

The University of Tennessee Faculty Senate
MINUTES
April 20, 2009

Absent: Lt. Col. Michael Angle, Janice Appier, Alvaro Ayo, Roberto Benson, Bill Blass, Thomas Boehm, Bill Bradshaw, Marianne Breinig, Max Cheng, Deniela Corbetta, Steven Dandaneau, Jim Drake, Linda Frank, Glenn Graber, Mary Gunther*, Lee Han, Russel Hirst, Yuri Kamyckov, Stephen Kania, John Koontz, Jeff Kovac, Norman Magden, Jeff Maples, Murray Marks, John McRae, David Patterson, Natalia Pervukhin, W. Tim Rogers, Rupy Sawhney, Montgomery Smith, Edgar Stach, Marlys Staudt, Jeannine Studer, Patricia Tithof, Michelle Violanti, Andrew Wentzel, Michael Wirth, Pia Wood, Yang Zhong

*Alternate Senators: Carole Myers

J. Nolt called the meeting to order at 3:33 p.m.

ANNOUNCEMENTS

Establishment of a Quorum (S. Kurth)

S. Kurth reported a quorum was present.

Senate President's Report (J. Nolt)

J. Nolt announced J. Heminway was elected to be President-elect. Given the long agenda he did not present his year-end report, but noted it was available electronically. He thanked S. Ohnesorg for editing the Senate newsletter, T. Boulet for his work as President-elect and Co-Parliamentarians B. Jacobs and C. Pierce for their assistance. He expressed appreciation for the administrative support of Chancellor Cheek, Provost Martin, Vice Provost Gardial, S. Winston, and "jack of all tasks" graduate assistant S. Simmons.

Nolt encouraged faculty to attend the investiture of the new Chancellor on May 1. He reminded everyone that April 22 was Earth Day and that environmental leadership awards would be presented on the pedestrian walkway.

Chancellor's Report (J. Cheek)

Chancellor Cheek thanked Nolt for the positive relationship they had and said he looked forward to working with the new leaders of the Senate.

He said work was ongoing on the tuition proposal for the June Board of Trustees (BOT) meeting. An increase of 7½% would just cover increased costs. The Student Government Association (SGA) was supportive of a 9% increase. He thanked C. Pierce for temporarily assuming leadership of the Baker Center.

Comments/Questions. There were no questions.

Provost's Report (S. Martin)

Provost Martin thanked Nolt for representing the faculty in difficult times. She said she looked forward to working with the new leaders of the Senate. She reported that the evaluation of Deans would be done as it had been done in past years. She said she had agreed with Nolt on doing what had been done in previous years (rather than conducting the evaluations online). She encouraged everyone to fill out the evaluation forms.

She said her office was working on a list of Department Head terms and a schedule for 5 year evaluations.

She reported the stimulus money had been allocated. She asked Deans to look for areas of high demands, so students could get the classes they needed. She was looking forward to May 1, when fall admission information would be available. She expected the Knoxville campus would continue to be perceived as a great value and was waiting for confirmation of that.

Martin announced that T. Diacon would be in charge of the fall Life of the Mind Program, which would be focused on the memoir *The Glass Castle*, and Freshmen Seminars (129).

Comments/Questions. T. Wang asked about the anonymity of the online evaluation of Deans. The evaluation was no longer online.

MINUTES

Faculty Senate Meeting

The minutes of the March 23, 2009, Faculty Senate meeting were moved by J. Heminway and seconded by S. Thomas. Minutes approved.

Faculty Senate Executive Committee Meeting

The minutes of the April 6, 2009, meeting of the Executive Committee were available as an information item.

MINUTES POSTED ELECTRONICALLY

Graduate Council Minutes

Minutes of the April 9, 2009, Graduate Council were not available. Nolt announced that either the Faculty Council would address them over the summer or they would be brought to the first fall Senate meeting.

Undergraduate Council Minutes

Neither Chair J. Romeiser nor council member N. Magden was available to answer questions. Wang asked about page U1592, specifically the statement indicating that a grade of C- would not be accepted unless there were an articulation agreement (or the student had an AA from a TBR school). She questioned whether the College of Engineering would think a C- grade was adequate. Diacon said all the change did was add to a policy statement that specified D. T. Boulet pointed out that the policy did not preclude units from requiring more, i.e., higher grades. Diacon agreed that the policy only meant that the course would appear on the student's transcript.

