



**FACULTY COUNCIL
MEETING 29 - MINUTES
Tuesday, June 19, 2012, 8:30 p. m. EST**

A quorum of members of the Council met following dinner at Chesapeake's Restaurant.

UT Faculty Council Members Present

UTHSC	Thad Wilson (Campus Representative)
UTK	Steve Thomas (Faculty Senate President) David Patterson (Campus Representative) (UTFC Secretary) Toby Boulet (Board of Trustees Faculty member)
UTM	Mike McCullough (Faculty Senate President) Jenna Wright (Campus Representative) Janet Wilbert (Board of Trustees Faculty member) (UTFC Chair-elect)
UTC	Ralph Covino (Campus Representative)
Guest(s)	Lyn Miles (Campus Representative)

Call to Order at 8:30 p. m. EST by Janet Wilbert in the absence of George Cook.

Order of Business

Approval of the April 11, 2012 minutes

No set agenda due to George Cook's sudden illness and topics for discussion quickly forwarded to Janet Wilbert

1. Campus Reports. UT Martin is the only report received. (attached)
2. Arrangements for meeting with President DiPietro **in the morning were** discussed.
3. UTFC website not yet moved to **the System Website...Janet will** Check with Katie **and India on this progress.**
4. Faculty Handbook Issues:
 - a. Changes to Faculty Handbooks from non-Knoxville campuses not made in **a** timely fashion by General Counsel's office. **This will be a topic to be discussed with Dr. DiPietro in the morning.**
 - b. No movement on changes coming out of the Faculty Handbook retreat **regarding the "yellow" or "green" highlighted action items (included at the end of this document)...**will raise this issue with the President tomorrow.
 - c. We need a commitment from the President of a timeframe for handbook changes. India had previously said they would investigate a tracking system.
 - d. If **a revision** has to go before the **Board of Trustees**, one year should be the time limit.
 - e. Legal should tell us when is the best time to submit changes.
 - f. **Motion.** Lynn moved that we recommend to the President that there be a one year time limit between handbook changes approved by a campus approval process and their subsequent presentation to BOT for their action. Mike seconded the motion.

- Motion approved.
- g. **Motion.** Editorial changes not requiring BOT approval should clear legal in six months. Ralph seconded the motion. Motion approved.
 - h. We need to have an advocate with the General Counsel's Office to track issues.
5. Financial Information. F
- a. Financial information not transparently shared with the campuses. Information is on the web page but extremely difficult to find. Reluctance on some campuses to provide and share information.
 - b. Financial Information prepared by campuses for the BOT should be shared with the respective faculty senates.
6. Suggested that we ask the President what we can do for him?
7. Academic freedom for governance policy language stalled and we will ask Katie about its status. **(This is also part of the handbook retreat recommendations)**
8. Update on the library issues, which are reporting to be better secondary to ongoing contract renegotiations. Lynn recommends someone look at the NC and Georgia systems. Janet says that Katie and India may have info on this issue **and can provide an update tomorrow.**

Three priority issues for 6/20/2012 Meeting with President DiPietro

1. Handbook
2. Financial transparency
3. Library

Academic Affairs meeting [at 8:30 on Thursday](#)...faculty senate presidents need to speak up. **It was mentioned that the previous Chattanooga OT doctorate had Pre-requisites that were too exclusive. Janet pointed out that it would be nice if the program would include UT Martin courses in the list of transfer classes.**

Discussed committee agenda items.

Meeting adjourned [at 9:40](#)

**FACULTY COUNCIL
MEETING 29 - MINUTES
Wednesday, June 20, 2012, 8:00 a. m. EST**

A quorum of members of the Council met on the Knoxville campus.

