

FACULTY SENATE
Minutes
March 5, 2018

Absent: Brian Ambroziak, Stan Bowie, Vincent Carilli, Lt. Col. Matthew Castillo, Jiangang Chen, Chris Cimino, Islam El-Adaway, Yuri Efremenko, Jennifer Franklin, Nick Geidner, Kristina Gehrman, Holly Greene, Rob Hardin, David Icove, Julia Jaekel, Asafa Jalata, Jackie Johnson, Yvonne Kilpatrick, Alex Lapins*, Mary Leitnaker, Andrea Ludwig, Srinivasan Mahadevan, Stephen Marz, Sally McMillan, Lisa Mullikin*, Leigh Ann Mutchler*, Andrew Pulte, Alex Rodrigues, Casey Sams, John Schmisser, Reza Seddighi, Soren Sorensen, Phyllis Thompson, Brian Whitlock, James Williams, Melanie Wilson, Shellen Wu, John Zomchick

Present by Zoom: Lisa Mullikin, Dawn Coe

*Alternates: Avigail Sachs for Lisa Mulliken, Andrew Sigler for Alex Lapins, Wenjun Zhou for Leigh Ann Mutchler

I. ESTABLISHMENT OF QUORUM (E. Bernard)

E. Bernard established that there was a quorum.

II. CALL TO ORDER (B. Lyons)

B. Lyons called the meeting to order at 3:31 p.m.

III. ANNOUNCEMENTS AND REPORTS

Larry McKay welcomed the members of the Faculty Senate to Strong Hall and noted Dr. Jimmy Walls' legacy.

President's Report (B. Lyons)

B. Lyons sent an email to all UTK Faculty in response to a message that President DiPietro sent last week about faculty responses to the newly proposed expansion of our Enhanced Post-Tenure Performance Review (EPPR) policy. President DiPietro presented this new policy as if we have not had a robust post-tenure review system for years. Additionally, after a two-year process working with system administration, we implemented the new EPPR system this fall. B. Lyons has served on two Cumulative Performance Review (CPR) committees in the past and feels strongly that the post-tenure review system works on the UT Knoxville campus. The timeline for review of these significant changes to board tenure policy have been rushed and have lacked clarity. The proposed revisions were first received on February 5 in the form of a 48-page document for discussion at a meeting two days later. The first iteration of the policy to expand post-tenure review was not listed in a table of major changes sent with the document. It was a single sentence that stated:

“The Board of Trustees reserves the right to direct the administration to conduct an Enhanced Post-Tenure Performance Review of some or all tenured faculty of a campus, college, school, department, or division at any given time or at periodic intervals, as the Board in its discretion deems warranted.”

B. Lyons noted that this provision, which would have granted the Board of Trustees the latitude to target individual faculty members or programs, would have a negative impact on academic

freedom and our reputation. B. Lyons communicated concerns to the UT system administration. After more than a week of negotiations, B. Lyons received the current iteration of the policy which triggers post-tenure reviews of faculty based on "program reviews," as well as the requirement that all tenured faculty have an Enhanced Post-Tenure Performance Review every six years. Based on responses from 665 UTK faculty, 509 (76.54%) objected to the proposed policy. Comments sent from UTC and UTHSC reflect similar concerns. Greg Scholtz, Associate Secretary and Director of the Department of Academic Freedom, Tenure, and Governance at the American Association of University Professors wrote that he and his colleagues had never seen anything like this proposed policy, and that it would "undermine normative standards of academic governance." UTK's chapter of AAUP has posted a position paper about the policy which is linked to the materials for this meeting as an information item. Negative press in national and local media, although unfortunate, was not the result of faculty concerns, but rather, the proposed policy itself. Last week the UTK Faculty Senate Executive Council, through an electronic balloting process approved a Statement on the Expansion of EPPR. The FSEC advocated for following the recently implemented EPPR policy to assess its effectiveness rather than creating additional reporting and assessment burdens on top of our annual reviews and peer reviews of teaching. If some form of expansion to the new EPPR system is implemented by the Board of Trustees, the FSEC recommendations seek to ensure the new policy language specifies what is meant by, and who implements the program reviews, as well as focusing the six-year reviews on the "clarity, consistency and candor" of the annual reviews themselves. The commitment by the UTK Faculty Senate to audit department and college bylaws, as well as collect recommendations for improving the ELEMENTS reporting system are examples of ways the faculty are working with the administration to create accountability in the evaluation of faculty performance. This week the process of hosting five prospective candidates for provost began. B. Lyons suggested that with each of the candidates, we should tell them our story and the ways in which our work makes a difference for our students and for Tennessee. A good reminder of the breadth and quality of this university is Mic/Nite. This event will be held on March 8 at the Relix Variety Theatre, with social hour at 5:30pm, and the program at 6pm. B. Lyons will travel to Nashville this week to advocate for retaining voting faculty on the UT Board of Trustees.

