. He circulated application forms for AAUP. He came to the Senate as a colleague who is concerned about the status of our calling, in general and in the State of TN. He reminded us how difficult it is to educate students when academic freedom is at jeopardy. He asked the Senate to re-establish the UTC Chapter of AAUP. **Please see Appendix A for the full statement.**

Fritz Efaw told the Senate that when he was at Rutgers, the AAUP was the bargaining agent. He wondered if AAUP serves as a bargaining agent at any universities in the TN. Tony Blasi said that at this time, one does not exist. There are some legal issues with this (as a school, UTC is not allowed to have this, but as state employees we are allowed to

have this). Fritz Efav also spoke of a person at UTK is having trouble with tenure. He wondered if the AAUP was dealing with this issue. Currently, the TN Chapter of AAUP has not been asked to deal with this issue. The AAUP will provide legal support (free of charge, for all faculty, member or not) when an academic freedom is an issue.

Gavin Townsend wondered what the greatest success of AAUP in TN. Tony Blasi said the greatest successes are the cases that are kept out of court.

Bob Marlowe wondered about the contradiction that had to do with AAUP as a bargaining agent. Tony Blasi said that to overcome this, the AAUP would have to be asked to become the bargaining agent and most likely this would lead to legal issues and a judge would have to look at the law and make a decision.

4. Discussion on Strategic Planning Task Force Committees

Karen Adsit and Charlie Nelson gave a presentation on the make-up of the Task Force Committees (**See Appendix B**). The make-up of the committees is constantly changing. An attempt is being made to increase the non-administrative faculty on the committees, but it has been difficult to even things out. Dean Nelson reminded the Senate that the whole process will be open and individuals should have every opportunity to give advice to the committees. No formula was used in determining the committees. Gavin Townsend wondered how the committees have grown over the past week and if the website will be updated. Karen Adsit said as soon as someone confirms their membership on a committee, the website is updated. Felicia Sturzer wondered how the community members were chosen. Dean Nelson said that several methods were used to recruit committee members.

http://www.utc.edu/Administration/FacultySenate/Archives/2000_2010Archives/2006_07/2006_07Attachments/2007StrategicPlanTFMembers.pdf

5. Discussion on full-faculty meetings and quorum

A second draft has been distributed of the proposed “New Procedures for Meetings and Electronic Voting of the Full Faculty” (**see Appendix C**). Claire McCullough was concerned that the Faculty Senate did not have the power to make the changes suggested in the document. She did not think that according to parliamentary procedure the Senate has the power to make these changes.. Jim Hiestand (parliamentarian) was of the same opinion. Gavin Townsend reminded the Senate of the e-survey of the full faculty that indicated that the full faculty wanted the Senate to make changes. The argument poses a problem that is circuitous.

Gavin Townsend wondered if the Senate wanted to (and can) make some changes. Fritz Efav wanted to know how an amendment be proposed in electronic voting. Gavin Townsend said that the amendments would be accepted during the three days of discussion on amendments. Fritz Efav reminded the Senate that each amendment needed a second and needed to be voted on before the overall issue was voted on. Gavin Townsend admitted that this would get messy, but that electronic voting was hopefully the last resort.

Randy Walker moved that the e-survey of the full faculty gave the Senate authorization to make decisions. This was seconded by Mike Bell. Felicia Sturzer wanted to know why electronic voting negates Robert’s Rules. Jim Hiestand replied that because electronic voting is not in the handbook, we do not have the ability to use it. Claire McCullough wondered if electronic voting was assumed to be valid, wouldn’t the points of the proposal be moot? She wanted to make sure that the entire faculty supported this. Kay Lindgren pointed out that electronic communication is the official method of communication on this campus, per the student handbook.

Mac Smotherman wondered if the full faculty could have a day when there would be a meeting to discuss an amendment in an actual meeting. Beni Asllani was concerned that even though 50-60 faculty voted for electronic voting in the e-survey that is a large number to be ignored. Therefore, he does not feel like the Senate can make that decision. He proposes that survey results be used for information purposes only..