UT Faculty Council Members Present

UTHSC	Thad Wilson (Campus Representative)
UTK	Steve Thomas (Faculty Senate President) David Patterson (Campus Representative) (UTFC Secretary) Toby Boulet (Board of Trustees Faculty member)
UTM	Mike McCullough (Faculty Senate President) Jenna Wright (Campus Representative) Janet Wilbert (Board of Trustees Faculty member) (UTFC Chair-elect)
UTC	Deborah McAllister (Faculty Senate President) Ralph Covino (Campus Representative)

Guest(s) Dr. DiPietro (President – UT President)
Dr. Keith Carver (Executive Asst to the President)
Katie High (Interim VP for Academic Affairs and Student Success)
India Lane (Asst. VP for Academic Affairs and Student Success)
Lyn Miles (Campus Representative)

Call to Order at 8:00 a. m. EST by Janet Wilbert in the absence of George Cook.

Order of Business

1. Handbook.
 - a. General council is not reviewing handbook change requests in a more timely fashion. Pres. DiPietro asked Keith to attend to this. Katie explained why this is time consuming.
 - b. Katie requested that the two motions approved by UTFC last evening be emailed to her. There is a **new** tracking process for handbook review with a 21 day timeframe. **It was implemented following the Handbook retreat. It is on Sharepoint and will be accessible by the campuses to see where a revision is in the approval process. The system will send out reminder notices when a revision has remained unchecked for a period of time. India is supervising this implementation.**
2. Financial transparency. Thad ask for a greater level of granularity of information. Pres. DiPietro was supportive of that request and will support the request with the Health Science Center's Chancellor. Other campuses reported general transparency in financial matters.
3. Library...President DiPietro has told chancellors that if their faculty want access to UTK library, they have to find a way to pay for that service from UTK.
 - a. **In regards to interlibrary loans, "Just because you get a book through inter-library loan from outside of the system does not mean Knoxville does not love you." It was explained that the interlibrary loan system includes many university systems and the library that has the most available copies of a resource will be the source the book comes from.**
 - b. Galileo in Georgia initially funded by lottery dollars. Has been on the chopping block for some time.
 - c. Librarians feel there is a bait and switch process with content providers in regards to more users coming into the license. **There is a fear that prices will initially be negotiated at a reasonable price and then be escalated once all users are on board.**
4. UTFC ask the President, "What can we do for you?"
 - a. "Be frank and tell me what you think. We need for you to be a champion for the plan on your campuses. Everyone has a place to push this forward. We have finally defined the role of the system."
 - b. "Would there be wisdom in the use of external letters P&T on all campuses?" **Each campus is to explore the opportunity to request faculty to include external letters for P&T purposes.**

Dr. DiPietro left the meeting at this time and the meeting continued with general business.

5. **There was a question about the campuses using individual IT plans which leads to additional expense and various campuses not using the same programs. Katie explained that IT is currently being overhauled and that there is now a System IT with six communities of practice created. Will ask Jamie to present to us at our September meeting in Nashville.** Perhaps A.J. (security audits) As well, perhaps.
6. Communication challenges of the campus discussed.
7. Discussed emergent trends and pressures on the institution from political and monied elites and how to respond to these trends.

8. September 19th will be our proposed meeting with President. (Later amended to Sept. 13)
9. Katie proposed a second handbook retreat with Senate Presidents and campus academic officers. This was presented due to the fact that some campuses sent representatives who were not in the position to drive handbook changes. The next meeting, if there is one, must be attended by those who are in charge of the handbooks.
10. India discussed campus plans for performance rating plans. They must indicate what ratings lead to merit raises when available and performance approval plans.
 - a. **Motion.** Toby... UTFC recommend to the UT System (Academic Affairs and Student Success) urge the campus academic officers, in concert with their faculty senates, develop a uniform rating scale for performance evaluation. Miles seconded. Motioned approved unanimously.
11. Academic freedom...we want dialog with someone who matters regarding this issue. Discussion with someone from the General Counsel's office about this matter proposed for the meeting in Nashville. Additionally, conversation ensued about the "green and yellow" areas of the Handbook retreat recommendations. India reviewed that several of the recommendations had been taken care of and others were in the works. Academic Freedom was one that legal was not willing to change. UTFC requested dialogue in a face to face meeting to understand why this was a problem for us and not for so many other systems.
12. Upward evaluations from outside firms...Katie and India talked to Linda Francisco, HR, regarding this matter. Administrator evaluation process described and discussed. It was recommended that if confidentiality is an issue then an outside firm would be recommended. India, we can help with outside evaluations for campuses, e.g. Modern Think.
13. NAPA group questions responses by the UTFC. In the April 11, 2012 meeting the UTFC drafted responses to 3 questions specifically addressed to the body. The group was reminded that collaboration across campuses for disciplines was a strong theme. India...academic affairs could coordinate meetings, by topic (Katie). Communities of practice meetings can be schedule if there is a request and a topic. Currently, India is looking into having UT System receptions at professional meetings where all schools have representatives.
14. India...website did move. Update links to utfc.tennessee.edu
15. About to launch pilot at Knoxville to track workflow (Sharepoint site) for faculty senate and campus administration. Faculty affairs chair and India can initiate a work process. Can soon be made available to other campuses.
16. Nominations request for the chancellor search in Chattanooga will come to us.
17. Katie..program integrity...Federal regulations require that we get permission from each state with whom we interact. Seeking exemptions from 36 states.

