

Faculty Senate Executive Committee  
MINUTES  
March 9, 2009

Present: Vince Anfara, Doug Birdwell, Toby Boulet, Marianne Breinig, Donald Bruce, Jimmy Cheek, Becky Fields, Joanne Hall, Joan Heminway, Margo Holland, Suzanne Kurth, India Lane, Catherine Luther, Beauvais Lyons, Susan Martin, John Nolt, David Patterson, Carl Pierce, John Romeiser, and Tse Wei Wang

Guests: Donald Cunningham and Greg Reed

## **I. CALL TO ORDER**

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

## **II. REVIEW OF MINUTES**

D. Birdwell requested prior to the meeting that a sentence be added at the end of the section on Tennessee Higher Education Commission (THEC) Data: S. Martin agreed to report on data problems at the next Executive Committee meeting. J. Heminway asked for clarification of the Faculty Affairs Committee report that after "She drew particular attention to those noted below" that the following "(with references below keyed to the outline format in the summary memorandum distributed in advance of the meeting)" be added. Minutes approved as corrected. S. Kurth asked in response to a request from a Senator that when possible people identify what they meant by initials.

## **III. REPORTS**

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

Nolt provided an update on the work of the Program Review, Reallocation and Reduction Task Force (PRRR). The procedures that lead to review now include the definition of program approved at the February Senate meeting. The program review criteria are still being developed. The Board of Trustees (BOT) minutes raised a question about Classification of Instructional Programs (CIP) codes (a national classification system for academic units). The CIP codes reach below the level of department, so that individuals within departments could be targeted. For example, Nolt said using CIP codes, he potentially could be targeted as the sole person in his area within the Philosophy Department. The wording approved by the trustees that there "*may be an expectation for an evaluation* of the entity's function and performance as a whole" was added at the request of the General Counsel and leaves, according to Nolt, too much room for interpretation. Nolt requested that T. Boulet and M. Murray bring a resolution addressing the CIP codes to the next Executive Committee meeting. B. Lyons pointed out that the review process should have a programmatic focus and not a focus on individual positions. The issue is the use of CIP sub codes.

The Legislative Task Force has a trip to Nashville planned March 19 or 20 that includes some students. The Tennessee University Faculty Senates (TUFS) has a meeting April 3-5 that will address statewide reorganization. The Budget and Planning Committee is working on the system budget. It will report at the next Executive Committee meeting. The Nominating Committee has recruited two candidates for the position of President-elect: Glen Graber and Joan Heminway.

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

J. Cheek said with the changes in the system he would like to stabilize his staff by making two interim appointments permanent. He noted it was not a good time for conducting outside searches. He already had spoken with the Deans about making direct appointments. He said M. Nichols and S. Martin were doing good jobs and that in his view there were probably no better candidates on campus. The discussions that ensued primarily focused neither on the individuals nor the positions but rather on the importance of following recognized processes and the benefits for candidates and the campus of engaging in the search process, even for a search limited to internal candidates. In response to a question, Cheek indicated that the Office of Equity and Diversity supported his making direct appointments.

He said the meeting with the BOT on budget cuts was good. The budget process was built on the assumption of a 9% tuition increase. He noted one trustee recently had supported an even higher increase. He said one challenge was to better communicate the accomplishments of this campus. The campus had not responded well to such requests in the past. When campus tuition is compared with that at institutions in other states, comparable figures need to be used. In addition to tuition and fees, the level of contribution from the state government needed to be considered.

D. Birdwell asked whether with passage of the stimulus package and the required restoration of funding to its previous level would the elimination of programs be delayed until 2012. Cheek indicated he had shared the relevant figures with Nolt. Whether the restoration year is 2006 or 2008 and the focus is allocations or expenditures were unclear. The specific comparisons date would be crucial as the restoration level could vary depending on the date. The Legislature will make the interpretation. Cheek indicated he was uncertain what would be allocated and what allocations would be for.

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

S. Martin began with in idem of good news: the successful opening of the Tennessee Teaching and Learning Center. The recent open house was well attended and the Center had received a number of requests for assistance and to conduct workshops.

