



THE UNIVERSITY of TENNESSEE

KNOXVILLE. CHATTANOOGA. MARTIN. TULLAHOMA. MEMPHIS

UNIVERSITY FACULTY COUNCIL

Meeting 100

21 Feb 2018

Videoconference

MINUTES (unapproved)

UT Faculty Council Voting Members (Quorum, 5 voting members, established)

UTHSC	Martin Donaldson (Faculty Senate President)	present
	Phyllis A. Richey (Campus Representative)	present
UTK	Beauvais Lyons (Faculty Senate President)	present
	Bruce MacLennan (Campus Representative)	present
UTM	Chris Caldwell (Faculty Senate President)	present
	Robert Nanney (Campus Representative)	present
UTC	Gretchen Potts (Faculty Senate President)	present
	Gavin Townsend (Campus Representative)	present

Trustees (Ex-Officio voting)

	Susan Davidson (Board of Trustees faculty voting member)	absent
	Terry Cooper (Board of Trustees faculty non-voting member)	present

UT Faculty Council Ex-Officio Non-voting Members

UT	Dr. Joe DiPietro (System President)	absent
UT	Linda Martin (Vice President, Academic Affairs and Student Success)	present

Faculty Council Guests

UT	India Lane (System Office of Academic Affairs and Student Success)	present
UT	Anthony Haynes (VP for Government Relations and Advocacy)	present
UT	Carey Whitworth (Government Relations and Advocacy)	present

Call to Order 4:05 PM EST by Bruce MacLennan

Old Business

None

New Business

Update from Government Relations and Advocacy with Anthony Haynes regarding legislation potentially affecting the UT System

Anthony: there has been considerable conversation both publicly and behind the scenes regarding the bill to reduce the size of the BOT (HB 2115). The concept of reducing the BOT began about 13 years ago when President Peterson added a non-voting student and non-voting faculty member to the BOT. That raised the number of BOT members to 27, which seems like a lot considering that there are only 33 state senators. So, there's a long history of talk about reducing the size of the BOT. What's new is legislation that significantly reduces the size of the BOT, a reduction supported by President DiPietro. The bill creates advisory committees for each campus, each of which would include student, staff, and faculty representatives. But no faculty or student representation is to be included among the voting members of the BOT (the Big Board). Beauvais and the members of the Student Government Association at UTK have lobbied for shared governance (a vote). Some legislators, especially in the house, are warming up to student and faculty representation on the Big Board, but it's a "longer stretch" in the senate.

Beauvais wondered how, if the BOT were so greatly reduced in size, would it be able to populate and manage its numerous subcommittees. Anthony agreed that was a concern. The subcommittees on Academic Affairs, Finance and Audit, the Executive, and one other, would have to remain; others may be dropped. The bill's proponents did not want to make any decisions about the Athletics or Research subcommittees. The bill does not define any subcommittees at all (at least not yet) but clearly, should this bill pass, the size of the subcommittees would be reduced.

Beauvais expressed concern, born of his discussion with fellow UTK senators, that a smaller BOT would be less able to protect the university from public controversies like those related to Sex Week and gender-neutral pronouns. Do legislators think that a smaller BOT would prevent Sex Week? Anthony responded that there may be some sentiment to that effect, but that isn't the concern of the governor or most legislators. Reducing the size of the BOT is not being discussed as a way to punish the university. But there are certainly some legislators who want to better control the university through a smaller BOT. So, it behooves supporters of the bill to "button it up" to discourage punitive amendments. Anthony reminded us that no bill becomes actual legislation as originally proposed.

Terry: is it true that the University of Memphis includes both a student and a faculty representative on its newly formed BOT? Carey confirmed that all the FOCUS Act schools have such representation on their boards, though such members are non-voting.

Terry: What is broken with the current UT BOT? What lies behind the push to reduce the size of the BOT and exclude even non-voting faculty and student representatives? Anthony admitted that he hasn't tried really to find an answer to that question. But it's hard to find anyone, even among the alumni, who doesn't think the BOT is "a bit large." The bill will get changed over the next few weeks; Anthony just doesn't know how.

Terry asked Anthony if there's any way to separate the issue of the BOT's size from the issue of student and faculty representation? Also, Terry hasn't seen any support for the advisory boards since "there's no teeth in them." Anthony: the short answer is no, you can't separate the two issues. If you try to

include representatives for every constituency, you'll end up with a huge BOT again. That said, there's a lot of political dialog ongoing, including with the governor. The bill isn't done cooking.

