



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

**UNIVERSITY FACULTY COUNCIL**

**Meeting 107**  
**19 September 2018, 4:00 pm (ET) / 3:00 pm (CT)**  
**Meeting and Videoconference**  
**MINUTES (unapproved)**

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

<b>UTHSC</b>	<b>George Cook (Faculty Senate President)</b>	<b>Present</b>
	<b>Phyllis A. Richey (Campus Representative)</b>	<b>Present</b>
<b>UTK</b>	<b>Misty Anderson (Faculty Senate President)</b>	<b>Present</b>
	<b>Bruce MacLennan (Campus Representative)</b>	<b>Present</b>
<b>UTM</b>	<b>Renee LeFleur (Faculty Senate President)</b>	<b>Present</b>
	<b>Chris Caldwell (Campus Representative)</b>	<b>Present</b>
<b>UTC</b>	<b>Steve Ray (Faculty Senate President)</b>	<b>Present</b>
	<b>Beth Crawford</b>	<b>Present</b>

<b>Trustees (Ex-Officio voting)</b>		
	<b>tbd</b>	<b>n/a</b>
<b>UT Faculty Council Ex-Officio Non-Voting Members</b>		
<b>UT</b>	<b>Dr. Joe DiPietro (System President)</b>	<b>Absent</b>
	<b>Linda Martin (System Office of Academic Affairs and Student Success)</b>	<b>Present</b>
<b>Faculty Council Guests</b>		
	<b>Jorge Pérez (Associate Vice President, AA&amp;SS)</b>	<b>Present</b>
	<b>Terry Cooper (Chair, UTHSC Faculty Handbook Committee)</b>	<b>Present</b>
	<b>Peg Hartig (Faculty Senate President-elect, UTHSC)</b>	<b>Present</b>

Meeting was called to order at 4:07 p.m. (EST) by Bruce MacLennan, Chair

Linda introduced Jorge Pérez. She mentioned that many of us have met Jorge. For the last 20 years, he was at Kennessaw State. He has a wealth of experience with SACSCOC accreditation and instructional effectiveness. He is an ACE fellow and has experience with system level work. Linda said that both she and Jorge will continue to work with UFC.

Jorge wanted everyone to know that he served a term appointment as a faculty liaison with a previous university as his introduction to university administration and faculty affairs. He said he was looking forward to working with everyone.

Beth moved to approve previous meeting's minutes. Seconded. Minutes were approved unanimously.

Bruce introduced the topic of the revision of the UFC Charter. He proposed sending it to Joe for approval after sending it to each campus for approval. He moved that we approve the revised bylaws and charter. Steve seconded. No discussion. Bruce said he wanted to get it wrapped up and approved while Joe is still with us. All in favor. No one is opposed.

Next agenda item was the selection of faculty members for campus advisory board. Steve reported from UTC. He said that we approved a resolution to make every other faculty senate past-president our representative, but we have encountered an issue because of the restrictions regarding administrative duties. Our current past president Gretchen Potts, slated to assume the role on our campus advisory board, has a 50% administrative load. He said that on our campus, any faculty member with 50% or more teaching load is not considered to have an administrative appointment. Beth pointed out that according to UTC's bylaws, a person can run for faculty senate president if they have at least a 50% teaching duty. So it did not occur to UTC's senate that this would be a problem.

Chris said that those are two different issues—the senate president vs. an advisory board member. He pointed out that the advisory board member should be engaged only in teaching, research and service and should not simultaneously hold administrative appointment. He added that we need to figure out the definition of “administrative.”

Misty asked if we have grounds to let campuses decide for themselves what “administrative” means. Chris said that the FOCUS Act says “full-time faculty.” Steve said that at UTC, faculty members with 50% or more teaching load are sometimes listed in IRIS as “full-time faculty.” Beth pointed out that at UTC, associate deans or higher are listed as “faculty serving as administration.” Misty said that smaller campuses have a real issue, so perhaps it should be left up to campuses to decide.