D. Cunningham was at the meeting to address questions about data problems that were raised at the February Executive Committee meeting. Martin noted focus was on low producing programs. Martin said she was aware that the data had not always been accurate. A list is regularly generated by THEC and UTK. That list was circulated to the Deans for review and they were asked to report on it March. Martin did not know what had been done with the list in the past. The Registrar (Pam Hindle) reports figures to the system (THEC) and Institutional Research. The list that was produced by THEC was reasonably accurate as to low producing programs. Resolution of discrepancies had been pursued. One problem concerns the semesters included in a "year," e.g., for the awarding of a Ph.D. degree. There also were coding issues, as the CIP codes did not map accurately on UTK programs. Errors for Electrical and Computer Engineering appear to have come from two sources. Changes in the CIP codes by the federal government meant that two codes needed to be used. And, when the programs (Electrical Engineering and Computer Science) were merged some errors resulted. Contrary to what was thought, it turns out that second majors are now counted. Other errors did not lead to placement on the list of low producing programs. Martin said the counting of majors and low producing programs had been addressed.

In response to a question from Birdwell regarding the reporting of research, G. Reed said the Office of Research was working on the definition of terms, e.g., 'awards', for its external funding report. Definitional issues include what fiscal year is used and what to do with multiple year awards. Lyons reminded Martin that she said she would talk with the Deans about the possible effects of lost positions on tenure reviews. Martin she had forgotten to do so, but that she would.

D. Patterson asked about the number of new admissions. Martin said the target was to have 4100 to 4200 students and to not go over 4500. Patterson asked whether students who might go elsewhere (e.g., private schools) were applying. Martin said there had been decreases in applications from out-of-state students and those with ACT scores below 26. Until the May 1 cut-off, the number of new students would remain unclear.

#### Faculty Affairs Committee (J. Heminway)

J. Heminway reviewed the documents previously distributed to the Executive Committee. In Exhibit B, under *General Information* she pointed out change. The faculty activity report was clarified (A.3). A.4 addressed articulation of the annual review and retention processes. Retention and annual review must draw on substantiated documented fact not speculation (A.5). The change sets tone in *Faculty Handbook* language.

Only small clarifications were made to annual review procedures, Section B. In B.2 materials for annual review crosschecks conducted by S. Gardial were added. "Good standing" had been commented on by I. Lane. Rather than having "good standing" extending to others, possession of tenure was agreed to be a good cutoff.

The Faculty Affairs Committee prepared an extensive resolution proposed for adoption at the March Senate meeting. Heminway explained that Exhibit B ("Annual Review for All Faculty Members") discussed above and Exhibit C ("Retention Review for All Faculty Members") accomplished what was in the memo. The material was arranged by topic rather than sequentially. In each case the annual review appeared before retention.

The annual review form was revised. That form would be separately adopted.

The Committee proposed moving one sentence in the *Faculty Handbook* and making nomenclature changes.

Exhibit F, "Faculty External Compensation and Consulting Annual Report Form" would be part of the annual review. It formalizes the process. She noted it was a reporting form not a permission form.

Exhibit E, "Faculty Annual Review Report—Annual Review," is a pilot form. The Deans requested some nomenclature changes in the scale for the pilot program. The proposal was to change "expectations" to "standards." The two intermediate points are relative to meeting standards, e.g., falls somewhat short. Outstanding refers to significantly exceeding standards and unsatisfactory as significantly failing to meet standards. To some extent the questions related to the categories appear to involve either concentrating more evaluations in the middle categories or generating more evaluations in the extreme categories.

Heminway asked her committee members for comments on the proposed language change. So far, they had indicated that they would like to go with what was presented and, if adopted, change all the documents at the same time. She suggested the material she presented could be approved as presented or the pilot form could be separated and sent back to the Faculty Affairs Committee.

Martin said what happened was the Deans had an earlier version of the wording. She thought it probably would be possible to go with the wording. Heminway said the goal was to create a 5-point scale. Lyons asked whether there was a plan to have the General Counsel's Office review the document. He noted previous changes to the *Faculty Handbook* had been reviewed by the General Counsel's Office. He encouraged having a meeting with C. Mizell for a preliminary reaction. C. Pierce indicated he supported Martin. Small changes do matter. There is a difference between expectations and standards.

The revisions proposed by the Faculty Affairs Committee were approved.

