1) Call to Order (Adam Smolka, President) at 7:51 am.

2) November 14th, 2017 Minutes approved without objection.

3) President’s Report
   a) Calendar year successes
      i) Revision of Faculty Senate Handbook (including rewording of post-tenure review) and preparation for electronic database is complete, currently awaiting selection of database
      ii) Mandated 5-year revision of By-Laws approved
      iii) Significant increase of faculty engagement in Senate affairs, including more competitive Senate elections
      iv) Retention of legal counsel, Allan Holmes, to address the ongoing faculty concerns with COM Funds Flow/Compensation Plan; Senate ad hoc COM Affairs Committee has met with Mr. Holmes and has established actionable items that he is currently researching
   b) Honor Code
      i) Under substantive revision for past year, and scheduled for Board of Trustees approval at the December meeting; however, the Honor Code was withdrawn from the agenda without notice. The Honor Code will not go into effect January 1st as originally planned.
   c) Question raised by McLeod Gwynette regarding reduction in state holidays. Does this affect only UMA personnel? Adam Smolka to follow-up.

4) Electoral Unit Reports
   a) Dental Medicine (Raymond Kessler): The Associate Dean for Clinical Affairs, Mark Barry, is retiring from MUSC effective December 31, 2017, Dr. Karen McPherson has been appointed Interim Assistant Dean for Clinical Affairs.
   b) Library Science and Informatics (Jean Gudenas): MUSC BOT has approved the name change to Academic Affairs Faculty. Dr. Tom Smith is the Chair of AAF, and all faculty are requested to use the new name.
   c) Medicine: Basic Science (Kristi Helke):
      i) The COM Faculty Transition Task Force met the week of December 4. The Task Force is advisory to the Dean, includes representatives from each department and is intended by the Dean to act as a communication vehicle within the College. There is neither a formal charge or posting of minutes. The Basic Sciences faculty compensation plan was discussed.
      ii) COM Senators will meet with the Dean on 12/18 at 4 pm in CSB 601, need actionable items he can address, send these to Kris
      iii) A new committee, composed of BS and CS chairs, is being formed for the BS faculty compensation plan. So far no news has been shared; the compensation plan should be in place for the next contract signing period.
   d) Medicine: Clinical Science (Lynn Schnapp):
      i) Emails have been received regarding actionable items, the ad hoc COM Affairs Committee has met with lawyer, and three issues have been prioritized:
(1) Withholding of Y component
(2) Validity of non-compete clauses in view of changes in faculty contracts over the years
(3) Impact of maternity/sick leave policies on faculty compliance with RVU targets. A COM FLMA Task Force is studying this issue and should have report available by 3/1.

ii) Lawyer has handled several individual faculty contract disputes and is familiar with many of faculty's concerns

iii) Also discussed was the Late Career Practitioners Policy (C229). This was not included in the original charge to the lawyer. Should we direct the Senate legal counsel to pursue this issue?

iv) Ad hoc COM Faculty Affairs committee will meet with attorney this Friday. Senators and Alternates asked to send issues or concerns to Dr. Schnapp. Also, COM Senators are requested to send Drs. Schnapp and Helke actionable concerns arising from implementation of the COM Funds Flow/Compensation Plan.

e) Nursing (Melanie Cason): Dean search complete, 3 external candidates and 1 internal candidate were interviewed on campus, Provost met with faculty last week, expect an announcement in next few weeks.

f) Pharmacy (Sherine Chan): A COP faculty consensus statement was presented:

"We were prompted based on Dr. Cawley's recent Clinical Connections email “What's The Buzz?” regarding a question about the outsourcing of pharmacy services to an outside company. While there are no specific proposals or plans at this time (as confirmed by Dr. Cawley), we want to voice our concerns about the potential outsourcing of pharmacy services – specifically those of the MUSC outpatient pharmacies. Outsourcing of outpatient pharmacy services could have implications on the delivery of quality interprofessional and collaborative learning experiences for both our students and residents. Keeping outpatient pharmacy services as part of the pharmacy enterprise would ensure (1) quality education of our students and residents, (2) a shared investment in the goals of the MUSC Enterprise, (3) patient access to medications particularly those who underinsured or uninsured, (4) integration of patient care, and (5) advancement of practice for our clinical pharmacists and specialists."

