



THE UNIVERSITY of TENNESSEE
KNOXVILLE, CHATTANOOGA, MARTIN, TULLAHOMA, MEMPHIS

FACULTY COUNCIL

Monday, November 29, 2010, 4:00 - 5:00 p. m.

A quorum of members of the Council met via videoconference, with delegations seated at the various campuses.

UT Faculty Council Members Present

UTC	Lyn Miles Pedro Campa (Past Faculty Senate President)
UTHSC	Beth Bowman (Past Faculty Senate President) Richard Nollan (Faculty Senate President) George Cook (Chair)
UTK	Toby Boulet (Non-voting Faculty Trustee) Joan Heminway (Faculty Senate President) India Lane
UTM	Mike McCullough (Faculty Senate President-Elect) Dan McDonough Janet Rasmussen-Wilbert (Faculty Senate President)
Guests	Katie High (Interim VP for Academic Affairs and Student Success) Brian Lapps (Deputy General Counsel)

1. Call to Order at 4:00 p. m. EST

2. Discussion Led by Council Chair

Cook called for discussion regarding two major issues: system-wide policies and the mission of the Council.

(a) Mission of the Council. Bowman remarked that in the past, the Council was able to spend an entire day with the president of the UT system. Miles commented that the original purpose of the Council had been so that members could spend extensive time with the system president and sharing information about the various campuses.

(b) System-wide Policies. High said there are system-wide policies for human resources and for fiscal matters, and that campus policies must be consistent with these. The Board of Trustees has also established some academic policies common to all campuses. Campuses are encouraged to refer to these policies in their Faculty Handbooks. Such policies include those regarding honorary degrees, tenure, emeritus status, etc. All are listed on the Board's web site.

(1) RIF. Lapps stated that HR 0145, the policy on reduction in force (RIF), does not apply to faculty. Program discontinuance and faculty layoffs are covered in Faculty Handbooks. These give the declaration of financial exigency as a prerequisite to layoffs of tenured faculty.

Cook asked about disparities in implementation of the RIF policy across the campuses.

Lapps stated that the policy is to give as much notice as is practical. Each campus (except Martin) has a procedure. UTK and UTC provide minimum of 30 days' notice. UTHSC has no specific minimum. He sees all RIF's before they are approved. Differences in the amount of notice given are not driven by policy, but rather by local practicality. Recently, UTHSC layoffs got short notice but also got some pay in lieu of notice. UTK got more notice, but no pay in lieu of notice. Length of notice has varied considerably on each campus.

Heminway asked whether, before approving a layoff, the Office of the General Counsel inquires whether earlier notice could have been given.

Miles asked if there were data on past practices. Lapps replied that such data probably do not exist.

(2) Discrimination. Cook suggested that we move on to policies on discrimination. High asked which policies were of interest. Cook expressed interest in policies related to discrimination against women in salaries, and policies regarding discrimination based on sexual orientation or gender identity.

Lane noted that an anti-discrimination statement that had once been posted on the UTK Provost's web site is no longer there. Heminway remarked that the statement in question, which had been posted by former Provost Holub, has been reinstated on the UTK Faculty Senate's web site. She inquired as to the system's position on inclusion of sexual orientation in anti-discrimination statements. Lapps cited HR Policy 0220, which prohibits discrimination on the basis of many things, including sexual orientation.

Lapps stated that the system has gone as far as it can go without contradicting state law, as given in the 2006 constitutional amendment defining marriage. He noted that the state controls benefits. A state law providing benefits to unmarried partners is not likely. Heminway asked if it were possible to use private funds to supplement benefits for unmarried partners. Lapps replied that the issue is not clear. Heminway noted that this amendment is making our students feel not welcome, making recruiting difficult, etc., but that we need to fulfill our educational mission without engendering political ire. Lapps replied that how to make the campus as welcoming as possible is a campus-by-campus issue. No campus should promise anything that would violate the constitutional amendment. McCullough suggested that marriage and benefits are different issues and noted that Western Kentucky University has managed to offer benefits to all domestic partners. Lapps replied that, although he is not familiar with Kentucky's laws, benefits in Tennessee are created by statute. Lane asked whether we have information about the policies and practices of our peer institutions related to this issue. Heminway stated that Faculty Senate's GRA will investigate this. She also noted that EEOC statements from other schools do include sexual orientation.

Miles asked whether there is anything in the UTK statement, perhaps something related to parental rights, that goes beyond HR 0220. Lapps (?) replied that the UTK consideration statement (not an anti-discrimination statement) includes pregnancy and marital status. Miles asked whether UTC could make its policy consistent with that of UTK. Lapps replied that the Knoxville OED office web site has these statements. Miles asked if there is any intent to exclude transgender people. Lapps replied that the wording is non-exclusive and should be interpreted as including all gender-identity matters.

(3) Promotional Raises. Cook asked about policies regarding promotional raises?

Nollan stated that the UTHSC Faculty Senate had passed a resolution increasing orange dollar salary by 10% for any faculty promotion. This has been the practice in some years, but not in others. Funds must come from the deans' budgets. Not all deans are willing to use their funds for this. Ethically, it should be available to all. He recommended establishment of a system policy. Cook asked for response to that recommendation. Wilbert reported that the UTM practice is 10% for each faculty promotion. Heminway stated that UTK usually does this, but that the practice is not in writing. She noted that Chancellor Cheek sees it as an ethical issue. Campa reported that promotional raises are sometimes nothing at UTC, and sometimes nominal amounts. But they are not at 10%. Lane stated that UTIA has had 10% promotional raises in recent years. Nollan asked how to get a system-wide policy. Heminway suggested that we start a conversation on this issue with President DiPietro. High suggested that we broach the subject with him at our next meeting.

(4) Next Meeting. Cook asked about arrangements and issues for the next meeting of the Council.

Heminway and Nollan suggested that Council members should explore the practices of their campuses on issues discussed by the Council.

Miles suggested that another issue that the Council should address is the nature of the UT system. Is it a federated system, an associated system or something else? She asked whether the Council could discuss this issue with the system administration. High replied while it could be on the agenda, she would like more background on the question.

Cook remarked that the Executive Committee of the UTHSC Faculty Senate had met with President DiPietro that day, and that the president seemed to want more involvement with faculty.

The next meeting of the Council will be a videoconference on January 20, at 4:00 p. m. EST.