UTK Chancellor's Report (B. Davenport)

The Chancellor noted regret that the revisions to the Board of Trustees policy on post-tenure review is playing out in public. The Chancellor remains hopeful that we will be able to resolve these issues collaboratively. The FOCUS Act to reduce the size of the board will go to the Government Operations Committee on Wednesday. There is a concession on a new sub-committee on faculty-student issues where students and faculty will be able to serve. Pertaining to Greek life, there is a move to enact more attention/oversight where the national offices have not stepped forward. There is additional proposed legislation that students would no longer be required to purchase meal plans. This is tied closely to UT's contract with Aramark. SEC colleagues have talked recently about gun legislation. The TN legislators have tabled some of these proposals for now. At the SEC chancellors meeting there was discussion about hiring a media consultant. About 32 million dollars comes to UTK from the SEC network. This helps offset costs related to our athletic programs. There is exploration into the revenue potential from social media sources of promotion of athletic events. The Chancellor met with Chip Bryant this morning to discuss new funding initiatives for various groups. The black alumni group raised the largest amount for the scholarships. There are five finalists for the Provost's search; stay tuned to communication about dates and times for town-hall meetings. The Chancellor

introduced Victor McCrary who is the new Vice Chancellor of Research and Engagement. Dr. McCrary introduced himself and briefly provided an overview of his background and vision for UTK in scholarship.

IV. MINUTES OF THE FACULTY SENATE AND EXECUTIVE COUNCIL

L. Gross moved approval of the Faculty Senate meeting minutes of February 5, 2018; T. Freeberg seconded, unanimously approved.

The minutes of the Faculty Senate Executive Council meeting of February 19, 2018, were included as an information item.

V. MINUTES OF THE GRADUATE AND UNDERGRADUATE COUNCILS

The minutes of the Graduate Council meeting of November 30, 2017, along with the summary report, were included with the agenda. L. Gross moved approval; G. Kaplan seconded; unanimously approved.

The minutes of the Undergraduate Council meeting of January 30, 2018, along with the summary report were included with the agenda. B. Collins moved approval; M. Collins seconded; unanimously approved.

VI. OLD BUSINESS

Resolution on Proposed Revision to the Faculty Handbook Chapters 3-4 (M. Kwon)

M. Kwon provided an overview of the responses to areas of concern. All red line text compares the changes to the current handbook. New changes since the last Faculty Senate meeting are highlighted in yellow. Most comments related to evaluation and promotion of NTTF. The logistics of including the criteria in the appointment/reappointment letter for NTTF were too burdensome; therefore, section 4.3 (lines 465-478) now requires the hiring units to spell out the criteria. The letter comes from the Provost's office, but the responsibilities should be articulated by the hiring unit. L. Gross congratulated the committee for a great deal of work. He asked to hear next steps. The policy will need to go forward to the Provost's Office through M. Theriot. It will then get put into a workflow process and before the Office of General Counsel to ensure consistency with BOT policies. If it needs to go to the Board, presumably it would go forward at the June BOT meeting. The resolution was read and unanimously approved.