Chris asked Linda if she knows who is going to provide legal counsel for the board. Linda said she thinks it will be the local general council on each of the campuses, but she was not sure.

Phyllis asked, “Could ‘fulltime’ mean ‘full time employee’ with designation as faculty?”, adding that we need to be careful in teetering that line. Is the concern that we might end up with an administrator planted on the committee instead of faculty? Chris said that seems to be the intent.

Phyllis asked, “Does this role (Campus Advisory Board member) also evaluate faculty?” Beth and Steve confirmed that each of them supervise others at UTC, but Gretchen does not. All are listed as full-time faculty. Phyllis thought it could be a problem for the advisory board member to also supervise faculty. George indicated that UTHSC has some chairs that would serve well in this position even though they supervise and evaluate faculty. Misty asked, “Should we have a university-wide conversation about this? Maybe Gretchen is a test case.”

Linda said that in regard to the UT-FOCUS act, General Counsel has been looking at this to decide what it means. It is not the first time the teaching workload and the definition of “fulltime faculty” have come up. She suggested it would be worth asking them to consider allowing each campus to decide who fits this category rather than making a one-time exception for Gretchen.

Someone mentioned that the PPPR policy defines faculty as at 51 + % faculty. This allows for partial administrative roles and would allow UTHSC to actively engage chairs in faculty senate. Linda said she will talk to Matthew Scoggins and help him understand the nuances.

Phyllis asked, “Could we say that as a rule of thumb, if a faculty member is allowed to serve on senate, then they could serve on advisory role?” There was some agreement, but Renee says that her campus would prefer to have no administrators (including chairs) be on the advisory board.

Linda asked “Can partial administrative appointments serve on senate at UTM?” Renee answered that they can, but some departments have bylaws that prohibit their chair from serving on the senate because faculty members in those departments feel that the senate is a place for faculty members who have no other voice.

Chris indicated that he does not want the two tied together—fulltime faculty vs. senate eligibility. Misty suggested, “But it does establish a level of faculty advocacy.” Chris responded, “But it is relatively low level of advocacy, as opposed to being on the Campus Advisory Board.” Misty still thought that rules that campuses apply for faculty to be on their senate could apply here. Chris stated that he does not want that at UTM.

Chris directed the discussion back to the proposal that each campus determines the definition of “fulltime faculty.” Linda said that she will convey this issue to counsel for guidance, indicating that the FOCUS Act is sometimes ambiguous, so they have to do some determinations. She offered that there might be value in having each campus decide what is a fulltime faculty member on each campus.

Misty asked, "So Linda would ask Matthew?" Linda replied, "I'd ask him to provide a guiding statement, with language that we take back to campus to work with CAOs, Chancellors and faculty senates."

Misty said that UTK's faculty senate had just voted on a provisional policy so they could move forward. Linda said, "I can ask him (Matthew) and say that the preference is that each campus works with the administration and senate to determine this and he would provide guiding language. Then this would be submitted for approval. If he says no, the UT-FOCUS act says fulltime faculty member, no wiggle room." She will ask him to provide a definition of fulltime faculty for each of us.

Chris said to leave out the CAO and chancellors because the UT-FOCUS Act says that the faculty decide. Linda replied that they would not make the decision, but she was suggesting they be included just to have a discussion with them.

Chris said, "We will have the discussion, but I wouldn't write it down that faculty must consult with the CAO and Chancellor, so that there is not confusion about how the decision is made."

Chris said that "what's interesting about that definition is that it must be binding on the governor, because the governor will have to replace them if they are no longer fulltime Faculty members." Phyllis asked, "On the local board?" Chris: "I think that's what it says."

Misty suggested that a faculty member from UTK's law school could look over that.

Bruce asked where UTHSC was regarding the faculty member on the Campus Advisory Council. George indicated that not much had been decided.

Misty said that UTK did pass a provisional amendment to their bylaws and voted on a temporary stay where, if called on, Misty will serve. Bruce added that this process was patterned after the election of the UFC member—just on a two year term, not a three year term.