Shela Van Ness asked Claire McCullough if perhaps the issue should be sent to the Handbook Committee. Claire McCullough felt the Senate should send out a paper mailing on whether to allow electronic voting, so that all faculty have the opportunity to vote. Joe Wilferth did say that this proposal has not been through the Handbook Committee.

Kay Lindgren had a problem with the fact that students must use electronic communication and wondered the faculty be the exception. Randy Walker was worried that the only legitimate way to change the process is to have a face to face meeting to make the changes. This is somewhat irresolvable. Changes can only be made (as stated in the handbook) by face-to-face vote.

John Freeman was concerned that the Senate was making recommendations that violate academic freedom. What is the purpose of Faculty Senate at this university? Once this question is answered, the Senate can better understand the issue. If the Senate truly represents the faculty, why should a full faculty vote be needed?

Bob Marlowe stated that the problem is that currently it is not the way that the rules are written. Betsy Darken agreed with John Freeman. Reducing the quorum of the full-faculty is getting closer to the size of faculty senate, so why make the move? Why not just give the power to the Senate? Gavin Townsend felt this was an effort to fall somewhere in between.

Jason Griffey wanted to know what Robert's Rules says about meetings. Jim Hiestand said the presumption is that the spirit of the rules is a face-to-face meeting because proxy voting is not allowed. Jason Griffey reminded the Senate that it is possible to have synchronous chats (using discussion boards). Dr. Townsend said that the executive committee didn't think that the full faculty would take advantage of the discussion board. Claire McCullough felt a compromise would be for the Senate to propose changes that would be voted on by the full faculty meeting in April. If a quorum is not present, the issue would be determined minor, not major and the Senate would act accordingly.

Jean Howard-Hill agreed with Claire McCullough, but felt that the faculty needed to be "coerced" to attend a full-faculty meeting so that this issue would be resolved in a timely manner.

Michelle Vineyard felt that the Senate was not following procedure. A quorum at full faculty is needed to get out of this. The Senate cannot unilaterally make changes. The Senate can make a proposal to the full faculty and it needs to be voted on by the full faculty, with a quorum present.

Jillian Zwilling wondered if there was anyway to get around this. Dr. Townsend answered that it is the Senate's roll to modify the handbook.

The motion (by Randy Walker above) did not pass. (Vote: 14 – 16 – 2) The Senate does not feel authorized to make changes on behalf of the faculty.

Michelle Vineyard moved that the Senate follow procedure and this issue be sent to the Handbook Committee to propose changes to the voting procedures. This was seconded by Jillian Zwilling. Jason Griffey felt this avenue has already been tried. Felicia Sturzer wanted to know if a paper ballot was out of the question. The answer was no.

Claire McCullough proposed an amendment that before this issue goes to the Handbook Committee; the Senate discuss the issues and advise the Handbook Committee. This was seconded by Jean Howard-Hill. Betsy Darken would like to see the handbook committee study the proposed changes as well as any other possible changes. Some people wondered if this was a 2-vote issue. Jim Hiestand reminded the Senate that it is at the discretion of the chair.

The amendment was passed by voice vote.

Fritz Efav felt that the discussion and vote at the meeting illustrated the advantage of following parliamentary procedure in deliberating a question and reaching a decision through voting in open assembly, whether by secret ballot or voice vote.

The motion was passed by voice vote.

Mac Smotherman agreed with Betsy Darken. The Handbook Committee should look at the proposed changes as well as the republican model where power is given to the Faculty Senate. Fritz Efav wanted to make sure that if E-voting is proposed, a method of dealing with amendments be discussed.

Betsy Darken mentioned that there has been some talk about the value of discussion. She pointed out that many people have left this meeting. By giving power to the Senate, discussion could happen in the Senate, and e-voting would not be needed.

Please send comments and discussion to Joe Wilferth. Randy Walker moved that this report come to the Senate at the next meeting. Jim Hiestand seconded the motion. It was approved by voice vote.