Dr. Chan further discussed that many faculty/employees use MUSC's pharmacies for personal use or on behalf of our families, therefore, this affects all of us. In our best interests, keeping these services within the MUSC Enterprise will have educational benefits and continue to offer enhanced patient care that may not be the priority of an outside company. For this reason, COP are asking all faculty to talk with their leadership and teams regarding the implications of outsourcing crucial services and ask them to understand these concerns and what is means to MUSC as a whole. Dr. Nicole Bohm also shared that there is a COP faculty meeting today and this will be discussed; discussion from floor included that it has been stated that hospital pharmacy is losing money and this is an attempt to off-set this; suggests they look at it from this angle when expressing concerns. Suggested from the floor that Dean Hall raise this at Provost’s Council.

g) Health Professions (Dave Fitzgerald): Third and final Dean candidate being interviewed this week, all candidates are external candidates

5) Committee Reports

a) Communication and Education (Jean Gudenas): New Committee Chair elected - Dr. Titus Reaves
b) Faculty and Institutional Relations (Kristi Helke): Met last week, discussing faculty handbook section 5.06 – plan to have this ready for faculty senate in January or February 2018
c) Governance (Michelle Nichols): Will be meeting early January and will be meeting monthly to work through Senate Constitution and Bylaws

d) Institutional Advancement: Ashley Tennessee had been elected as the chair but subsequently stepped down. Adam Smolka to follow-up with committee members to establish a new chair

6) Current Business - None

7) New Business
Dr. Dean Kilpatrick, Psychiatry, provided an overview of the Late Career Practitioners Policy (LCPP) which will take effect 12/31/17. The policy applies to anyone with clinical privileges and is age 70 or older, mandating an annual meeting between the practitioner, his/her Chair, and Dr. Dan Handel, Chief Medical Officer, and in some cases mandating an exam by a physician appointed by the CMO. The exam includes physical, cognitive, neurological testing, etc., that is relevant to clinical privileges. All records will be maintained by Dr. Handel. Stanford and Vanderbilt have implemented similar policies. Concerns have been raised that the policy appears to violate By-Laws of MUSC Health and the University, both of which have anti-discrimination policies, including age, and two federal laws. Detailed faculty concerns, including a law review article in press (Dr. Moore, 2018), which summarizes inherent violations of the Age Discrimination Act and the ADA (which prohibits blank screening of anyone without cause), have been formally presented to Dr. Handel and the Clinical Credential Committee. So far they have not responded productively, although some faculty have been told that Departmental support will continue if clinical privileges are suspended. The Department of Psychiatry believes the policy is illegal, and no due process exists to challenge the policy mandates. Dr. Kilpatrick has researched these issues in depth, he will continue his advocacy, and now formally requests the Faculty Senate to bring faculty concerns to the Administration.

   i) Motion (Caroline Westwater) - All faculty to be solicited for replenishment of the Faculty Senate Legal Fund. Motion carried unanimously.

   ii) Motion (Lynn Schnapp) - Extend the Senate legal counsel’s brief to include a review of the Late Career Practitioners Policy. Motion carried unanimously.

8) COM Faculty Assembly. This initiative has been resisted by COM Dean. Faculty Senate Executive Committee supports COM developing their own Faculty Assembly. Michelle Nichols provided a brief overview of the College of Nursing Faculty Assembly. Formation of a COM Faculty Assembly will be an agenda item for January Senate meeting. Senators were requested to forward to Lynn Schnapp any available information regarding Medicine Faculty Assemblies at other institutions.

9) Meeting adjourned at 8:58 am

Respectfully submitted by Nancy Carson, Faculty Senate Secretary.