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

Two documents were distributed at the meeting: Research Data Policy and Tangible Research Property Policy. Hall said she had reviewed policies from different institutions. She invited G. Reed to discuss the proposed policies. Reed explained that federal agencies require the University to have policies. Hall said people had had opportunity to respond to the proposed policies. Nolt asked how the documents distributed at the meeting varied from earlier ones. Reed said "ownership" was changed to "responsibility" except in one case. Heminway asked if all of L. Gross' comments were addressed. Hall said she had passed Gross' comments and others' comments on to Reed. Reed said for the most part the kinds of changes requested were made and dealt with the ownership issue. One question was how long did people need to retain data. Birdwell asked what was the role of the UT Research Foundation in relation to the faculty. A revenue stream should be coming back to the faculty. He thought it had become smaller. Patterson agreed. He thought there should be dialogue. Nolt said that was something the Research Council could study. He requested the Council do so and report back to the Executive Committee. Birdwell said it was not entirely separate from the report because ownership brought up in reports. Lyons said he appreciated that the policy statements were distributed to the faculty at large for comments.

The two policy statements were approved.

#### Resolution on Support for Faculty Stimulus Package Proposals (J. Hall)

She noted a minor change in the distributed document, i.e., the addition of "and." She said the good news was there was opportunity for obtaining research funds beginning in April and extending for about a year. B. Fenwick asked the Research Council to encourage faculty to submit high quality proposals. She noted the "whereas" statements were information. The resolution from a Research Council task force focused on encouraging commitment to submitting proposals. Heminway asked whether there was any proposed follow-up. Was there a plan to work together or did it simply represent encouragement? Hall said it was a general call to the faculty. Birdwell asked what was the difference. Hall said projects in the pipeline would be more likely to be funded. M. Holland asked who the contact person would be, for when USDA opportunities came up, people on the Agriculture campus were pulled together.

Reed would be the contact person. He said they were getting ready to post information on the web as it came in from agencies. Some agencies would be able to fast track proposals and might reconsider evaluated proposals that they were not able to fund. M. Breinig said the faculty had been notified by two e-mails. She said the resolution would be seen as useless by most faculty members and would not positively contribute to the perceived effectiveness of the Senate. Hall said Fenwick wanted such a resolution. Reed said both the faculty and the administration needed to change. Lyons proposed the resolution be amended so that the last therefore paragraph includes "Office of Research." The motion to amend was seconded. Motion to amend passed. The amended resolution passed.

#### Proposed Amendments to Senate Bylaws' Changes (T. Boulet)

Boulet noted changes were distributed earlier in the day. Pierce said if they were changes to the proposed changes they could be considered, but new items could not be considered. Nolt said that as there were two remaining Senate meetings that new changes could be handled. Boulet said some of them would be appropriate for a vote at the next Senate meeting and others would be introduced for action at the following meeting. Lyons said they needed to be sorted out. Pierce said Nolt could sort out which were which. Holland said the Athletics Committee had changes to propose. Pierce said those on the table should be dealt with first. Heminway said she was concerned about achieving specific membership balances on committees, specifically the proposed increase in continuing members from 30% to 40%. Boulet said the Appeals Committee currently was supposed to have 2/3 of its membership continue. Heminway proposed that the Appeals Committee could be treated differently. She asked that reasonable efforts be made for the Faculty Affairs Committee to have representatives from each of the campuses (Section 2, Subsection F). She explained that that committee makes rules that affect all faculty members. Heminway asked to amend Article III, Section 1, line 28 on page 2, so that the originally proposed 30% be used and treat the Appeals Committee differently Section 2, Subsection B. Nolt said the proposal was not to change the percentage and to in the Appeals Committee section specify that it would have a 2/3 carryover in membership from year to year. Birdwell said it could say three-year terms and the intent was to stagger them. Boulet asked if the previous language would be acceptable, i.e., the deleted words about staggered terms could be reinserted. Pierce argued that it was difficult to handle staggered terms efficiently and that there were bigger issues. Patterson seconded the motion. Motion approved. Heminway proposed as a friendly amendment inclusions of the suggestion she posted on Blackboard: "reasonable efforts shall be made to include representation from the faculties of the UT Institute of Agriculture and the UT Space Institute on the Faculty Affairs Committee or to otherwise engage faculty members from the UT Institute of Agriculture and the UT Space Institute in the Faculty Affairs Committee's deliberations."