VII. NEW BUSINESS

Discussion of Board of Trustees Proposed New Policies on Tenure (B. Lyons)

Post-Tenure Review at UT Peers. B. Lyons noted that there are key concerns regarding the proposed post-tenure review policy. Part of this may be a misconception regarding the process for introducing a change to the policy. The process has been presented as methodical; however, it has instead been rushed and lacked clarity. The first time the changes were presented was on February 5, 2018. The document was 48 pages long. The post-tenure review policy was not on a table of changes in the document. The post-tenure review policy stands to result in a negative impact on academic freedom and the University's reputation. This was communicated to the UT System Administration and shared with the AAUP President. This policy change seems to be a solution looking for a problem that doesn't exist. This was discussed at the FSEC meeting on February 19, 2018. Minutes are posted from that meeting online. A survey was sent to all UTK faculty; the response rate was excellent. 509 individuals objected to the policy in its current form. This set of concerns is not isolated to this campus.

AAUP has posted a position paper which is linked to items of today's meeting. Negative and national and local media was unfortunate, but was not caused by faculty, but stemmed from the proposed policy itself. We should all be concerned about protecting the reputation of the institution. Since the policy change is presently proposed, the hope is that we can sensibly come together to determine the best plan going forward. In the FSEC recommendation, a point of clarification is to assure what is regarded as "academic program review." For the process that is undertaken every six years, it is important that we place emphasis on the current documentation provided by faculty for annual review. Faculty have helped play a role in helping the system by auditing college and department bylaws. Many have also sent suggestions and ideas for improvement regarding Elements. In the current system that is in place, no problem to our knowledge has been documented. J. Bailey noted that during his time on the budget and planning committee, it was asked how many people needed to be reviewed under the Cumulative Performance Review (CPR) process. The answer was five individuals among 1100-1200 faculty who are tenured and tenure track. R. Prosser reported that there are presently 4 or 5 appeals being heard and one involves the EPPR process. B. Lyons shared that UFC submitted over 30 recommendations, most of which were procedural. L. Gross cited the *Knoxville News Sentinel* article of Monday, March 5, "The Truth about Post-Tenure Review." He read the following quote from the column, "Only those who are not sustaining the same level of performance that led to tenure should have any concerns about post-tenure review." He noted that the expectations of an R1 (research 1) institution have changed drastically. C. Craig indicated that often post-tenure review works without ever being formalized. The individual about which the department has concern is typically communicated with and a decision is made quickly to resign/retire. The data we have is flawed because it is only a very select number who actually undergo the full process. M. Anderson noted that this body needs to maintain an interest to keep an open mind in negotiating this issue. The attention needs to be focused on two issues: 1. Peer review is understood to be external review; 2. Program review procedures. We need to educate our public about our procedures for post-tenure review. It is important to ensure that we know what language needs to be changed/clarified. J. Shefner appreciates the comment by M. Anderson, but does not see that this is a good faith measure on the part of the BOT and President DiPietro. Shefner speculated that this appears to be an effort to punish UTK given that the timeline of when this occurred, happened between August 17, 2017, and the early February date of the new policy. The most critical event in between those dates was the outsourcing decision, and noted that this may be an effort to punish UTK. There exist no statistics to justify how many "rest in place" faculty exist. A cost-benefit analysis needs to be conducted to project the amount of money it's going to cost to review every faculty every six years. L. Gross noted having done an analysis of the process of how much it costs and came to the conclusion that there would be too many assumptions to create a mathematical model. This is the complete set of data, started as a department in 1995. In his department (Ecology and Evolutionary Biology), they have reconstructed what happened over 22 years. The average number of departmental faculty has ranged from 20-29 individuals. A total of 32 faculty have left. Of the 32 who left, 14 retired, and 18 moved. Of those 18 who moved, 9 moved after tenure. Two moved to Europe, two moved to government positions; 9 moved prior to tenure. Of those, 2 moved because they were not going to get tenure, 7 moved to other academic positions (including 3 who moved to aspirational institutions). Those who left pre-tenure are now tenured. We should be doing more to retain the individuals who leave, but who are successful. There was discussion of the cost of conducting searches for new faculty, and especially research start-up packages, which average around \$250,000 in many fields. M. Black noted that she does not think this is about money. Saying it is about money and being about