Bruce thanked Anthony, who then departed the meeting.

Bruce then asked for approval of the minutes from the meetings of Feb. 7, Jan. 24, and Jan. 17. Minutes were approved as one package.

Response to Proposed Reduction of the Board of Trustees

Beauvais reported that yesterday, before the House, he, UTM student faculty president Jordan Long, former UT Alumni Association president Dr. Ron Kirkland, and UTK student Kara Gilliam, gave compelling arguments to maintain faculty and student representation on the new BOT. That resulted in some movement among legislators to include a student representative. Surprisingly, representative Ron Lollar, who has been critical of UT in the past, showed some interest in changing the bill in favor of student and faculty representation. Beauvais said he spoke his piece to the House; the next step is to speak to the Senate on Feb. 27.¹

Terry reported that his viewing of the Senate committee meeting regarding Senate Bill 2260 (the Senate's version of HB 2115) lasted five minutes. The bill was rolled into next week because the legislators were flooded with emails from various constituents and proposed amendments from colleagues.² The chair of the Senate Government Operations Committee, Mike Bell, urged his colleagues to study the emails. Terry took that as an encouraging sign. Terry thinks it would be useful to speak with the Senate now that the faculty's case has been made in the House. It would be especially good for alumni to speak.

Beauvais suggested that it would also be good if other members of the UFC could make the trip to Nashville. He asked, "Who can save faculty representation, step forward now." Terry said he couldn't speak at any of the legislative meetings because he is in conflict of interest. India thought that many of the emails received by legislators came from students and wondered if this was causing some legislators to lean towards student inclusion on the BOT. Beauvais responded that the flooding of emails was stimulated in part by an appeal made by the United Campus Workers. He had also encouraged members of the UTK senate to contact their representatives. Moreover, Beauvais said he was assembling a UT Trustee Yearbook, which will include profiles of former BOT members and their statements urging legislators to maintain student and faculty representation on the BOT. Individual yearbook pages would be in digital format and available as ready email attachments. Those pages should be ready by the Feb. 26.

Gretchen asked how long it might take for these bills to proceed from subcommittees to the floors of the House and Senate for a formal vote. Beauvais responded that the Senate's version of HB 2115, HB 2260, would have to go to the Senate Standing Committee on Education before it could be voted on by the full House and Senate. Assuming passage of both HB 2115 and SB 2260, the two versions of the bill would then have to be reconciled into a joint bill and returned to the House and Senate for approval. Then the bill would go to the governor for approval. Given all the steps involved, the bill might never come to pass. Terry recalled that HB 2115 was amended to change the date of the BOT makeover from June 1 to July 1 since legislators didn't think they could process the bill in time to meet the June 1

¹ On Feb 27, the House passed HB 2115.

² As of March 6, the Senate has yet to vote on SB 2260.

deadline. India reminded us that this is an election year and legislators want to wrap things up quickly; she anticipates a flurry of activity in March and April.

Finalization of Review of Proposed Tenure Procedures

Bruce asked India and Linda if they had any new information regarding new tenure policies. India: bottom line -- give us your feedback by March 1. We have an opportunity on March 5 to discuss the situation with chief academic officers. Linda said that she thought that the BOT was willing to listen to faculty feedback. She urged us to collect as much faculty feedback as we could.

Gretchen reported frustration at UTC since a poll regarding version 1 of the policy was distributed to the UTC senate. That had to be withdrawn in the face of revisions made to the policy after the poll was released. So, the UTC senate has not formally voted on the tenure revisions. Instead Gretchen discussed the matter with the senate executive committee. There's more frustration there since the exec had carefully crafted a resolution to the EPPR policy only to have it withdrawn because of the rapid changes to the policy. Still, the UTC executive committee voted to support the revision to the policy suggested by the UTK senate executive as distributed by President-Elect Misty Anderson. The EPPR policy should focus on underperforming faculty, not ALL tenured faculty.

Terry asked India and Linda what motivated the three iterations of the EPPR policy. India thought it was because of the many questions and concerns presented by the UFC and chief academic officers, especially the part suggesting that the BOT wanted to target individual faculty members for enhanced post-tenure review.