Minutes approved.

PREVIOUS BUSINESS

Proposed Changes to Senate Bylaws (T. Boulet)

Boulet briefly summarized the proposed changes:

- 1) terminology referring to the campus
- 2) quorum
- 3) ex officio members right to vote on committees
- 4) provision of summaries of Undergraduate and Graduate Council minutes
- 5) formalized filling of vacancies on various committees

D. Birdwell moved to divide the proposed changes separating the issue of the quorum from the main motion. Holland seconded. The motion to divide was approved. The main motion and its

amendments were approved. The quorum issue was brought up because at the last meeting of the previous year a resolution of recognition could not be passed because a quorum call was made and not enough Senators were present. The issue was whether a sentence should be added about not losing a quorum. Malia asked whether *Robert's Rules of Order* addressed the issue and was told it was not addressed. Parliamentarian Pierce said it was very common in business meetings to have the proposed provision and that whether to have it was simply a matter of choice. Nolt said it would not prevent someone from making a motion to adjourn. Birdwell noted that in one case ending the meeting would require a majority vote and in the other a single person could effectively end the meeting. L. Beebe asked whether the change would apply to committees. Boulet said it would not as the committees had their own bylaws. The separated motion passed.

Faculty Affairs: Resolutions on Annual Review and Retention Review (J. Heminway)

J. Heminway presented the resolutions:

WHEREAS, under Section 3.E. of the Bylaws of the Faculty Senate, the Faculty Senate Faculty Affairs Committee of the Faculty Senate "is responsible for reviewing proposed revisions and recommending changes to the Faculty Handbook following review provisions as set forth in the Faculty Handbook, and for reviewing the Manual for Faculty Evaluation;" and

WHEREAS, the Office of the Provost and the Deans' Council recommended that the Faculty Senate Faculty Affairs Committee review and recommend proposed revisions to the Faculty Handbook and the Manual for Faculty Evaluation to improve, clarify, and simplify the faculty annual review and retention review processes;

WHEREAS, under Section 8.3 of the Faculty Handbook, the Faculty Senate Faculty Affairs Committee "is responsible for recommending changes, which should have input from the chancellor, the vice president, and their administrative staff including deans for consideration by the Faculty Senate Executive Committee and final consideration by the full Faculty Senate;" and

WHEREAS, under Appendix D of the Manual for Faculty Evaluation, "[r]evisions to the Manual for Faculty Evaluation are made in consultation with and the approval of the Faculty Senate Faculty Affairs Committee and the Faculty Senate Executive Committee for final approval by the full Faculty Senate;" and

WHEREAS, the Faculty Senate Faculty Affairs Committee has reviewed—and sought (i) input from the Interim Chancellor and the Vice President of Agriculture and (ii) consideration by, consultation with, and the approval of the Faculty Senate Executive Committee on—various revisions to the Faculty Handbook and the Manual for Faculty Evaluation designed to improve, clarify, and simplify the faculty annual review and retention review processes; and

WHEREAS, the memorandum from the Faculty Senate Faculty Affairs Committee to the Faculty Senate attached to the minutes of this meeting as Exhibit A describes these various revisions to the Faculty Handbook and the Manual for Faculty Evaluation;

now, therefore, it is

RESOLVED, that the changes to the Faculty Handbook and the Manual for Faculty Evaluation attached to these minutes as Exhibits B and C are approved and adopted and that the changes to the Manual for Faculty Evaluation become effective only if and at the time the changes to the Faculty Handbook become effective; and it is further

RESOLVED, that the Annual Recommendation on Retention of Tenure-Track Faculty and the Faculty Annual Evaluation Report attached as part of Appendix A to the Manual for Faculty Evaluation are deleted and that the two-sided Faculty Annual Review Form attached to these minutes as Exhibit D is substituted for those documents; and it is further

RESOLVED, that, in addition to the changes to the Faculty Handbook noted in Exhibits B and C to these minutes, paragraph 3 of Section 7.2 of the Faculty Handbook is revised to delete the following sentence:

“The faculty member may choose to include a description and review of compensated outside activities as a separate addendum to the annual review, if appropriate.”

