

Faculty Senate Executive Committee  
MINUTES  
January 12, 2009

Present: Denise Barlow, Doug Birdwell, Toby Boulet, Marianne Breinig, Donald Bruce, Paul Crilly, Becky Fields, Joanne Hall, Margo Holland, Joan Heminway, Suzanne Kurth, India Lane, Catherine Luther, Beauvais Lyons, Susan Martin, John Nolt, David Patterson, Carl Pierce, Wornie Reed, John Romeiser, Jan Simek, Anne Smith, and Tse-Wei Wang

Guest: Scott Simmons (Graduate Assistant)

### **I. CALL TO ORDER**

J. Nolt called the meeting to order at 3:32 p.m.

### **II. REVIEW OF MINUTES**

The minutes of the November 3, 2008, meeting were corrected. Heminway said on p. 2, paragraph 2 "*Manual for Faculty Evaluation*" should replace "*Faculty Handbook*" and "*Handbook does*" should replace "*Bylaws do*" on p. 4. "He" should be added on p. 4. Lyons asked to substitute "should" for "could" on p. 3. The corrected minutes were moved, seconded, and approved.

### **III. REPORTS**

#### President's Report (J. Nolt)

More bad news related to the budget emerged, namely cuts of large but unknown degree. Nolt relayed that he had been interviewed by the media and asked for feedback on what he had said. In December Nolt said the faculty was "distressed" when President Petersen announced former football coach P. Fulmer would work for the University at a relatively high salary and then announced a hiring freeze, and this received wide coverage. Nolt also described the administration as top-heavy and asked about the disparity between academics and athletics.

Nolt said he would welcome suggestions and comments. His emphasis in the media has been on one central message: keep teachers in the classroom. Making a case for tuition increase is linked to the argument about keeping teachers in the classroom. Nolt pointed out that the basic way that people related to UT is through students. Research and service activities are not salient for many. P. Crilly pointed out that research should be self-supporting. Nolt responded that much of it is not. D. Barlow noted that the F & A rate for proposals is always negotiated down. T. Wang said media accounts of the importance of college degrees would fit with the teaching argument. D. Birdwell thought the research argument might need to be made in some form. Nolt said it was important, but the research argument needs to be secondary to the teaching one. J. Hall said UT was a bargain. Nolt concurred saying there were many ways to make that argument.

Nolt identified a number of issues he had been raising: tuition cap removal and increases, information about the Governor's Chairs money, money committed to Cherokee Farm development, performance contracting for energy improvements, and system reorganization.

*Tennessee University Faculty Senates.* Nolt is organizing a meeting of TUFs April 3-5. The organization is open to all state-funded 4 year schools of higher education and is separate from any institutional structure.

At the next meeting of the Senate, A. Haynes, lobbyist and J. DPietro (UT & UTSI) will be present.

B. Lyons asked about submitting to bond, that is, could utility savings be bonded. The BOT seemed resistant to performance contracting. Birdwell expressed concern that removal of the tuition cap would be

penalizing the best students with a 50% increase. It was pointed out that those students also generate the greatest demand. The case of Florida was introduced as an example of combining two state educational systems like the Tennessee BOT and Board of Regents.

D. Patterson suggested Congressman Duncan's newsletter maligns research activities of university professors. He then asked whether there was any sense of change, for example, the elimination of sports programs at UTC.

Both Lyons and Nolt had attended the BOT's Efficiency and Effectiveness Committee meeting. Lyons responded that the athletic programs at UT Martin and UT Chattanooga were controlled by the campuses and it appeared unlikely they would be closed. It appeared possible that UTSI programs would be moved and that there would be administrative streamlining. The BOT has people representing a variety of constituencies making dramatic change unlikely. Nolt said his impression was that there would not be much change. Lyons said there were some studies being done on combining campuses. M. Holland, Athletic Committee, said she was told the saving would be negligible given the small administration.

#### Provost's Report (S. Martin)

S. Martin reported proposed reductions had been received the previous Monday. Meetings have been held and forwarded to the system. She agreed that students/instruction should come first. She was continuing the process of budget review with the Deans. They are trying to maximize the money available for instruction.

*Course Evaluations.* Currently tens of thousands of dollars are spent on paper evaluations of courses. D. Cunningham has indicated that they have developed some techniques to improve online response rates. In response to a question about which entity addressed evaluations, I. Lane said that evaluations were under the domain of the Teaching Council. She indicated that there had been substantial resistance to them. It was suggested that as with online grades, people may adjust to them. Birdwell noted that at Georgia Tech course evaluations were required of students or they would not receive their grades. Nolt referred the issue to Lane and the Teaching Council.

#### Chancellor's Report (J. Simek)

J. Simek noted that although the times were difficult, the campus might come out of the cycle better off than the worst case scenarios projected. The current base budget cut appears like it would be somewhat under 14%. He cautioned that there could be another recision, but it would be handled like the one this year was, i.e., as a one time event. THEC has again mandated discrepant funding for non formula units, but the system is stepping in. The approach is to have Academic Affairs units develop a strategy for an 8% reduction. If a 14% reduction is required, it will be accommodated for by reductions in units outside of Academic Affairs. Units have been asked to keep the tenured and tenure-track faculty intact. Lecturers and part time teachers may disappear. Large scale program cuts are not being explored, but there may be contractions (e.g., Nursing) and program realignments. Support structures will change. University-wide administration will have to incur significant cuts and that will affect relationships with the campus. Simek indicated he was more sanguine than before about the impact of budget cuts.