6. Discussion on the 1969 Merger Agreement

Gavin Townsend gave a PowerPoint presentation on the pros and cons of the Merger Agreement (see Appendix D). Lyn Miles gave a presentation on her understanding of the Merger Agreement (see Appendix E). Lyn Miles contacted some 2nd parties and asked them questions about the Merger Agreement. She also distributed a handout that lists some of the major issues (see Appendix F). She suggested that we form an ad hoc committee to look further into these issues. Jim Hiestand wanted to know if salaries were the bottom line of this inquiry.

Provost Burhenn disagreed with Lyn Miles' assessment of the document. Provost Burhenn felt that the adjustments between UC salaries and benefits were adjusted in 1969 when the agreement was proposed and should not continue to be adjusted. Jean Howard-Hill agreed with Provost Burhenn. She felt this was an issue that was dealt with in 1969. Lyn Miles said this was an issue raised by two of the observers that she contacted. Provost Burhenn said that there are some issues (equal admission requirements) that are continuing, but not all of the issues. Diane Halstead was concerned that the Senate was discussing the "threat of a lawsuit" and that it should not be pursued immediately. There are other avenues that could be pursued. The faculty should not take a strong, negative approach to this.

Shela Van Ness felt the situation at UTC is not very good right now. The budget proposal for capital funding is for the new Cherokee campus and the new UTC library is not on the radar. The resources are being given to UTK and taken from UTC. She felt the Senate should seriously study this document. She also disagreed with the "cons" from Gavin's presentation.

Tony Blasi stated that THEC has a negative view of the TBR system. Meanwhile, U. of Memphis has been politically asking for its own board. The governor's proposal to the legislature is not currently known. If UTC wants independence, now is the time to address the issue. UTC's discussion is not unique.

Shela Van Ness moved that the Senate form an ad hoc committee of volunteers to study the issue. This was seconded by Cheryl Robinson. Jim Hiestand wondered why lawyers needed to be included in the issue, especially if it will cost money. Lyn Miles said that she consulted them just to find out if this was an issue for discussion. She does not propose that lawyers be hired. Randy Walker proposed an amendment that an upper-level administrator be asked to serve on the group. Jim Hiestand seconded the amendment. This was passed by a voice vote. Lyn Miles and Shela Van Ness have volunteered to serve on the committee. Volunteers to serve on this committee should contact Gavin Townsend by March 22, 2007. This was passed by voice vote.

http://www.utc.edu/Administration/FacultySenate/Archives/2000_2010Archives/2006_07/2006_07Attachments/MergerDocument.pdf

7. Report from Executive Committee: None

8. Administrative Reports:

Provost Burhenn reminded the Senate that the budget hearings will begin next week.

9. Other Business: None

10. Faculty Concerns: None

11. Announcements: None

12. Adjournment: Meeting adjourned at 5:09 p.m.

**Respectfully Submitted,
Gretchen E. Potts
Faculty Senate Secretary
March 2, 2007**

Chairman Townsend, colleagues :

I want to thank you for your invitation and welcome. I have some brief prepared remarks, and then I will be open to questions.

I am here today as a colleague, concerned about the state of our calling—generally and here in Tennessee. I am not a professional recruiter but a citizen scholar like each of you. I endeavor to open minds in four courses every semester and to contribute to the state of knowledge in my field through research and publication. My work happens to be at Tennessee State University, and in the fields of sociological theory and the sociology of religion. I am licensed with two earned doctorates—one in sociology from Notre Dame and one in religious ethics from the University of Toronto.

I know first hand, as do you, that we cannot open the minds of our students while we and our fellow scholars need cringe in fear of retaliation. Our words about conscientious inquiry persuade our

charges of the opposite viewpoint if we must parse and equivocate in order to avoid sparking the displeasure of high administrators, thought police from outside the academy, or even the narrowest of minds from inside it. Our efforts at empowering the next generations render them dumb if we ourselves seem to require permission to be truthful and eloquent in the same breath.

The sorry fact is that ideologues have been getting a hearing—albeit little more than that so far—in the halls of power for demands that any freedom in the academy be one that is circumscribed and therefore illusory. They seem to have a pre-selected canon of claims and counterclaims that, taken together, comprise their notion of “balance” and “fairness.” They want everything we do and say in the classroom and in the study subject to litigation and governmental supervision. Others, who are less sincere than the author of the bogus “student bill of rights,” want to set fine points of curriculum on the floor of the State House and the Senate.