And it is further

RESOLVED, that in addition to the changes to Parts I and II of the Manual for Faculty Evaluation noted in Exhibits B and C to these minutes, certain conforming changes are made in the Manual for Faculty Evaluation as follows:

(1) the term “annual evaluation” in the text of the “Introduction: General Information and Guidelines for Using this Manual,” Part V.A.1., Part V.A.2.a., Part V.A.2.b., and Part V.A.3. of the Manual for Faculty Evaluation is changed to “annual review;”

(2) the reference in Part IV.A.1.e.i. to “Annual Recommendation on Retention forms and Faculty Annual Evaluation Reports” is changed to “Retention Review Forms and Annual Review Forms;”

(3) the two references in Part IV.B.3.d.i. of the Manual for Faculty Evaluation to “Annual Recommendation on Retention forms” are changed to “Retention Review Forms” and that the word “for” be inserted after the first reference;

(4) the two references in Part IV.A.1.e.ii. and the reference in Part V.B.1.a. of the Manual for Faculty Evaluation to “Faculty Annual Evaluation Reports” are changed to “Annual Review Forms;”

(5) the reference to “Faculty Annual Evaluation Report” in Part V.A.3. of the Manual for Faculty Evaluation is changed to “Annual Review Form;”

(6) Appendix A to the Manual for Faculty Evaluation is re-titled as follows “Faculty Annual Review Report and Cumulative Peer Review Report;”

(7) the first two listed items in Instruction G and the two items in numbered paragraphs 1 and 2 of Part G in Appendix B are deleted and are replaced with “Retention Review Forms (for tenure-track faculty only)” and “Annual Review Forms (for faculty seeking promotion only),” respectively;

(8) the reference to “Annual Recommendation on Retention forms and/or the Faculty Annual Evaluation Reports” in Part A. 3. of Appendix B is replaced with a reference to “Retention Review Forms and/or Annual Review Forms;” and

(9) references to “annual evaluation” and “annual teaching evaluation” in the “Best Practices for Assessment and Evaluation of Faculty Teaching” attached to the Manual for Faculty

Evaluation are changed to "annual review" and "annual teaching review," respectively; and it is further

RESOLVED, that this Faculty Senate approves and adopts a five-category evaluation scale (as included in the Annual Review side of the Faculty Annual Review Report attached to these minutes as Exhibit E) for use in annual reviews on a pilot basis commencing in the fall 2009 semester and that the Faculty Annual Review Report attached to these minutes as Exhibit E be used for faculty annual reviews commencing in the fall 2009 semester and continuing until the pilot program is terminated; and it is further

RESOLVED, that the Faculty External Compensation and Consulting Annual Report Form attached to these minutes as Exhibit F is approved and adopted and that this form be included as part of Appendix A to the Manual for Faculty Evaluation; and it is further

RESOLVED, that the changes to the Faculty Handbook approved in these resolutions be presented to the Chancellor and the Vice President of Agriculture (who then will submit their recommendations concerning the proposed revisions to the chief academic officer for the system, who then will submit his or her recommendation to other appropriate vice presidents, the general counsel, and the president).

On page 9 of the handout was a discussion of *ex parte* communication. Exceptions to the rule discussed at the March Senate meeting were mentors and the Faculty Appeals Committee. The "Pulsinelli Amendment" as further amended included two others representing other confidential lines of communication whose inclusion would be consonant with the *Faculty Handbook*: Ombudsperson and Office of Equity and Diversity. J. Malia moved to add to the resolution the *Faculty Handbook*. Thomas seconded the motion. T. Onami asked whether D would allow for consultations with the Chair of the Appeals Committee. Wang asked what would happen if there were a violation. Heminway said a violation would invoke procedures already in the *Faculty Handbook*. Birdwell asked whether there was overlap in Chapter 5. Heminway said the processes were already in the *Faculty Handbook*. People requested that these two be specifically identified at this point for purpose of clarification. The "Pulsinelli Amendment" was approved.