Bruce asked Terry if the entire BOT was in the loop on these changes to the EPPR policy. Terry said the BOT had received the revisions, but they were offered without explanation or justification.

Beauvais asked Terry if the BOT understood the potential deleterious impact of a six-year comprehensive review of all tenured faculty.

That prompted Phyllis to ask: what is the "real point" of mandatory six-year reviews? Wouldn't such reviews be at odds with annual reviews? If the policy is not really about identifying certain underperforming faculty, is it, in fact, a means to check on the competence of department heads to effectively review their colleagues every year? India offered that Phyllis should stop trying to be rational and logical -- that indeed the policy is probably born of the notion held by some that annual performance reviews are not adequate, that an additional level of performance review is needed to assure the public that UT faculty are competent. Linda said she has been looking into other university systems with post-tenure review cycles, all of which were designed to respond to public insistence on accountability. But there's a wide range of review procedures. Some systems only involve an assembly of five years of annual reviews accompanied by a two-page summary of accomplishments. Surely there's a way to have such reviews without making faculty feel like they have to renew their tenure.

Phyllis then asked how EPPR and "comprehensive peer review" differ. India recognized that the two do muddy each other, but the aim is to review every faculty member, whether or not they are underperforming.

Terry asked how the two review policies would interface. Would one trigger another? India: none of that has been worked out yet. Some members of the BOT are convinced that department heads rarely

identify faculty who need improvement; the tendency is to always evaluate their colleagues with top marks every year, creating an artificial situation.

Beauvais reported that his provost confirmed that at UTK only about ten faculty members received annual evaluations at a level less than “meets expectations.” He argued that we need to let the new EPPR policy have a chance to run for a while before we impose these comprehensive peer reviews on top of what already exists. India said she would love to pass along that rational point of view to the BOT. But she reminded us that this move towards cyclical comprehensive post tenure reviews was stimulated by legislative threats to impose such reviews on the university if they were not self-instituted.

Terry asked India to ask Dennis³ to “run the numbers” to illustrate the relationship between the investment of time and labor of six-year reviews viz. the expected return. Beauvais and Bruce pointed out that we may not have enough information for that calculus -- we don’t even know how the BOT defines “comprehensive peer review.”

Phyllis wondered what would happen if the six-year reviews were at odds with the annual reviews of a department head? India: none of that has been worked out.

Phyllis expressed concern that the UFC is not taking advantage of its traditional close relationship with the president. There are lots of emails flying around, but few opportunities to have open face-to-face time. She has questions about why the president would support the reduction of the size of the BOT and the exclusion from the BOT of the UT president. Why isn’t he pushing back on some of this legislation? Linda reported that Joe is willing to meet with the UFC. He’s not trying to skirt the issue.

Beauvais asked Linda which of UT’s peer institutions have something like a six-year cyclical review of all faculty. Linda said that she is compiling a list.

Beauvais asked if any of us had ever done an external review of a colleague at a peer institution with a six-year review policy. No one had.

Beauvais then asked if external program reviews -- by accrediting agencies and such -- could trigger EPPRs for underperforming departments or schools. Such reviews are usually concerned with issues of curriculum and facilities and such; would excellent faculty in a questionable program be subject to EPPRs? Phyllis responded that her notion of a program review is one that looked at student graduation rates and the like. She wondered what the BOT thinks a program review might be. Linda thought that the BOT assumed the program reviews were based on the metrics like those mentioned by Phyllis. Terry pointed out, though, that the BOT does not currently deal with external program review results.

Linda asked what items the UFC would like to bring before President DiPietro. Phyllis offered a list. Why would the president support no student, faculty or presidential representation on the BOT? How would post tenure review work? And what are these “commonly held standards in the discipline?”

Beauvais added to the list. When it comes to deciding the result of an EPPR, does the final word rest with the chancellor or the president? It is his understanding that any revocation of tenure is up to the chancellor, yet the proposed policy suggests that the president may in involved.

³ Terry is presumably referring to Dennis Hengstler, the Associate Vice President and Director of Institutional Research at UT.