**University of Tennessee Faculty Council
Campus Reports (June 2012—includes the Report Sent February 2012)
UT Martin**

Reported by Jenna Wright

The University of Tennessee at Martin is one of only two Tennessee public institutions named to *The Princeton Review's* "150 Best Value Colleges for 2012" list.

UT Martin Senate leaders served on various Strategic Planning Task Forces for the UT System. Past President Janet Wilbert chaired the Faculty Affairs Strategic Planning Task Force.

UT Martin is developing a salary equity plan based on the Sibson study and plans to initially address primarily staff and faculty who have been at UT Martin longer than 15 years and who are not within 85% of the norm.

UT Martin received the largest amount awarded to any institution this year from the federal Race to the Top grant for the STEM Professional Development Program.

In Fall 2011, "Celebrating 50 Years of African-American Achievement" highlighted the rich heritage of the campus. Several events especially honored two alumnae, Jesse Arnold Pryor, the first African-American student to enroll at UT Martin in 1961, and Beverly Polk Echols, the first African-American student to graduate from UT Martin.

UT Martin is now offering a new undergraduate Veterinary Technology option in the Animal Science concentration of the BS in general agriculture

UT Martin hosted the 12th annual Civil Rights Conference during the week of February 20 through 24. This conference is one of only two U.S. university annual conferences devoted to the civil rights movement.

UT Martin became an All-Steinway School, one of only one hundred and thirty in the world.

The UT Martin chapter of Phi Kappa Phi's wall of honor in the Paul Meek Library was rededicated following completion of a library construction project. Many past presidents of the chapter were present and honored in the ceremony.

UT Martin hosted the Tennessee University Faculty Senates' (TUFS) annual spring meeting on March 30—April 1.

UT Martin hosted the Southeast Journalism Conference, comprising seven states, on Feb. 9-11. Its campus radio station, WUTM, was named Best in the South for the third straight year, a first for any campus radio station in SEJC. In March, WUTM was named best radio station (of all sizes) in the nation by the Intercollegiate Broadcasting System in New York.

DRAFT Notes from the Faculty Handbook Retreat, October 13-14, 2011

Objectives of the Meeting

- To review Board of Trustees policies that impact handbook content and process
- To discuss common areas of concern in faculty handbook content
- To consider consistent methods for citing Board of Trustees policy within handbooks
- To develop methods to facilitate updating handbooks as minor changes occur in campus titles, offices or services
- To make recommendations for more efficient management of handbook revisions
- To make recommendations for review/revision of Board policy if needed

Participants in Attendance:

UT Office of Academic Affairs: Katie High, India Lane; Office of General Counsel, Lela Young; UT Chattanooga: Ralph Covino, Colleen Harris, Jocelyn Sanders; UT Knoxville: Philip Daves, Steve Thomas, Sarah Gardial; UT Health Science Center: Lawrence LB Brown, Richard Nollan, Thaddeus Wilson, Cheryl Scheid. UT Martin: Chris Caldwell, Jeff Rogers; Robert Nanny, Jerald Ogg.