The proposed new Article II, Section 4 addressed maintaining a quorum. Pierce pointed out that the language of the first and second reading was incorrect. Notice is given at one meeting and voting occurs at the next. Lane said it could be seen as not family friendly.

Pierce made a motion for Holland who had to leave the meeting. The motion referred to portion dealing with the Athletics Committee (p. 4, lines 28-32). The motion was to separate the proposed disposition of the Athletics Committee from the Bylaws amendments and to refer any proposed change to the committee, so that the Athletics Committee would have the opportunity to propose a more effective and efficient Athletics Committee Bylaws amendment. The Committee's view is that ample work exists for it to do and that UT would lose a lot of what

the Athletics Committee could do to improve things. The Committee wants more opportunity to create a vision for itself. There are references in the new system/campus committee but question is whether it needs to be expanded. Motion seconded. Heminway said at the last Senate meeting there was discussion about governing bodies (e.g., the NCAA) requiring a committee. Boulet said subsequent meetings indicated there would have to be a faculty committee, but with the amendment proposed at the last Senate meeting it would not be a Senate committee. Pierce said he thought it was short sighted. Martin thought if there were to be faculty input that it would be much better if it came from the Senate. Patterson asked for clarification of the motion, i.e., was it to not delete the Athletics Committee and refer the task of creating a new and improved charge to that committee. Lane said the concept of the original Bylaws amendment was to not eliminate responsibility, but rather to funnel the academic issues to the Teaching and Learning Council. She thought an alternative would be to have a subcommittee of the Teaching and Learning Council. She argued that even if the Athletics Committee were retained there was value in moving the academic issues to the Teaching and Learning Council.

Lyons thought the intention was to spread the functions out to other committees. The concern was that the Athletics Committee is not a policy making body and there was no integration of the Athletic Board and the Athletics Committee. He supported the motion, if postponement would result in the creation of a more vigorous committee. Heminway joined Lyons in supporting Holland's motion, if the stipulation that bodies governing athletics programs require such a committee were incorporated into the Athletics' Committee charge. Motion approved.

B. Fields said the Faculty and Staff Benefits Committee had concerns about being merged with the Faculty Affairs Committee. She asked whether she needed to post the concerns on the web site. Boulet said additional changes could not be approved by the Executive Committee, but any proposals could be brought to the Senate meeting. Hall asked whether the Research Council could be brought up. She wondered whether there would be acceptance of all of the changes. Nolt said every year the President-elect oversees Bylaws changes.

The document of revisions distributed prior to the meeting was moved and seconded, as amended. The revisions were approved.

## **V. NEW BUSINESS**

### Report of Faculty and Staff Benefits Committee (B. Fields)

B. Fields distributed a handout from J. Backus entitled "TCRS Comments Regarding ORP Cashability." The Committee was concerned about item 1 which suggested that the state had some responsibility for ORP and item 6 which questioned intelligent decision- making. Cashability is a concern. A. Chesney reported on the history of efforts to obtain it and indicated that at some point a deal had been struck that included the idea that people would not come make and seek a higher percentage. Contact has been made with Senator Woodson. Efforts are underway to have cashability brought forward by other groups, e.g., TUFs. Nolt suggested a resolution would be appropriate. A resolution to support 100% cashability was made and seconded. Motion approved. (Fields will generate the specific wording of the resolution.)

The question of post retirement service contracts was raised. The issue was the apparent unevenness of the process across the University. It was clarified that the contracts are

negotiated between colleges and specific individuals dependent on each college's needs. Negotiations must be completed within a limited time span.

Birdwell asked what response there had been to the 403b issue raised in the Senate meeting. Fields said there did not appear to be a change in the number that could be used (4).

Report on Senate Elections (T. Boulet)

Boulet reported on the number of Senate positions with two, one or no candidates. Ballots were to be online by the end of the week. Lyons asked how it could be determined whether everyone who was eligible to vote received a ballot, while noting that he thought the move to electronic ballots was admirable. Boulet said people could be asked afterwards about whether they received ballots. Nolt said he would send out messages encouraging faculty to vote.

Meeting adjourned 5:46 p.m.