

**Faculty Affairs Committee Minutes**  
**Monday November 11, 2019, 3:30-5pm**  
**Dunford Hall 2412**

**Members Present:** Cheryl Greenacre, Nathalie Hristov, Jessica Westerhold, Jon Shefner, Beauvais Lyons, Todd Freeberg, Brian Krumm

**Members Absent:** Eliza Fink, Elizabeth MacTavish,

**Guest:** Laurie Knox from the NTTF Issues Committee.

**Approval of the Minutes:**

[September 30, 2019](#) Approved by consensus.

[October 21, 2019](#) Approved by consensus.

The committee also circulated by email and approved a resolution on bullying for the November 4 Faculty Senate Executive Council meeting, a revised version of which will be presented to the Faculty Senate on November 18.

**Goal 4:** Appendix to Chapter 4 (Beauvais Lyons)

<http://senate.utk.edu/wp-content/uploads/sites/16/2019/10/NTTF-APPENDIX-APPR-Promotion-10-09-19.pdf>

The committee discussed proposed revisions to the October 9<sup>th</sup> draft of the appendix as well as a received a revised version dated November 11<sup>th</sup> the afternoon of the meeting from John Zomchick. The committee appreciates effort that John Zomchick has made regarding the importance of letters of appointment to the evaluation and promotion of NTT Faculty. Many of the elements of the November 11<sup>th</sup> draft are acceptable, including:

1. Section A.2 (APPR Timetable) the text sent from John Zomchick using the calendar year for NTTF promotions.
2. The promotion ladder is to be only for full-time NTT faculty members.
3. The renumbering of the appendix as sent previously by John Zomchick.
4. Section B.2 the text sent from John Zomchick regarding proposed changes to ensure that appointment and renewal letters come from the college and not a department.
5. Sections B4 and B5 clarifying that a proxy may carry out the evaluations.
6. Section B5v suggestion on TN Voice scores and items 6-9 in supplemental dossier.

The committee recommends one area of revision to the appendix as listed below:

**A.3. ~~No ex parte~~ Limitations on communications during APPR:** The annual review process exists to provide fair, objective, and constructive feedback and relevant support to faculty members. As a means of preserving the integrity of the process, until the APPR has been fully executed by the chief academic officer, neither the faculty member under review nor any administrator managing or conducting the review is permitted to communicate substantive

information about the review with others involved in the review process, especially those charged with making a recommendation at subsequent stages of review, without the consent of the other parties. For example, a department head shall not communicate with a dean about the substance of a faculty member's review except through the transmission of the APPR materials. Nothing in this paragraph is intended to prohibit a faculty member under review from (a) consulting with his or her mentor regarding the substance or process of the review, (b) consulting with a University ombudsperson, (c) consulting with representatives of the Office of Equity and Diversity, or (d) pursuing possible rights of appeal available under Chapter 5 of this handbook.

**Justification:** We advocate that common meaning is used rather a Latin, legal terms. Technically, "*Ex Parte*" permits communication to take place with the consent of the other parties in the matter. While we recognize this represents a departure from this provision in the appendix to chapter 3, we recommend this revision in both places to be procedurally correct.

In addition, in response to proposed changes to the Chapter 4 of the Faculty Handbook, the following revision is proposed in red (the blue text proposed by John Zomchick):

#### 4.5.2 NTT Promotion Criteria

The criterion for promotion of NTTF is excellence in performing the primary responsibilities established in the initial appointment document and recorded in the annual performance and planning reviews. Promotion criteria are to be weighted in relation to the faculty member's percent of effort as assigned in their letter of appointment or renewal. It is the responsibility of departments and colleges to define excellence in terms of their respective disciplines. Each college may establish a statement of criteria and expectations, which elaborates on the general criteria found in this handbook and is consistent with the mission of the college and the professional responsibilities normally carried out by non-tenure-track faculty members in the college. Each department shall establish more ~~specific~~ detailed criteria for promotion in that unit that are consistent with but may be more ~~restrictive~~ specific than the criteria stated in this handbook and any criteria established by the college and campus. Departmental criteria for promotion shall not be required if more specific criteria have been established by the applicable college, and the dean and chief academic officer have approved application of the college criteria in lieu of departmental criteria. College criteria for promotion shall be effective upon approval by the chief academic officer and will be published in the bylaws of the college. Departmental criteria for ~~tenure~~ promotion shall be effective upon approval by the dean and chief academic officer and will be published in the bylaws of the department.