Bruce asked Chris and Renee if UTM had a procedure. Renee replied, "No we just have a temporary representative." Chris is the temporary representative. A permanent representative will be determined.

Bruce reminded the group that everyone will have to put something in their bylaws

Linda was asked about the availability of the "Faculty and the University" guide from the UFC to the BOT. She said they had printed 75 copies. Misty said that she had had an administrative assistant print up some as well. Bruce said that we had enough printed for all BOT members and Campus Advisory Board members. Linda said that Joe said he would give them to the board. Chris asked, "How do we get them to the local advisory board?" Linda said that "they are your documents, so you can determine how to do that." Bruce pointed out that there is some

sensitivity about communications with the BOT and asked if there was that same issue with the local boards.

Linda replied, "I'd advise you to work with the Chancellor, letting them know that Joe is sending this to the BOT. Could the Chancellor provide these to the local board?" Phyllis added, "There is something to be said for the Board member receiving something from the Chancellor."

Misty pointed out that the old FOCUS Act included instructions on how to interact with boards, but the new one doesn't, adding "So we are all trying to stay in our lanes, but there will be other protocols."

Chris said, "Let's go ahead and send it to the campuses so that it doesn't get delayed." Bruce pointed out that we did make a strategic decision not to send this to the BOT during their regular orientation, but to wait.

Linda or Doree will get copies of the "Faculty and the University" guide to each campus.

Phyllis asked, "When will Joe give this to the board?" She suggested that "we should be sensitive so that the local board does not get it before the BOT."

Jorge asked if the guide was available digitally. Misty said that it was available on UTK's website. Steve said it was also on UTC's faculty senate website.

Bruce requested that everyone send a preferred address for the guides to be sent to on our campuses. Linda offered that it would be good to let Chancellors keep a copy.

Bruce moved the discussion on to updates on PTR/PPPR.

Steve gave updates from UTC. The UTC Provost is in discussions with the Faculty Senate Executive Committee and the Faculty Handbook Committee regarding language that will fill out the template sent from the System. UTC faculty have been sent emails regarding the template and the process. The UTC Faculty Senate will vote on the recommendations from their Handbook Committee regarding Handbook language about PTR/PPPR.

Renee said UTM used a survey for faculty to give input. Language was approved by their Executive Committee which was presented to the Provost. They did not include external review on their campus—with a provision that if you require external letters, you must get approval from Provost and provide justification to the faculty member as well. They were worried that the requiring of external letters could be punitive. Terry added that external reviews require extra work. Renee said, "Hopefully any issue requiring external review would be caught earlier."

Linda pointed out that the template language says "when deemed necessary" not whether you would have them or not.

Misty said UTK used Renee's survey. They decided on three-person committees, using a pool. The really important thing: they did ask for a bit of pushback on the system template that they think is important. If there is a negative PTR report for the individual, that it would trigger EPPR. She added, "That does a couple of things—saves us from the legal conundrum of having two parallel processes that aren't truly parallel. AND, wanting to make the committee's decision clean and clear such that the PTR committee's decision is independent of the need for further review, which would force the committee to reconstitute itself to oversee the review." This also guarantees the reviewed faculty member the rights and protections hammered out in EPPR, which include an appropriately constituted committee with more area expertise and the potential to help with remediation. In case of unit dysfunction, where a person should have been in EPPR years ago, they give that person the right resources as well as appropriate rigor.

Terry said that this was different from what UTHSC was doing. Their chancellor has said that PTR will not trigger EPPR.

Linda said that there is no push to make every campus the same.

Terry said that another difference was that the last time our handbook committee met they proposed that a faculty member could ask for external review. He asked, "But can ANY member of the committee ask for external review?"

Bruce asked Terry, "What happens to a faculty member with a negative EPPR?" Terry replied that the committee would recommend a remediation plan. "That's where it stands now," he said. They have met with the Vice Chancellor's office once. The Handbook Committee and their Senate were scheduled to go through the draft with a fine tooth comb. They were scheduled to meet with chancellor the following week.