- I. **Katie High introduced the retreat goals, emphasized the value placed on open, frank and safe discussion with frank comments, and the opportunity to model shared governance. Expectations/ideas from the group included:**

Expectations from the Group:

- Learn what the campuses have in common, what things need to be changed
- Note the differences between campuses and learn from the other campuses
- Develop ways to streamline the handbook revision process
- Get help in organization of the handbooks, including a **clear way to cite Board Policy**
- Gain an understanding of the relationship between the Board policy and the handbooks
- **Find a better way to keep the books up to date; better communication about changes in university-wide policy that may affect handbooks**
- **Consider developing a quick reference matrix for policy areas that would clarify the office and place where the policy is held.**

II. Lela Young offered the legal perspective regarding the composition and review of faculty handbooks, with discussion

- Note that all handbooks have a founding resolution from the Board of Trustees that established or validated the first handbook and the revision process; these will be located and provided to the campuses
- Content in the handbook, and other employment related documents are guided by the Constitution of the US, Constitution of TN, and other UT policy documents
- Handbook text and language is reviewed for:
 - Compliance with the above documents
 - Consistency with other UT policies
 - Preventing conflict or challenge due to vague or ambiguous language or inconsistency
 - Consistency with contract law, in regards to faculty contracts although there is minimal specific law about faculty contracts
 - Uniformity in protection of faculty rights
- Process: Assistant General Counsel now reads faculty handbooks, reviews changes, looks for things that would go to the BOT and takes things to General Counsel for review
- In working with faculty on handbooks or policy issues, OGC views faculty as the *client* when they are acting on behalf of the University of Tennessee; in those cases attorney/client privilege applies
- It may be useful to clearly designate parts of the handbook or a section as the *contract* – for example, the University of Maryland has a clear “contract” section in their faculty handbook

III. Katie offered an explanation of the role of the University-wide Academic Affairs Office in faculty handbook writing and revision and there was much discussion about the process. Ralph Covino provided some faculty perspective about the challenges in handbook revisions as well:

- The Office of Academic Affairs and Student Success works closely with General Counsel, Provosts and others regarding handbooks and other relevant UT (Board) policy. It was emphasized that Senate leaders and administrators can “call early and call often” when working on handbooks or other academic issues that will require approvals.
- Academic Affairs relies on the CAO of each campus for
- OASS reviews handbook issues largely from a policy and Board of Trustees perspective, especially reviewing for potential problems or controversies that may affect university.
- When changes are needed or suggested, OASS can lay the ground work by advising the President, preparing BOT members, etc.
- OASS prepares final documents for the President or the BOT approval. Anything included in *BOT policy on faculty handbooks* (basically appointment, evaluation, promotion, tenure and termination of faculty) goes through Academic Affairs and OGC, then to the BOT
- Role of the University Faculty Council:

- The UFC could be a good vehicle for communication between campus faculties and OAASS regarding common policy or handbook issues but currently lacks power.
- OAASS noted that **UFC may not have legislative power, but has recommendation power and could be a meaningful common voice when needed.** In such a scenario, the UFC discusses issues then comes to agreement, then takes the agreed upon issue back to the Faculty Senates
- Participants noted the Faculty Senates may not receive enough formal information from the UFC
- The AASS Office is working towards maintaining an improved relationship with the UFC and also encouraging better communication, posting of minutes, etc.
- Revision Process Issues:
 - How do faculty handbook changes fit into the calendar year and how can delays be avoided? Although changes can be processed at any time, it would be valuable from the OASS perspective to package revisions together as much as possible, perhaps at the June BOT meeting.
 - The AASS Office is currently looking at trying to develop an **electronic process for tracking Faculty Handbook changes,** which would provide automatic reminders to those who approve, and so those involved in the process can see where the changes are at any time, in an effort to help avoid delays. Hopefully this system can be piloted in Spring 2012 and then expanded to other campuses
 - The campuses have software in place that could easily operate the proposed electronic system of approvals but the workflow would have to be modified for each campus – specific process since they are not exactly the same.
- Maintenance of handbooks
 - Questions raised: who owns the handbook? Or who maintains the handbook? How much do faculty control? How do faculty complain if they disagree with policy?
 - It would be a good idea to have one office maintaining UT Policy/BOT Policy for the Faculty Handbooks, but to allow the faculty to control the faculty specific portions of the handbooks – perhaps streamline the policies in an A-Z kind of way.
 - Note that UGA Board of Regents lists where to find pertinent, relevant policies for faculty. Although BOT policy is linked on the AASS page, it may not be complete and may not be widely known.
 - **Consider the possibility of having a “bill of rights” for the faculty on all of the campuses**