**Justification:** We applaud the requirement that the performance criteria are to be spelled out by colleges and departments, as the ambiguity of the promotion criteria has been a source of confusion for NTT faculty. The word "restrictive" implies that the general criteria for rank in the Faculty Handbook are not rigorous enough. The word "specific" allows the criteria to be consistent with the general criteria, but tailored to a given discipline. The replacement of "tenure" with "promotion" is appropriate to this chapter of the handbook.

The committee also proposes to add the following section to Chapter 4:

#### **4.2.9 Rank of Emeritus or Emerita**

At the discretion of the chancellor and upon the recommendation of the department head, dean, and chief academic officer, faculty members who are distinguished lecturers, research professors, clinical professors, professors of practice or extension professors at the time of retirement may be awarded the rank of emeritus or emerita.

**Justification:** Our colleagues who achieve the highest rank in the non-tenure track career ladder should be afforded the dignity of being considered for emeritus status.

**Goal 5:** Bullying Task Force (Nathalie Hristov and Todd Freeberg)

[Report on Policy on Bullying](#)

[Draft Bullying Resolution](#)

A resolution will be presented by Nathalie and Todd at the November 18<sup>th</sup> Faculty Senate meeting. It was agreed that this is an important issue, and that the Office of the Provost should strive “to enact enforceable policies and provide training at all levels that address bullying.” There was discussion of the definition of bullying, and if it needs to be repeated to cause a disciplinary response. Beauvais thanked Nathalie and Todd for their efforts on this matter for the past two years and asked them to report back on the work of the new task force.

**Chapter 5.6:** Dismissal of NTTF in Handbook 5.6 (Brian Krumm)

Section 5.6 of the Faculty Handbook states: “The University may, at any time, with or without notice, terminate the appointment of a non-tenure-track faculty member without cause upon payment of the remaining salary due during the appointment. “

A survey was created by the NTTF Issues committee that included more than 30 respondents regarding the impact of the current Faculty Handbook on them. The survey indicates that many of NTTF feel at risk under current university policies. Brian, Laurie and Crystal McAlvin met with the Ombudsperson Lisa Yamagata-Lynch to discuss Section 5.6 and related policies.

There are a number of differences in ways faculty may be dismissed according to the Faculty Handbook (sections 3.12 4.1, 5.5, 5.6) that are not consistent. There are also other policy areas in HR that apply to staff that present other variables. Lisa Yamagata-Lynch will discuss the differing policies with John Zomchick, Matthew Scoggins and the Office of General Counsel and report back to us. Jon Shefner said one of the reasons that 5.6 policy might be implemented is to help someone leave the institution without tarnishing their reputation by termination for cause.

It was advocated that Section 5.6 in the Faculty Handbook could include a requirement that the Chancellor report on the application of this policy to the President of the Faculty Senate, which

would be in line with what is done in cases with EPPR, where the Chancellor is required to report on terminations of tenure to the Faculty Senate Executive Council.

**Goal 7:** (Jon Shefner) Report on references to “engagement” in the *Faculty Handbook* in the context of our Carnegie Committee Engagement Designation. Jon Shefner sent a message to the committee in advance of the meeting with passages from the Faculty Handbook that references engagement, many of which were in the criteria for rank section of chapter 3. Prior discussions about this have sought not to consider engagement as a separate category, but one that reaches across teaching, research/scholarship/creative activity and service.

Jon Shefner asked the following questions:

What does engagement mean?

What can fit within a definition? Is political work (organizing) engagement?

How is it different from service?

How does it count toward tenure?

Is there any greater definition of the above in college or departmental bylaws?

As to a definition, the [Office of Community Engagement & Outreach](#) was cited as a resource and our role as a community-engaged institution by the Carnegie Foundation. There was a robust discussion of the role of engagement in our work with the university, and how to distinguish this from service. Much discussion emphasized if engagement activity should be considered part of teaching, research, or service as applicable, or whether it is a separate category for the purposes of evaluation.

As to political work, all faculty have rights as citizens. In addition, faculty scholarship/research/creative activities that are within the faculty member’s areas of expertise have protections of academic freedom as defined in the *Faculty Handbook*. If there are actions by (for example) the legislature against such work, we should know and test such forms of censorship through rights of appeal, the courts, or institutional censure. AAUP has documented some important cases along these lines.

**Future Meetings:**

Beauvais will send a Doodle Poll for meetings on Mondays next semester. A meeting is currently scheduled for December 3<sup>rd</sup>, but may not be needed.

**Adjournment** at 5pm.