There are two revenue enhancement proposals. One involves transferring development functions from the campus to the UT Foundation. In accord with "best practices" development activities pay for themselves and typically are operated through foundations. Such a change would have to have system and BOT support. The other involves tuition increases. In any case, the situation should be seen as bad, as people will lose jobs.

Patterson asked about Peterson's morning e-mail that mentioned a process for reviewing academic programs. Simek said the focus was on a process for the future. Martin distributed a draft system document on program reduction to the campus Program Review, Redirection and Reallocation Task Force. One suggestion would be to reconcile the system and campus documents. Nolt said much of what

the campus proposed fit with the system document. Simek noted the campus had had program review processes in place and the goal was to not create an onerous burden for the campus. Patterson asked about the provision of new faculty computers through the Faculty Refresh Program. Patterson thought student IT funds were used for it, but Barlow clarified that it was not supported by student fees. Simek said the campus administration was not dismayed about not being able to replace computers this year, as faculty members do not need new ones every three years. Lyons asked about rate of return for endowment accounts, as those rates affected departments' plans for expenditures. Barlow said the last time we were underwater new projections were made that were not low enough. New figures should be distributed soon. Lyons asked that they be sent to academic departments. Crilly asked about taxing all gifts to the University. Simek replied "yes," the cost is taken out of the campus E & G budget.

#### **IV. OLD BUSINESS**

##### UT Alcohol on Campus Task Force Report (D. Patterson)

Patterson had distributed a memo dated October 15, 2008 listing pros and cons. The Task Force supported the sale of alcohol at Thompson-Boling Arena. The sale of alcohol there requires the Student Handbook be changed. Simek had talked to T. Rogers about initiating the process of change. A proposed change to the policy governing the consumption of intoxicants on campus by University employees ("excepting University sanctioned events") was sent to the Chancellor. Nolt thanked Patterson for the report.

#### **V. NEW BUSINESS**

##### Consultation on Cumulative Performance Review/Tenure Termination (J. Nolt)

The Cumulative Performance Review Process is initiated when a person receives a rating of "unsatisfactory" in two out of five consecutive years or a combination of "needs improvement" or "unsatisfactory" in any three out of five consecutive years. Nolt said a recommendation had been received from a CPR committee to which he had appointed two people. The committee recommendation went to the Chancellor and he sent it to Nolt for a recommendation. Boulet and Birdwell raised a question about the role of the Appeals Committee. In other words, would endorsing a CPR decision prohibit an appeal to the Appeals Committee, as the rules for CPR are not clear? Nolt said he thought that supporting a CPR report recommending termination would not preclude filing of either an administrative or committee appeal. Heminway agreed tribunals would be available. The questions being raised by the Appeals Committee current and former chairs related to Ch 5 of the *Faculty Handbook* and some places in Ch. 3. It appears both Chapters could be used to support an appeal process. Birdwell asked whether there was a precedent of someone not currently employed challenging a decision. Heminway said she had experienced appeals held over after employment. Birdwell indicated that people at previous stages in the process might not have had full information. Nolt proposed one way cases could be handled would be for the Executive Committee to assign them to a committee, for example the Appeals Committee, before sending them back to the Chancellor with a recommendation. Pierce said as he reads the documents, the Chancellor needs to consult. The Executive Committee could delegate its responsibility to another committee. That recommendation would not have to come back to the Executive Committee, its report could go directly to the Chancellor. Patterson clarified that a CPR committee can recommend termination rather than developing an improvement plan. He asked whether there was prior Appeals Committee involvement in the case. There had been. Lyons stressed how useful faculty improvement plans could be. Patterson asked for the chief academic officer's opinion. Martin said there appeared to be some confusion about the process. Simek said his role as Chancellor was to ask for the Senate President's advice. Heminway moved that the case be sent to the Appeals Committee for appropriate review. Lyons seconded. Wang asked about setting a time frame for a recommendation. Martin asked Heminway about whether sending a case to committee would affect opportunities for appeal. Pierce noted that the faculty member does not have to lodge the appeal, which adds to the confusion. Birdwell said some language is in potential conflict with BOT policy. Pierce noted policy in the *Handbook*. He expressed concern that a motion delegating should be (in accord with policy) limited to remediation. Heminway responded that the case was beyond remediation given the CPR report. Pierce said termination was separate from mandatory transmission to the Appeals Committee. Appeals Committee would decide on making a decision to