IV. India Lane led a detailed review and discussion of the *BOT Policies Governing Academic Freedom, Responsibility and Tenure* which forms the basis for most of the common questions and current issues for campuses:

a. General

- Note that the document frequently refers to “Bylaws”. **The status of dept or college bylaws should be looked at on all campuses**
- Note that revisions to Faculty Senate Bylaws doesn’t need to go through the Board unless they are included the *Faculty Handbook*. **This may need to be clarified in BOT policy if it is not found in the founding documents.**

b. Academic Freedom and Responsibility of the Faculty Member

• Consider adding a code of ethics for faculty, or refer to AAUP code

• *Freedom of Speech Issues:*

- There were questions regarding a faculty member's right to freedom of speech, especially in reference to speech in faculty governance.
- OGC interpretations were provided by Lela Young:
 - Faculty, when teaching, will be protected if they stay close to the core of the subject matter
 - Faculty speech while acting within your job description is within your rights. But if you act on a topic that is university related, but not within your job description then you forfeit the freedom.
 - Speech is protected based on the substance of the message vs the method of delivery.
 - The rights at odds are the right to say whatever you'd like vs the right to not be disciplined for what you say.
 - The First Amendment is guarded very closely but the administration needs to be able to punish those who are disruptive, not productive, etc.

- Pg. 4, #7 (re: speech as a citizen) needs to be looked at and possibly revised for further clarity regarding speech while acting within institutional governance structure. TUFs, UTMartin and UTK have been working on this. OGC/OASS could help with language and revision of Board policy

• *Concept of Academic Freedom:*

- The price of Academic Freedom is Academic Duty – there is a responsibility to be sure that students know what they need to know before moving on to the next course.
- Academic Freedom is granted to the institution, not individuals, according to the Law
- Problems with the interpretation of “freedom” often stem from management issues – the handbook policies and procedures should clearly detail how to deal with a management situation

• Numbers 2 (compensated outside services, research) and 3 (evaluation by colleagues and admin) may need clarification

- Lela Young noted that there may be changes in the Compensated outside services policy because of changing federal regulations.
- Changes to UT policy will be reviewed by the Chief Business Officers and the Chief Academic Officers and approved by BOT
- Participants requested information when such changes occur: through multiple avenues for Faculty Senate members and faculty, including rationale and clear distinction of old language compared to the new language in the report

c. Tenure:

• Locus of Tenure needs to be clarified here and in other sections of the policy (pg 7, 11)

- Faculty need an “academic home” but the home is broadly described here as academic unit which leads to confusion re whether tenure is housed in largest unit or smallest unit
- Ineligibility of faculty pursuing degrees (pg 5): (is this initial terminal degree or all degrees?)
- Length of probationary period:

- Clarify distinction between extension and suspension of probationary period
- Consider revising to allow extensions for good cause other than procedural error
 - Probationary period should be consistent with the standards of the field
- Consider clarifications (or check for clarity) of the following questions
 - Can probationary period/clock be stopped without faculty knowledge?
 - Can department heads stop faculty from coming up for tenure early?
 - Does the department head have the power to stop the dossier or veto power?
 - Are there alternatives to the “tenure or gone” practice. What happens when appeals are still ongoing?
- Expedited tenure:
 - Eligibility is defined in the Appendix
 - This is standard practice now. Consider moving the appendix into the policy document body
 - The appendix needs clarification regarding process and materials required. (Currently is it not exactly the same as the tenure process)
 - UTK is currently creating guidelines for the expedited tenure process, such as using a shortened dossier