Bruce said that triggering an EPPR is a way to develop an improvement plan.

Phyllis said, "I thought the whole way it was presented was to check to see if a faculty member reviewed as positive was truly positive. If that comes back negative, then the problem is in the process."

Linda said that there has to be an opportunity the for faculty member, who is not at fault to have a remediation plan. If a faculty member has been told "yes," it is not their fault. "But the fact remains," she said, "they aren't meeting expectations and need a remediation."

Misty said that was the logic that made them include triggering the EPPR—to provide a remediation plan for faculty. A negative review is about their meeting expectations not a review of the department head or dean.

Phyllis asked, "Is there any procedure laid out or plan for it—regarding a poor review process? The broken link is the evaluation process." Linda said that CAOs will be held accountable for that.

Peg asked, “Don’t we want a voice in that?”

Linda said that that was an appropriate question and that it is up to the campus to figure out how the faculty will be involved in that.

Terry asked, “How have others arranged to have the evaluations start—younger to older for example?” Bruce said that at UTK, it is left up to colleges. Misty added that their Provost said generally it would make sense to have those furthest away from review go first.

Misty said that they had just had their first faculty senate meeting. “It’s disappointing to me,” she said, “that we have not addressed this. Are you saying we should write a policy for how this will be done?” Linda replied, “I just think it’s a good discussion to have. As a faculty member, I want a department head that gives me good feedback.”

Beth asked if she could fold the next agenda item into this conversation. “My understanding is that a person on our campus who did not receive early tenure, that their department head had put in recommendations for improvement and growth. This was used against the faculty member when it was intended to be constructive. Any constructive feedback can be considered for penalties.” Linda replied, “If opportunities for growth are ignored, that’s a great reason to say they are not supported for tenure. When a faculty member acts on feedback, they demonstrate that they have succeeded.”

Beth said that it was her understanding that this was between April and June which would give no real opportunity for improvement. Linda assured the group that there was never a single piece of information that caused a denial. Other things were always considered.

Peg said that the process of evaluating a faculty member is a problem. “Why is the faculty member being penalized?” she asked. “What is the value that we hold?”

Linda replied, “What I’m saying is that we don’t want a faculty member who is told they are doing a good job to be penalized. They should be helped when they receive a negative review.”

Misty added that that was why UTK recommended it go back to EPPR.

Peg asked, “What are the consequences for the chair?”

Phyllis asked, “What is the nature and scope of the response—not just to the faculty member?”

Misty said, “Our senate is interested in the aggregated data. Is this simply another duplicative process? We are interested in protecting the faculty member.”

Bruce pointed out that UFC has advocated for mandatory department head training for a long time.

Phyllis said, "If we are venturing down this path, I'd like to see the UFC advocate for an accountability in something happening at the evaluation level. One could argue if an APR by a division chair contradicts what the PPPR is or vice versa, one could legitimately beg the question, which one is right? There has to be an accountability in the process."

Misty said, "I agree—if the purpose is to check the checker, then it should do that, but that is not what we got. I would love to see us push back on the policy in toto as misdirected."

Peg said, "We've given it serious consideration. What seems to be happening is that it is falling on the faculty member rather than original intention of solving the problem." Phyllis said, "We want a strengthening of that whole thing. It falls short of its goal if the faculty member has the only consequence." Peg added, "not that faculty members are not accountable."

Phyllis agreed, adding, "Where we find failure, we address it—the faculty across the system. We absolutely want to verify that the evaluations that are positive are truly positive and those that are negative are negative. This though, has fallen short of the goal."

Bruce said, "There are some words in there that address what happens when there is incongruence." Phyllis replied, "They are weak and vague at best." Bruce asked her, "What more do you want? Should the head be put on probation?" Phyllis said she wanted the evaluation process to be held accountable. She said that aggregated information should be made available and there should be steps to address it."

Jorge asked, "Is there training available to evaluators on all campuses?" Terry said it is required at UTHSC. Linda said it is not required on all campuses even though it was offered. The evaluators that showed up are probably not the ones that needed it.