money are two different things. She indicated that this seems purposeful and that we should all reflect on this. With the current administration and board as constructed, it may mean one thing now and something different later. Language needs to be precise and deliberative. M. Black noted that the problem that's looking for a solution is tenure. General public needs to know that we have a post-tenure review process.

Discussion of HB2115/SB2260, changing the composition of the UT Board of Trustees (B. Lyons)

B. Lyons stated that he would be speaking on Wednesday to the House Government Operations Committee and the Senate Government Operations Committee. One question for the legislators is, how do the changes of the structure of the BOT add value to the UT System? An outgoing governor can restructure the BOT. One issue to consider is regarding the size of the BOT. There are 10 committees: how would the committees be successfully staffed with this small number? B. Lyons indicated that resolution 2260 may be sent to summer study. He also asked all to consider how many years we worked to bring athletics from the system to the Chancellor. This moves us backward. This would be a violation of NCAA policies. The normal process of governance is similar to the one that we are undergoing with General Education changes. G. Skolits asked about what the argument was for removing students? B. Lyons said that the claim is made that students don't have the fiduciary perspective that board members do. Students who are paying for the educational experience should be at the table particularly with regard to conversations about tuitions and fees. The Faculty Senate needs to be active in responding. B. Lyons noted that M. Anderson and M. Black have done a great deal of work. Faculty were encouraged to reach out to representatives and can tell them why this is a bad idea. Summer study would effectively allow retooling this without the influence of the governor.

Faculty Senate Bylaws changes for campus representatives to TUFs and COIA (B. Ownley)

Presented for first-reading and action in April, these proposals put in our own bylaws the selection of the representatives. FSEC would elect a representative in the spring for the following year for a 2-year term. B. Lyons asked that everyone look over proposed bylaws language. If you see concerns, please communicate these so that we have continuity and transparent processes around selection of these representatives.

Diversity on our campus: Student and faculty perspectives, Keri Frantell and Marlene Williams (M. Black)

M. Black introduced Keri and Marlene. The students used a critical participatory research paradigm to examine privilege and oppression from people not typically heard from. The research team was comprised of several students who represent marginalized identities from across the campus. Research team includes Keri, Marlene, 15 undergrads. The purpose was to seek perceptions from faculty and students on the defunding of the diversity office. How do students and faculty experience diversity on this campus? The project employed a mixed methods approach. For student surveys, 684 students have responded. Highlights: overall 478 identify as white. Significantly fewer students of color and LGB+ feel welcomed on this campus or feel safe on this campus. Of the 119 instructors on campus who responded to the survey, 55.5% of instructors felt supported by the University. Only about half create conversations about diversity in their classes. Summary – preliminary results show that instructors value diversity. Instructors report talking about diversity, students report this doesn't happen frequently. Instructors and students agree that hate crimes and discrimination could be handled better by the University. Instructors, students of color and LGB+ students do not feel safe on

the campus. The implications for the survey findings is that additional support for instructors and students to be able to have conversations in the classroom. Administration may need to explore explicit ways to convey institutional support for diversity and inclusion.

J. Bailey asked the students whether they thought TN was an anomaly in the southeast conference institutions. The students answered that this may be a reflection of a larger societal issue. It does not seem to be unique. Would be interesting to look at ways in which the findings from this research is congruent with the report Noma Anderson gave on the student climate survey.

VIII. ADJOURNMENT

B. Lyons adjourned the meeting at 5:08 p.m.

Respectfully Submitted,

Sadie Hutson, Faculty Senate Secretary