Discussion returned to the whole resolution from the Faculty Affairs Committee. Exhibit A addressed retention review and annual review. A6 requires only substantiated information be permitted in materials. The goal was to prevent the inclusion of undocumented comments. In the case of Agricultural Extension personnel who are scattered throughout the state, phone calls are often relied on. The question was raised about whether the burden then was on the tenured faculty to fact check. Heminway said that at the meeting of the tenured faculty each person should report with whom they spoke, so that the phone conversations would become part of the record. Basically, unattributed comments were being prohibited.

P. Crilly asked about engagement in outside activities, noting he agreed with the "Birdwell Amendment." As he read the form, it looked like approval was being granted. Heminway explained it was an informational or reporting form. Departmental and collegiate bylaws might limit engagement in outside activities. Crilly said some department heads do not want faculty members to engage in consulting, so they could prevent faculty members from engaging in such activities. Heminway commented that the "Faculty Handbook" guidelines may come across as standards. The best thing for an individual faculty member to do would be to work on his or her unit bylaws. Crilly further pursued the topic asking why the Senate was engaging in this action, as it was the current default position. Heminway said it did not change the substantive rule, as the burden of proof remained in the same location, i.e., the department head would have the burden of proof.

Birdwell questioned the use of the word "request" on the second page of the form. Heminway noted #3 said "requesting" and asked what he proposed as a substitute. Birdwell proposed saying "reporting basis" rather than "requesting basis."

Two other friendly amendments accepted were to substitute "period of activity" for "time" and at the top of the page delete the first "request." A friendly amendment to change on the first line of form A "Annual Reporting Form" "this request applies" to "this report applies" was accepted.

S. Blackwell said he thought that the form dealt with activities within 100% time. He wondered about going beyond that. Heminway noted that changes could not violate the *Faculty Handbook*. L. Parker's friendly amendment to change in two places the "acknowledge and agree" by the person's signature to simply "acknowledge" was accepted. Motion passed.

REPORTS OF STANDING COMMITTEES

Budget and Planning Committee (D. Bruce)

D. Bruce directed attention to particular categories in the distributed report. The "Institutional Support" category showed a substantial increase (2004-2008) in spending at the system level. The Committee was concerned about the focus on non-academic salaried and benefits. When expenditures in this category are compared with those of UT's self selected peer institutions, UT is third highest. Bruce introduced the Committee's resolution:

Whereas Institutional Support spending is defined by the UT system as "costs associated with executive management, fiscal operations, personnel services, and administrative computing;" and

Whereas UT system-wide spending on Institutional Support increased by \$25.9 million between 2004 and 2008 (or by about 32.6 percent, which exceeded overall spending growth of about 11.4 percent during this same period of time); and

Whereas about two-thirds of the \$25.9 million increase occurred at the System Administration level, and more than 80 percent of the increase went toward non-academic salaries and associated staff benefits; and

Whereas UT Institutional Support spending amounted to 7 percent of total spending in 2007, which ranks as third-highest in UT's self selected peer group within the National Center for Education IPEDS data; and

Whereas higher education in Tennessee faces long-term budget cuts following the two-year period of federal stimulus funding; and

Whereas these budget cuts threaten to impair UTK's capacity to achieve its most important missions of teaching, research scholarship and creative activity;

Thereby be it resolved that the UTK Faculty Senate calls upon Acting UT President Jan Simek to:

- 1. exhaust any and all opportunities for efficiencies in Institutional Support and other Administrative spending before cutting any academic programs, reducing class sections, laying off instructional faculty, or otherwise reducing instructional or research capacity;*
- 2. reduce the duplication of administrative functions across the UT system to the greatest extent possible; and*

- engage in the ongoing discussion regarding the restructuring of higher education in Tennessee, with a focus on achieving administrative efficiencies while preserving instructional and research capacity and UTK's role as the flagship institution of higher learning in the state of Tennessee.*

Birdwell sought clarification of Table 1. Bruce replied that early on he encountered problems as University Support Services were transferred to the campus and other things were moved around. The follow-up question was whether Athletics shows up in the system budget. Bruce replied that it still was not entirely clear, but it was clear that Athletics was not in the "Institutional Support" category. Bruce noted that for Figures 4 and 5 that instruction was not in the numerator and similarly for the last two pages of text, if that were changed immediate savings would be generated. Birdwell asked if it was stated spending. Bruce said it was total spending. Crilly pointed out that "good" schools spent less on institutional support than UT did. Malia asked whether UTK administration was included. Bruce said it was.

