

Faculty Affairs Committee Minutes
Monday February 10, 2020, 3:30-5pm
Dunford Hall 2412

Members Present: Cheryl Greenacre, Nathalie Hristov (conference call), Jessica Westerhold, Jon Shefner. Beauvais Lyons, Todd Freeberg (conference call), Brian Krumm, Eliza Fink (conference call)

Member Absent: Elizabeth MacTavish.

Guest: John Zomchick (conference call during discussion of goals 2-3 below)

Approval of the Minutes:
[November 11, 2019](#)

In December the Committee also voted electronically to approve the following proposed revisions to the Faculty Senate bylaws, which have been sent to President Skolitz. Below is the proposed new language:

H. Faculty Affairs Committee.

Membership shall consist of nine faculty members. ~~none of whom shall be an administrator at or above the level of department head.~~ The Faculty Affairs Committee shall concern itself with the adoption and amendment of faculty governance policies and rules, including the development and refinement of criteria and procedures for faculty appointment, promotion, retention, evaluation, the granting of tenure, retirement, and discharge for cause. The Faculty Affairs Committee is responsible for reviewing proposed revisions and recommending changes to the Faculty Handbook and its appendices in accordance with the amendments procedures set forth in the Faculty Handbook. ~~and for reviewing proposed revisions and recommending changes to the Manual for Faculty Evaluation in accordance with the amendments procedures set forth in the Manual for Faculty Evaluation.~~ The activities of the Faculty Affairs Committee shall be conducted at all times in a manner consistent with the Trustees' Policies Governing Academic Freedom, Responsibility, and Tenure, as the same may be amended from time to time, and shall be guided by faculty governance best practices in higher education, **including** especially those identified and promoted by the American Association of University Professors.

Minutes from November 11 and proposed changes to the Faculty Senate Bylaws were approved by consensus.

Goal 5: Update on the Bullying Task Force (Nathalie Hristov and Todd Freeberg)

Nathalie reported that Provost Manderscheid has given the Bullying Task Force this semester to complete its work. The task force is divided into four sub-committees as follows:

- Definition of Bullying (on which both Nathalie and Todd are serving)

- Research
- Policy Setting
- Outreach and Education (workshops schedule for March 5-6, 2020)

Regarding a definition there was discussion about a threshold to constitute bullying (repeated or singularly egregious), ways that individual behavior can contribute to a hostile work environment, etc. There was consensus that a definition should place emphasis on discouraging coercive, unprofessional behavior by individuals. Tod and Nathalie will keep us advised as the work of the task force progresses.

Chapter 5.6: Update on dismissal of NTTF in Handbook 5.6 (Brian Krumm)

In advance of the meeting Laurie Knox shared a working document that was compiled with Lisa Yamagata-Lynch. Through John Zomchick and the General Council, Lisa learned that Clause 5.6 has rarely been invoked, and when it has been, it seems to have been used as a “band-aid” for a different situation—firings that were actually FOR cause but could be handled under 5.6 to everyone’s advantage.

As currently written, 5.6 has some good aspects:

For administrators, 5.6 provides a way to remove a lecturer from a situation that they need to be removed from teaching immediately with pay, and provides time for the lecturer to choose to resign rather than have a record that they were fired for cause in their permanent record.

For lecturers who are actually being fired for cause, 5.6 allows them to leave without having a blemish on their record and be paid to the end of their contract. BUT it also denies them access to a review process.

Some key issues identified regarding NTT Faculty are:

1. How might Handbook language in 5.6 achieve its current objectives of providing greater protections for non-tenure track faculty while also providing administrative flexibility as describe above?
2. As language in Chapter 5.1.2 seems to limit the right of appeal for dismissal for adequate cause (as described in 3.11.8) to tenure-track faculty, consider ways that such rights might be extended to non-tenure track faculty. Could the Handbook language in 3.12.3 have a parallel to non-tenure track faculty for cases of termination policies for misconduct?
3. While the Faculty Handbook (4.1) states that non-tenure track faculty have rights of academic freedom, how might the Handbook prevent capricious dismissal that violates academic freedom based on personal or political conflicts.
4. What protections do non-tenure track faculty have when budget issues result in “reduction in force” as described in HR policy 145?

The committee proposes that the NTTF Issues Committee should be encouraged to draft proposed changes to the Faculty Handbook that address the issues outlined above, and that a

task force comprised of four people, one from NTTF Issues, Brian Krumm from Faculty Affairs, Appeals and the UTK AAUP Chapter work with Vice-Provost John Zomchick to explore language that would be acceptable to the Office of General Counsel before presenting to the full Senate.

Goal 2-3: Review the list of [“Other Policy Documents”](#) from Section 1.11 of the *Faculty Handbook*, and review the [Appendix I](#) section of the *Faculty Handbook*, These issues are on the agenda for the February 3, 2020 committee meeting. (Beauvais Lyons and John Zomchick)

Initial discussion focused on whether the other policy documents (Section 1.11) or Appendix I could be altered without Board of Trustee approval. John Zomchick indicated that, based on his conversations with the Office of General Counsel that it could. After further discussion, it was proposed that the Other Policy Documents Section 1.11 could direct faculty to Faculty Central, “a portal designed to quickly connect faculty with the campus web resources they use most often,” which is maintained by the Office of the Provost. any useful campus resources.

In Appendix I, only the most important UT Board Policies should be included such as:

- [Charter and By-laws of the University](#) (contains statement of legal establishment of the university, including charter provisions and by-laws)
- [UT Policies](#) (all current official Board, Fiscal, HR, IT, and Safety policies, including the *University Code of Conduct* and the *Conflict of Interest Policy*)
- [Financial Exigency Plan](#)

Beauvais Lyons said that he will work with John Zomchick to initiate these revisions.

Additional discussion with John Zomchick included the rights of tenure-line faculty should some reduction in force take place as a result of shifting budgetary priorities. A recent example is when Audiology and Speech Pathology moved from the College of Arts and Sciences at UTK to the UT Health Science Center. In such scenarios, faculty with tenure have greater protections, especially if they can find another academic home within the university.

Future Meetings:

Monday March 9, 3:30-5:00pm, Dunford Hall 2412 (Conversation with Ombudsperson Lisa Yamagata-Lynch)

Monday April 13, 3:30-5:00pm, Dunford Hall 2412

Adjournment at 4:35pm