proceed to termination without a remediation plan. Boulet commented if it were mandatory that it goes to the Appeals Committee, he would be against the motion, drawing on Pierce's interpretation. Heminway commented that the Provost thought the paragraph was out of "synch." It was approved before the BOT policies were. There are duplicate review processes. Ch. 5 provides opportunities for substantive review already undertaken by CPR committees and also opportunities for procedural review. The Faculty Affairs Committee hopes to address the problem after looking at other issues related to the *Manual for Faculty Evaluation*. Heminway said she was willing to withdraw her motion. Pierce suggested that given the ambiguity of the written materials any decision should err on the side of more process for the faculty member. Birdwell asked about the 30 day window and Wang replied that is was for the request not completion of the review. Birdwell said he thought it was the appropriate time for Appeals Committee review. Heminway suggested that 3.1.2.1 could be followed and she would revise her motion. The motion seconder agreed to the motion revision. Heminway asked whether the Chancellor and Provost would be willing to follow the process in the *Handbook*. There could be a meeting with the person and then the case would go to the Appeals Committee. Martin replied that she would not like to make a decision without reviewing all of the policies. Pierce suggested that a motion to table would resolve the situation. A motion to table was moved and seconded. Motion passed. It was agreed that discussions would be held with the Chancellor and Provost before the next meeting.

#### Research Council Policy Statements (J. Hall)

J. Hall noted the institution was vulnerable without policies. The data policy requires keeping data at least three years. The language objected to in an early version concerned "ownership" of data. It was noted that L. Gross had identified a number of problems with earlier drafts. Heminway noted the substitution of "ultimate responsibility" for "ownership" within the document. Pierce suggested that the titling within the document parallel the words changes, that is, state "ultimate responsibility" rather than "ownership."

M. Holland drew attention to the material on distribution of tangible research property 6.A.1. The faculty in the life science has expressed concern about impact on the transfer of materials (e.g., biological) to research collaborators on other campuses. Heminway volunteered to send the document to those with comments on the previous version. Nolt said the document could be considered at the next Executive Committee meeting. Lyons suggested posting this version on the web to increase the number of comments on it, particularly public comments. Nolt agreed to post it on the Faculty Senate web site. Lyons suggested G. Reed could post it and perhaps put it in an issue of *Quest*. Wang raised concern about data access when that access is restricted by the research sponsor.

#### Proposed Faculty Senate Legislative Committee (J. Nolt, B. Lyons)

Nolt met with Hank Dye and Anthony Hayes. The system is open to having faculty participate in legislative efforts, in fact is actually encouraging it. J. Shefner suggested creating an event to educate legislators. Shefner agreed to head an ad hoc task force. The central theme would be "keep teachers in the classroom." Nolt contacted Haynes to set up a meeting and sought Executive Committee approval of the Committee. Lyons pointed out short term and long term dimensions. Nolt explained that it would be an organizing committee. Birdwell moved and Wang seconded a motion to establish a committee. Motion passed.

#### Proposed 2009-2010 Senate Calendar (T. Boulet)

T. Boulet noted that he had to make adjustments in the "typical" meeting dates for both semesters. He followed as close as possible to the recommendations in the Bylaws, while recognizing events important to various groups. Approval of the proposed 2009-2010 calendar was moved and seconded. Motion passed.

#### Proposed Budget Resolution (D. Bruce)

Nolt introduced the proposed resolution. Adoption of the proposed budget was moved and seconded. Motion passed.

#### Committee on Honorary Degree Nominations (J. Nolt)

Action on making nominations for honorary degrees was approved by the Graduate Council and as a consequence appears in the Council minutes to be approved at the next Senate meeting. The proposed policy stipulates five tenured faculty members would serve on the selection committee. Five people had been selected to serve until the end of the academic year: Glenn Graber, Russ Hirst, Carolyn Hodges, David Patterson and Candace White. Crilly asked about the lack of representation from Engineering on the nominations committee. Breinig pointed out that in addition there was an approval committee with three faculty members. C. Pierce pointed out that constituency representation was not feasible. Birdwell moved to Table the motion, Hall seconded. Motion to table failed. A motion to approve the proposed committee members was made and seconded. Motion passed. Patterson suggested that great benefit would be derived from awarding honorary degrees.

#### Report on Changes in Policy for 403(b) Plans (J. Heminway, B. Fields)

Changes were made to 403(b) plan policies at the system level that aroused concern for some faculty members. Before the recent changes, investment was relatively open. With tax changes, plan changes had to be made by January 2009. The plans now have to look more like 401(k) plans. The questions focus not on with whom investments can be made, but rather on which plans are eligible. Questions were not resolved at a meeting in December. Basically people were asked to make decisions without information. Assurances were made but not provided. Birdwell suggested that one could be worse off if money were already in them (possible need to transfer funds). Heminway said they started out saying the changes were required when in fact only a plan and compliance with certain documentation requirement is required.

#### Report on UT Faculty Council Activities (B. Lyons, T. Boulet, J. Nolt)

With focus on the Efficiency and Effectiveness teleconference, Lyons expressed concern about Peterson portraying tenure as challenging. Lyons also expressed concern over the cost shifting associated with outsourcing. Boulet was at the meeting and felt President Peterson gave a better impression in a small group. He argued follow through was essential. Nolt thanked Boulet for representing him at the meeting. Birdwell commented that the problems of outsourcing could be seen by looking at campus classrooms. Lyons argued it works, if it is done right.

Meeting adjourned at 5:43 p.m.