Evaluation of Tenured Faculty members

- General Procedure:
 - Online/Automated process for faculty evaluations would be useful for department heads (e.g. Sharepoint)
 - Need for better communication between the department head, the college and the faculty member
 - Chairs & department heads need workshops to help them better understand how to do their jobs in regards to tenure, etc.
 - Expectations of the faculty should be tied to the goals of the dept./college
 - Note that Annual Review Policy overlaps with HR policy – are they consistent?
- Evaluation Scale Prescribed by BOT policy:
 - Campuses would prefer a 5 point or other expanded scale. To allow for campus autonomy, take the language of the scale out of the BOT policy
 - Resolve by modifying language to allow campus adoption of another scale as long as it includes the 4-point scale and the goals of then BOT policy. Scales that differ from BOT policy must be approved by campus levels and BOT.
 - Ratings should be tied to performance evaluations and annual reviews
 - UT is not always able to offer merit raises, so flexibility in using ratings for raises should be allowed
- Appeals:
 - Timelines:
 - Appeals to ratings take time and other adverse events can occur while the first appeal is still pending (e.g. CPR)
 - Add time deadlines for resolution at each step to BOT policy (e.g. 6 months)
 - Review of Appeals:
 - Appellants need Provide as much information as possible when working with appeals (Note: Online evaluation systems are again helpful because the dossier and all of the relevant documents would be readily available for viewing)

- Appeals vary and are highly individualized, so the timeline varies.
- Consider communicating guidelines for appeals that would include instructions, process and expected timeline

Termination of Tenure

- Financial Exigency
 - Some campuses have policy in handbook
 - Lela will locate and provide BOT policy. Will be posted at OASS site as well.
 - Termination Process
 - Note that faculty are hesitant to agree with or be involved with termination procedures, given the extreme consequence
 - Consider disciplinary sanctions other than termination.
 - Note that flexibility in sanctions can increase potential for abuse and litigation
- V. **Additional discussion was held regarding streamlining the revision process. Philip Daves outlined the complex process at UTK and described the development of an electronic tracking and approval process.**
- The group identified factors that would help the process including:
 - regular face to face collaboration with OGC and OASS,
 - early input from OGC, a document management system,
 - accountability and clear deadlines for each approval step,
 - work on small segments instead of the whole handbook
 - Review a topic as it appears throughout the handbook instead of reviewing one section in isolation
 - Prioritize problems and issues for attack
 - Work with individuals involved in the approval process in a simultaneous, rather than a sequential mode
 - Utilize copy editor or third party to review for inconsistencies
 - The group identified campus concerns about maintaining autonomy and time required for handbook work as hindrances to the process
 - India will facilitate work on online tracking system (Movement within the system will send announcements out to all involved parties, but it will be a binary system (approve or reject))
 - Other general suggestions for handbooks:
 - Use broad titles or title descriptions in the document to avoid having to change documents
 - Consider the value of one document versus a handbook and a manual for faculty evaluation (all text related to faculty employment will require OGC review)

VI. Summary of Items to Review and Revise in BOT Policy (captured by LB Brown):

- Freedom of Speech
- Locus of tenure
- Pursuing a degree and tenure – is it appropriate? Specific? Leniency
- Extension of Probationary period for cause or as discipline specifies
- Appendix D, #4: expedited tenure, needs to be moved from the appendix
- APR Rankings: add language but stay consistent with BOT policy
- Termination: fine-tune process
- Disciplinary sanctions: consider alternative sanctions
- Revise Appendix A (1.) language on bylaws
- Clarify and embed in document the process for revising the document

Color code: Yellow = action items to pursue now

Green = ideas to keep under consideration

/mj/il 11/8/11