## MEETING MINUTES

### Call to Order

The President called the meeting to order at 7:53 am in Gazes Auditorium.

### Approval of Minutes

The September minutes were approved once amended to reflect change to FIR motion.

### Old Business
Welcome of new Senators
Presentation by Senate President [see attachment]—[request presentation from Paul Jacques]

• Summary of Key purpose of Senate
• Summary of Senate procedures
• Description of Senate Officers and Composition/Electoral Units
• Discussion of Quorum Issues and the need to have alternates attend
• Website
• Accomplishments over 2011-2012
• Description of Executive Committee Roles
• Standing Committee Descriptions
• Current ad hoc Committee Descriptions
Elections Committee Chair

Background about potential changes to terms
Call for nominations for the office of President
Joe Romagnuolo nominated
Accepts
Rheingold nominated and declines
Governance chair endorses Joe Romagnuolo for President; others pose question about background...then other members speak in support of him.
With no competing nominations, slate of officers approved by acclimation

Non Compete Clause [attached slides for overview of issue—request from Paul]

- 2004 UMA initiated non-compete clause for new hires.
- UMA has been tweaking this clause over the last several years, which included 2012 Restrictive Covenants and Enforcement contract—the clause is now a 2-page “contract” that demands legal expertise to interpret.
- Department chairs inappropriately included the 2012 Restricted Covenants and Enforcement contract as component of FY13 MUSC Faculty Contract
- Several faculty wanted to appeal it and attempted to through Faculty grievance committee. The contract says there’s only one route for grievance, through UMA.
- Results of survey of non-compete clause completers.
- Slideshow ends
- Openended question at end of survey. 75 people added comments and were nearly unanimous in negative response.
- Exec Committee met and got survey...then, some discussions with a labor lawyer. Some hurdles to move through in terms of Attorney General’s office.
- Legal defense fund...paid Mr. Sprinkle in contract negotiations a few years ago. Approximately 12G in legal defense fund.

DISCUSSION OF SEVERAL ISSUES AND PRESENTATION OF SOME ADDITIONAL POINTS BY NEW PRESIDENT.

UMA sent a letter to those who wouldn’t complete the clause by Sept 30 would be terminated.

Comments indicating that faculty had no recourse to ask questions. The main issue seems to be the process that was followed and the lack of faculty involvement.

People threatened with termination; people tried to go through faculty handbook; told by UMA and provost that the faculty handbook didn’t apply;

Pressured a delay of deadline to October 15.

Discussion of recourse that the contract supplement provided and the inadequacy of these recourses.

UMA seemed to suggest that faculty do not have recourse through the provost’s office or the president. According to the UMA, the department chairs are the “voice” of faculty. Chairs apparently did not know they were supposed to b the faculty voice, according to them. They told complaining faculty that they could not do anything.

At UMA exec meeting—Paul attended—committee expressed thanks and told Jacques that they would not alter any of their stated policies. Provost asked to weigh in, who said it was unfortunate. Therefore, the exec committee met and decided to seek legal representation.
**COMMITTEES**

<table>
<thead>
<tr>
<th>Committee</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Continuation of UMA non-compete:</strong></td>
<td>informal survey by Joe R suggests there’s pretty significant variation in non-competes nationwide. Very few appear to be as draconian as the one presented by UMA this cycle. Most appear to be signed with an enticement...rather than required. Joe R has written a letter to Dr. Greenberg and pointed out the dilemma and the lack of involvement of senate. If UMA is functioning so independently of MUSC, what happens if these faculty members are terminated by UMA. Questions and discussion. Very difficult to tell who is to blame because dept chairs were also apparently poorly informed by UMA exec committee. The new non compete is enforceable for any reason—even if UMA decides to terminate you for any reason, you’re still held to the non-compete.</td>
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<td><strong>Governance Committee:</strong></td>
<td>Conducted elections.</td>
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<td><strong>Faculty and Institutional Relations:</strong></td>
<td>Chair presents Discussion of wording changes in Handbook related to Faculty Handbook’s Faculty Evaluation section, changes to ATP guidelines. FIR gets into handbook and starts to edit other sections as well. Invites faculty senators to join FIR committee.</td>
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<td><strong>Communication and Education:</strong></td>
<td>Chair presents current work on next newsletter. Promotion and tenure workshop coming up the end of October. Making plans to add orientation information to the Faculty Senate website.</td>
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<td><strong>Institutional Advancement:</strong></td>
<td>no report.</td>
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<td><strong>Ad hoc Peer Review:</strong></td>
<td>Examining hospital peer review process. Working on a recommendations document for quite a while. Meeting this Friday and expect presentation to Exec comm. Soon.</td>
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<td><strong>Ad hoc Modified Faculty:</strong></td>
<td>chair presents basic description of committee’s role. Approved recommendations...checking to see if they are followed up on.</td>
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<tr>
<td><strong>Ad hoc Clinical Affairs:</strong></td>
<td>Joe R (see report on UMA non-compete).</td>
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**Motion to adopt** the following statement as the position of the Senate:

*The MUSC Faculty Senate disagrees with the changes that were made to UMA’s non-compete clause and is deeply concerned with the way it was implemented by administration. The Senate calls for a postponement of the October 15 deadline until administration meets with and engages Senate and faculty leadership in discussion of the non-compete clause and the processes through which it has been changed and implemented without faculty input.*

Seconded and passed unanimously.
ADJOURN

Meeting was adjourned at am. Next Meeting is November 13, 2012.