My colleague Coleman McGinnis, along with others, took my university's administration to federal court a number of years ago to re-affirm a basic principle that is enshrined in the **real** Bill of Rights—the freedom of speech. We have a solid legal precedent in the Middle District of Tennessee that enables us to say when University officials are wrong and inept. That precedent was not a unique decision by one judge; it followed upon a long history in this country, of discussion and litigation, beginning with John Dewey and extending all the way to the present with the current AAUP *Red Book* of policies and procedures. Some of the carefully-crafted documents contained in it have found their way into common law through judicial citation. All of the documents are widely respected as best practices in higher education. Your tenure and system of due process draw from this heritage. They did not come cheaply, and they will not be preserved without cost.

I am asking you individually—it is not a senate question *per se*—to re-establish your chapter of the American Association of University Professors. It is a small financial sacrifice to join the national organization, but we alone lobby and provide legal counsel for you on the First Amendment issues so critical to your work. We alone lobby on these issues, both in Washington and in Nashville.

A local chapter can send delegates to our State Conference and our national meetings, where much valuable information about what is going on in the nation and in the State is to be had. A local Chapter should have an active newsletter sending vital information to the members or even to the whole faculty. As a chapter president for many years, I found I could mediate a number of disputes informally and keep cases out of court that need not be there. I also found that I could advise people of what their rights are and are not.

So I ask you to take it upon yourselves to join us and organize yourselves. For in a society that would be a free one, we cannot have the teachers of the young not be free themselves from the clutches of those who prefer that minds be stifled and numbed. Fear of retaliation and a free society cannot live together in peace. There cannot be a pervasive fear of dismissal in a free university. There cannot be education for freedom in an unfree and censored classroom. If you share such beliefs, act on your convictions. If you do not act on your own, you will inevitably face a tyranny of excuses and exceptions, loopholes in the fabric of freedom, a fiasco wherein the public discourse is of freedom while the public institutionalization behind the verbosity is that of control and manipulation.

It is undoubtedly old-fashioned to call upon one another to bestir ourselves, but a grand old organization—the AAUP, with all its professorial quirks—is here to say, when you **do** bestir yourselves, you will not be alone.

Appendix B: Current Distribution of Membership of the Strategic Planning Task Force Committees

BREAKDOWN OF UPC AND TASK FORCES (as of 3/1/07)

27 faculty (Academic)

6-GI Business, Engineering, 3 Arts & Sciences, Education
5-ES/DI Business, 3 Arts & Sciences, Library
11-D 4 Arts & Sciences, 3 Education, 2 Business, 2 Engineering
5-UPC Library, Business, Engineering, Education, Arts & Sciences

6 Dean (Academic)

1-GI Library
1-ES/DI Graduate School
3-D Engineering, Business, Education
1-UPC Arts & Sciences

10 Department Heads (Academic)

2-GI 2 Arts & Sciences
3-ES/DI Arts & Sciences, 2 Education
3-D Arts & Sciences, Business, Education
2-UPC Arts & Sciences, Education

7 Faculty/Administrators

0-GI
1-ES/DI Academic
3-D 3 Academic (1 Graduate School)
3-UPC 2 Academic, Chancellor

25 Exempt Staff

5-GI 3 Finance/Operations, Athletics, University Advancement
5-ES/DI Academic, University Advancement, 2 Finance/Operations, Chancellor
7-D 4 Student Development, Academic, 2 Finance/Operations
8-UPC 3 Student Development, System, 3 Finance/Operations, Chancellor

16 Non-exempt Staff

5-GI 2 Academic, 2 Student Development, Athletics
4-ES/DI Finance/Operations, 3 Academic
4-D Academic, Student Development, Athletics, Finance/Operations
3-UPC 2 Finance/Operations, Athletics

7 Students

1-GI
2-ES/DI
2-D
2-UPC

20 Community

1-GI
4-ES/DI
4-D
11-UPC

Appendix C: Second Draft of Proposal to the Senate on Full-Faculty Voting and Quorum