Terry said that there have been faculty questions about if goalposts have been shifted. How narrow or broad are expectations interpreted?

Misty said they have done a comprehensive review of bylaws. In the aggregated data they can show where reviews are too low or too high. Terry asked, "Comparing expectations to dept. bylaws?" Bruce: yes. Misty asked, "but does it change over the course of a career?"

Bruce suggested we move on, offering, "We can keep talking through email and try to figure out the best way. Certainly we want data."

Linda said that the board wanted this policy. "My guess is the concerns will be resolved as a part of awareness," she said. "In five years we might not need this and that would be a good outcome." Misty said that that has historically been the case at other campuses.

Terry said, "Mandatory training for chairs, that would be a good outcome."

Linda said, “Reading from the FOCUS Act, the chief academic officer must develop a process for dealing with failures in the evaluation process. As a campus you could provide recommendations for your CAO regarding this.”

Phyllis suggested that a better approach might be to address accountability and training separately.

Bruce asks Linda for an update.

Linda said she went to Martin and talked to the faculty senate together with Frank Lancaster, Phillip Cavalier, and Chancellor Carver at their fall retreat. A really productive discussion. She travelled to Chattanooga for a day-long visit where she visited and touched base with a number of people and offices on campus. She is planning on doing the same for Martin and Memphis later this fall. She traveled to UTHSC for a teaching symposium and had the opportunity to visit with faculty and campus leadership. Deadlines coming up—PPPR procedures, early tenure procedures for tenure, campus handbook changes.

Linda said, “Our group will be sending out a survey about how we can better serve our campus, the UFC, the board. We want to view our group as a service group. Feedback will be used to develop strategies and plans. All feedback will be carefully considered.” She encouraged the group to take the survey.

Linda said there is an upcoming event to talk about student success across all campuses with CSOs, CAOs, and registrars. Discussion will be had about how we can work together to improve student success. This will be in November, with 60 people from across the system.”

Linda said she met with Donnie Smith and had the opportunity to discuss the role of the former AASS Committee in contrast to the new ERS Committee. Trustee Smith is dedicated to academic excellence and is looking forward to serving as Chair of the Committee.

Linda said that as a result of the broadening of the scope of the Committee, the bylaws will need to change accordingly. Catherine Mizell has made a first pass at reviewing the language in the AASS Committee Bylaws and identifying that which will need to change as the ERS Bylaws are developed. Because the first BOT meeting is just over one month away, she was eager for the new Bylaws to be finalized.

Linda said she was thinking about how we can continue to meet the needs of students. For example, should we have a streamlined process to move programs through more quickly?

Linda asked if anyone had questions.

Renee thanked Linda for coming to their (UTM) retreat, especially as early as it meant that she had to drive. “It was really helpful,” Renee said. Linda said the faculty had thoughtful questions. She thought it was really valuable.

George said he took the survey today. It started well, but fell apart at the end, he thought. He pointed out that they are 400 miles away from Knoxville. Pres. DiPietro has met with them 4 or 5 times total since he's been President, he said, "in terms of meeting with the faculty senate." He added that Katie High met with them "maybe twice."

George said they were able to get past presidents to come twice a year.

Linda replied, "I have sent invitations to each campus to meet with various groups. If there are faculty events, let me know, I'd love to come to your campus."

Phyllis told her, "You are at the top of the list of people that we want to come visit faculty senate. George is working on extending that invitation to you."

Bruce asked if anyone had anything else?

Linda said she appreciated the way the group talked about the things you suggested. "It would be nice..." for example. She continued, "I appreciate the thought about what would be meaningful about what would work for your campus."

Jorge told the group, "I'm looking forward to visiting campuses that I haven't visited." Informing the group that his family is from Cuba and "the first place we moved in the U.S. was Memphis. The first place my father worked in the US was UTHSC."

Phyllis added, "So you're family. You don't even need an invitation."

Phyllis moved to adjourn. Misty seconded. Meeting adjourned at 5:50 p.m. EST.