Parker asked about Table 1: There were significant increases in other groups, so why did the resolution only address the system. Bruce said given the problems focus was on the 2nd column. The goal was to cover all of the system with the resolution not just the system administration. He noted that there had been good conversations with the system administration. Nolt said the clear intent was to address all administration. Motion passed.

NEW BUSINESS AND ANNOUNCEMENTS

Procedural Framework for Academic Discontinuance and Reorganization (J. Nolt and S. Martin)
The document addresses budget motivated reductions (e.g., Dance and Audiology and Speech Pathology). The procedure on page 2 was already approved. The "Purposes and Applications" section addresses Classification of Instructional Programs Codes (CIPs). Nolt and others argued they were too specific. In the document (in material previously passed) the definition of program is used instead of CIP, thus deviating from the system document. The remainder of the document follows the system document except for: an expanded list of criteria and the section "Shared Governance in Program Reorganization" was expanded to include mergers and consolidations. (These recommendations were from the Program Review, Reduction and Reevaluation Task Force (PRRR)).

J. Lounsbury asked whether the proposal was looking ahead or retrospectively. Nolt said the goal was adoption of a new policy. Wang asked about point 10 about costs on page 3, specifically whether it should be clarified whose costs were being referred to. (She gave the example of the administrative move of Audiology and Speech Pathology to Memphis.) Nolt replied that the document was intended to govern UTK, so Wang's example would not be addressed by the policy proposed in the document.

Wang asked about the concept of program uniqueness referred to in point 9. She thought it might be dangerous to include it. She asked whether "competition" needed to be more closely defined and what constituted "duplication." Nolt replied that the wording was taken from the system document, so it constituted policy the campus had to live under. He added those are criteria that must be addressed, but they are not the only factors considered. Wang pursued the issue asking whether there was a move to focus programs on certain campuses. Nolt said there was. Lounsbury asked whether the Senate wanted to include duplication as an issue. He amplified his point asking whether the Senate should articulate its own view even when the system hands down policy. Nolt replied that the Senate should recognize there is reason to look at duplication as one of many criteria. Lounsbury said he was concerned that duplication constituted an easy argument. Martin

said a duplication criteria would work to UTK's advantage as it would have the oldest degree programs. The criteria would protect the strength of many of our programs. Lounsbury continued that it did not seem equitable. L. Rinehart agreed with Martin that UTK's mission was distinctive. Crilly agreed that duplication would be only one of many points of discussion. Blackwell said the report represented due diligence.

It was pointed out that point 9 did not address proximity. Nolt said it thought there was implicit recognition of proximity. Lounsbury said that faculty associated with industrial psychology at UTK thought what happened here was different from what was happening at Middle Tennessee State University (MTSU). He noted he was arguing against UT system being an explicit consideration. Boulet said it seemed the campus would be harming itself, if it did not consider duplication, as it has to be a factor. Lounsbury said he would like to add "Other campus programs." Parliamentarian Pierce pointed out that the campus was part of the UT system. Blackwell said he thought it was a moot point because the campus was expected to incorporate the system criteria as BOT policy. J. Grant asked about "other higher education systems" referred to in number 9, specifically whether that went as far as Kentucky, as a number of unique programs might be available nearby but not in Tennessee. And, the concept of distance learning was introduced. Wang asked whether it would be possible to ask for clarification of the system statement.

Section IV on program discontinuance, point 1 "tenured or non-tenured" was brought up as a problem because it referred to Board policy, but it was not clear what it meant. Wang asked if "tenure track" faculty could be dismissed.

Election of Senators and Committee Assignments (T. Boulet)

Boulet reported on the percentage of faculty who voted overall. He said some colleges did not have elections. He noted that committee assignment for the next year and the need to identify chairs for a couple of the committees. Bruce moved and Wang seconded the proposed committee assignments that were distributed. Motion approved.

J. Malia suggested providing free courses for state legislators. They could come to our campus or engage in distance learning. Nolt said that topic could be placed on the agenda of the Teaching and Learning Council.

ADJOURNMENT

Motion to adjourn made by Birdwell and seconded by Wang was approved. Meeting adjourned at 5:04 p.m.

Respectfully submitted,
Suzanne Kurth, Secretary