Proposed SECOND DRAFT of New Procedures For Meetings and Electronic Voting of the Full Faculty

1. A quorum of the assembled full faculty will consist of one third of the total number of full faculty.
2. Debate on resolutions facing the assembled full faculty can proceed in the absence of a quorum; voting may not.
3. In the event a vote is called for during an assembly of the full faculty, and a quorum is absent, the Faculty Secretary, in consultation with the Senate Executive Committee and the Parliamentarian, will administer electronic voting. The voting procedure is as follows:
 - a. Within three days of the assembly, the Faculty Secretary, in consultation with the Faculty Senate President and Parliamentarian, will post by e-mail to the full faculty the motion(s) in question and, if practical, the minutes from that meeting.
 - b. After the ballot is posted, the following three business days will be reserved for debate and discussion by e-mail. No voting may occur during this time.
 - c. After three business days of debate, an electronic ballot will be presented to the full faculty.
 - d. Voting will proceed for a minimum of three business days, in accordance with an announced start and finish time.
 - e. During the voting period, the Faculty Secretary or President may post updates about the number of registered votes, but may not indicate the direction of the voting itself.
 - f. In the event of network problems, voting could be extended by the number of hours the system was down, beginning on the next business day after the stated termination time. Extension would require written certification of the outage by the Director of Systems and Networks or designated deputy.

Note: for electronic voting, a quorum is always assumed to be present. Non-votes are to be treated as abstentions. If a motion were to receive one affirmative vote, with no other votes registered, the motion would carry.

4. In cases when major issues face the full faculty, and there is no reasonable opportunity to assemble, the Faculty President may initiate electronic voting as described above. Such issues will be determined by the Faculty President in consultation with the Faculty Secretary, the Parliamentarian, the Senate Executive Committee, and, if practical, the Senate itself.
5. Meetings of the full faculty will be held once a semester, with one additional date per semester reserved for called meetings or other faculty events.
6. The Handbook will be adjusted to eliminate references to voting on major issues twice.
7. The Handbook will be adjusted to specify assemblies of the full faculty in early September and early February (to avoid THEC).
8. Reading Days in both the Fall and Spring will be reserved for called meetings of the full faculty.

The 1969 Merger Agreement: Should We Do Anything With It?

Pros:

Might serve as leverage to:

- increase faculty salaries.
- reduce teaching loads.
- raise admission standards.
- increase our graduate programs.

Cons:

Might encourage UTC to:


- become a mini-UTK with a de-emphasis on undergraduate education.
- shift faculty compensation even more to reward research over teaching.
- lose its presence (its “soul”) as a unique metropolitan-oriented institution.

Might encourage the UT system to absorb control of the UC Foundation.

Would require funds the UT system just doesn't have.

Appendix E: Lyn Mile's Presentation on the Merger Agreement

**UTC Merger Agreement
Phase 2: Senate
Discussion**



Information Gathering

- University President**
President Emeritus of the largest independent university in the Southeast, with 25,000 students, and which also merged with another university in 1994
- Law School Professor**
Law professor at a major Southeastern university
- Contract Attorney**
Tennessee contract attorney
- Dean of a Graduate School** – Southeastern State University

Is the UTC Merger Agreement binding, or just a well-meaning "gentlemen's agreement"?

Binding?

- University President**
"Absolutely. These agreements are binding, and we honor all our agreements."
- Dean**
"Yes. My university also had a merger that affected doctoral programs."
- Law School Professor**
"This document is a valid legal document. The contract looks like a typical document that public institutions have historically used to enter into such agreements."
- Contract Attorney**
"Yes, it is in every way a contract."

How could the Agreement be enforced?

Enforced?

- University President**
"Who are the injured parties? You get more flies with honey than vinegar. Carefully outline your case to the President, showing the benefit of honoring the Agreement, and see how he reacts. That will tell you a lot."
- Dean**
"I frequently used the Agreement to promote our programs and, although there were problems and I had to be persistent, it played a role in making sure that those programs were protected and promoted."

Enforced?