Bruce expressed some dismay that the third version of the policy appears to have been written hastily, including misspellings, and that it contrasts with the deliberate, careful efforts to craft a good EPPR policy. India assured us that the problems we've mentioned today would be dealt with before the policy is set in stone. But she said it was clear that the BOT wants some system of post-tenure review. That caused Beauvais to point out that we already have post-tenure review in the form of EPPR. India laughingly chided Beauvais for thinking rationally.

Terry found it curious that we have a governor who is soon to step down and a president who says he won't renew his contract. Why all the fuss now about revising policy and restructuring the BOT? Is there any "nexus" among these three facts that we're missing? India: if there is, I don't know about it.

Chris pointed out that there are a couple appearances of the term "comprehensive peer review" in the proposed new policy, one that is supposedly triggered by program review and one just as a matter of course. As these two types of review the same? India: we're not sure. She admitted that the BOT may have more than one type of comprehensive peer review in mind.

Beauvais wondered how to proceed. We need to post comments on a shared document. But Phyllis wonders if we have time to gather faculty feedback. India indicated that we have a few days, bearing in mind that the next BOT meeting is in late March, and that we need to have everything ready for review by March 1. We might get a slight extension, though, to allow for faculty feedback, input from the March 5 meeting with provosts and chancellors, and wordsmithing by the general counsel.

Phyllis pointed out that it is difficult to comment on the policy with so many unanswered questions about it. We need to talk with Joe. India suggested that we quickly collect our questions about the odious page 12 policy as a prelude to meeting with Joe. Linda suggested that it would be useful to not just ask questions but indicate how many different interpretations might exist over terms like "comprehensive peer review." Phyllis suggested that merely asking questions might reveal some of the weaknesses of the policy.

Bruce recommended that each campus craft its own response to the proposed policy, pulling what polling data can be gathered from the faculty in short order. Those campus documents could then be fused to form a collective response. Phyllis suggested that rather than offer one collective document, it might be more powerful for each campus to assemble and submit its own questions and comments. Presumably, the expected redundancy of questions will illustrate the policy's problems. Linda said it would be helpful to use the same document template to make reading easier. Terry warned that if the paperwork became too lengthy nobody would read it.

Beauvais raised the issue with "commonly held standards" with the provost at UTK.⁴ The provost admitted that he had missed the problematic implications of that term on first reading. Beauvais suggested that Terry might want to point out the term to the provost there at the UTHSC to see if there is any similar administrative confusion. Terry said that was a good idea. But he thought the solution might be as simple as using the word "and" instead of "or" to fix the problem.

Beauvais wondered about the bit regarding early or expedited tenure. Is the BOT worried that some early but unjustified tenure decisions have been made? Bruce asked how the BOT expected decisions

⁴ Beauvais is presumably referring to Interim Provost John Zomchick

about early tenure to be made. Terry noted that the BOT wants to reserve the right to review such cases in order to aid transparency; good tenure decisions should result when they are made in the knowledge that they could be reviewed by the BOT. Of course, the BOT is not in a position to determine the tenure qualifications of an artist or a radiologist, said India. Beauvais offered the possibility that after a few years of reviewing the dossiers of such folks, the BOT might realize how fruitless the policy is, and change it later.

Beauvais reminded us that the proposed policy can be seen as a means to undermine tenure and bring disrepute to the university. It will make it harder to recruit faculty. Some UT faculty are already looking at leaving the university because of this policy.

Phyllis noted that many of those receiving expedited tenure are faculty administrators -- deans and department heads and such; will those folks have to undergo comprehensive peer review too? How does this policy affect faculty with administrative positions? India said that was another good question to add to the list.

Terry noted that timing is important since it takes time to administer campus polls. Beauvais said he would send polling templates to all the senate presidents. At this point only UTK has faculty polling data.

Speaking of polls, India noted that the recent poll of UT faculty about tenure indicated that 45% of the respondents thought that some sort of post tenure review for everyone was acceptable.

Gavin asked if Joe had had a chance yet to respond to the revisions to the EPPR policy proposed by the UTK faculty senate executive committee and distributed by Misty Anderson. Linda said that Joe had seen it but the two of them had not yet discussed it. Linda assured us that the suggestions were not discarded, that Joe is capable of changing his mind in the face of compelling evidence.

That's why we are so eager to meet with him, concluded Phyllis.

The meeting was adjourned at 5:39 PM EST.

Next regular meeting: 22 March 2018

Respectfully submitted,
Gavin Townsend
UFC Secretary