- Law School Professor**
"The question becomes who can enforce this contract? Interpretive issues will come up in the process, e.g., can a new administration be forced to abide by what an older administration did?"
- Contract Attorney**
"You would need the support of the community—the University giving community and leaders. A coalition of these with the Senate would be ideal. I would expect that members of the UC Foundation and members of these families would be very familiar with the evolution of the interpretation of that agreement over the years, and I would expect that you could quickly gain an immense amount of knowledge from speaking with some of these folks."

According to the Agreement, should faculty salaries be similar between UTC and UTK?

Similar Salaries?

- University President**
"Our schools and colleges are relatively independent. Salaries are set by individual units, but our agreement calls for all units in our system to receive the same percentage raise, and they do."
- Dean**
"I am surprised that the salaries are not the same at the two institutions. What is the reason?"
- Law School Professor**
"On the face of it, it looks like UT is in violation of the contract in regards to UTC faculty salaries. The question becomes, then, what are the rationales for this?"
- Contract Attorney**
"If the programs are reasonably similar, given the spirit of the document, UTC faculty would be very justified in being upset at a large differential."

Appendix E: Lyn Mile's Presentation on the Merger Agreement

	Would a lawsuit be inevitable?

	Lawsuit?
	<ul style="list-style-type: none">▪ University President "We don't have to deal with the State like this, but don't start out with a lawsuit. Work within the System and make the strongest case possible with the President. Again, show the benefit to the community."▪ Dean "We had many, many meetings and had to repeatedly press the issue. We did not have to sue. We did not get all that we wanted, but I am satisfied."

	Lawsuit?
	<ul style="list-style-type: none">▪ Law School Professor "On the face of it, it looks like UT is in violation of the contract in regards to UTC faculty salaries. The question becomes, then, what are the rationales for this?"▪ Contract Attorney "If the programs are reasonably similar, given the spirit of the document, UTC faculty would be very justified in being upset at a large differential."

	Issues Handout

	The End

MERGER AGREEMENT ISSUES PRELIMINARY COMMITTEE DISCUSSION

SALARIES

Since salary comparisons might be the most salient issue from the Agreement, how would you compare programs between UTC and UTK?

Since the Agreement called for UTK to be the research flagship—but salaries were still supposed to be similar—how many doctoral programs would UTC have to have to enforce the contract, and were any programs submitted that were blocked by the System or UTK? Would UTC faculty be willing to have greater graduate program and research responsibilities in return for UTK salaries?

TIMING

When were the offending conditions first known? Have they ever been brought up before?

Is there a TN statute of limitations on challenging contracts?

Can a new university administration be forced to honor the agreements of an old one?

STANDING

Who has standing to bring legal action? The university administration? The faculty?

Would the UC Foundation have standing because the University of Chattanooga trustees signed the Agreement?

Third party beneficiaries are often able to bring suit—would any 3rd parties be interested?

PARTNERSHIPS

Since Martin was already a branch of UT, does its Merger Agreement have different stipulations, and would Martin partner with UTC in seeking more favorable conditions within the System?

Would the UC Foundation, giving community, and other benefactors support raising the issue of the Merger Agreement?

Would students, the UT union, alumni, and other groups join in support?

STRATEGY

Could the threat rather than the reality of litigation be effective in bringing about positive change?

Could the Merger Agreement be a rallying and mobilization point as we prepare the Strategic Plan?

Would it be better to stifle any talk of the Agreement and work within the System, adopt the orange logo, and befriend President Petersen as much as possible?

ATTORNEYS

Are there competent and professionally respected attorneys that would take the case?

This is primarily a state law issue, but it has political and legislative overtones to it. Would respected attorneys from Nashville be most effective in bringing any action?

DATA

Is there data available to support specific disparities in the offending conditions?

COMMUNITY RELATIONS/MEDIA

Would prospective students and the community encourage UTC to be a major campus of the UT System in actuality rather than just in name only, more on the model of the University of California system with several varying but major campuses?

The Agreement has strong public relations and media aspects. How would the question, "Why aren't we getting our slice of pie," play within the State, and nationally?