

MINUTES

Faculty Affairs Committee

Monday November 22, 2021, 3:30-5:00pm

Members Present: Beauvais Lyons, Thomas Berg, George Dodds, Justin Jia, Cheryl Greenacre, Judson Laughter, Mary McAlpin, Kai Sun, and Jessica Westerhold

Members Absent: None

Guests: Diane Kelly, Vice Provost for Faculty Affairs, and Loretta Link, Faculty Senate Administrative Assistant

Approval of the Minutes: [October 25, 2021](#), approved by consensus with minor revisions.

REPORTS:

Report from Beauvais Lyons

- A [New Bylaws Audit](#) was posted on November 3. Beauvais is working with Loretta on an updated draft with corrected links to be posted soon.
- A meeting was held with Anne Langendorfer and Mark Stanley from the NTTF Issues Committee and Diane Kelly to discuss issues related to (mostly) Chapter 4 on October 26. Currently their committee is drafting potential handbook changes that will come to our committee next semester.
- I am working with Diane to hold a forum in the spring to discuss issues related to the recommendations for revisions to APPR discussed at our October meeting to fulfill board policies regarding PPPR. After some discussion it was agreed that the forum would stress the effort to propose a process to replace the current PPPR policy, that it would include faculty and heads, and would be held at a time to ensure broad participation. Some effort will be to have the meeting in a hybrid format.
- Committee members were reminded to preserve any notes and email communications related to the Anming Hu case as a result of the litigation hold.

OLD BUSINESS

From the Equity and Fairness Report to the Provost, review the practice of conducting retention votes for tenure-track faculty placing more emphasis on qualitative assessment. Below are two recommendations that reflect our discussions at our October 25 meeting:

- *Retention votes (retain versus not retain) should not be conducted before the mid-cycle review, with an emphasis on qualitative assessment of the faculty member's progress to fulfilling the criteria for tenure and promotion. Votes would be conducted for all reviews from mid-cycle and following reviews.*
- *Develop a rubric that can be used to supplement retention votes to provide specific input for faculty under review. "No" votes should be discarded if there is no clear explanation or use of the rubric.*

There was general consensus in support of the first recommendation, but concern about the ability of a rubric to ensure the anonymity of no votes. While receptive to the value of providing tenure-track faculty with justifications for no votes, it was also recognized that anonymity can have value to ensuring an honest assessment without fear of retribution. There was also discussion of the process for non-renewal when warranted. Diane noted that a consideration of 3.11.4.4 the process for notice of non-renewal for tenure-track faculty. The committee agreed to a recommendation to have Mary and Kai to meet with Stephanie Bohon (Sociology) and Michael Higdon (Law), the co-chairs of the Equity and Fairness Task Force to propose specific handbook language for revising the retention process for tenure-track faculty members.

NEW BUSINESS:

**1. Proposed Revisions to the UTK-UTIA Faculty Handbook
Regarding the Procedures for Terminating Tenured Faculty Members (changes highlighted)**

(PAGE 41) 3.12 Procedures for Terminating Tenured Faculty

3.12.2. Termination Procedures for Unsatisfactory Performance in Teaching, Research, or Service

The following procedures shall apply to termination of a tenured faculty appointment, or termination of a tenure-track appointment before expiration of the annual term, for unsatisfactory performance in teaching, research, or service within the definition of Adequate Cause, 3.11.8.1c.(1), above.

3.12.2.1 Suspension with Pay or Reassignment Pending Completion of Termination Proceedings

After meaningful consultation with the chancellor, the president, and a meeting including the president of the Faculty Senate, the immediate-past president of the Faculty Senate, and the president-elect of the Faculty Senate or the Faculty Senate Executive Council, the chancellor may suspend the faculty member with pay, or change his or her assignment of duties, pending completion of the university's termination proceedings.

(PAGE 45) 3.12.3 Termination Procedures for Misconduct

The following procedures shall apply to termination of a tenured faculty appointment, or termination of a tenure-track appointment before expiration of the annual term, for misconduct within the definition of Adequate Cause.

3.12.3.1 Suspension or Reassignment Pending Completion of Termination Proceedings

The chief academic officer may combine action under this paragraph with any other procedures in section 3.12 of this handbook.

a. Suspension with Pay or Reassignment of Duties: After meaningful consultation with the chancellor, the president, and a meeting including the president of the Faculty Senate, the immediate-past president of the Faculty Senate, and the president-elect of the Faculty Senate or the Faculty Senate Executive Council, the chief academic officer may suspend a faculty member with pay, or change his or her assignment of duties, pending completion of the university's termination proceedings described in section 3.12 of this handbook and in campus procedures incorporating this section.

b. Suspension without Pay: After meaningful consultation with the chancellor, the president, and a meeting including the president of the Faculty Senate, the immediate-past president of the Faculty Senate, and the president-elect of the Faculty Senate or the Faculty Senate Executive Council, the chief academic officer may suspend a faculty member without pay, pending completion of termination proceedings only for the following types of alleged misconduct and only in accordance with the procedures outlined in the section 3.12.3.8 of this policy entitled "Expedited Procedure for Termination or Suspension Without Pay in Certain Cases of Misconduct":

(1) alleged misconduct involving: (i) acts or credible threats of harm to a person or university property; or (ii) theft or misappropriation of university funds, property, services, or other resources, or

(2) indictment by a state or federal grand jury, or arrest and charge pursuant to state or federal criminal procedure, for: (i) a felony; or (ii) a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration.

If the university's final determination after either a UAPA proceeding or an ad hoc hearing committee proceeding is favorable to the faculty member and concludes both that the faculty member's employment should not be terminated for Adequate Cause and that the faculty member should not have been suspended without pay pending completion of termination proceedings, then full restitution of salary, academic position and tenure lost during the suspension without pay will be made.

After discussion, Cheryl moved and George seconded a motion to approve the proposed changes. The motion passed. Beauvais will share the proposed changes with the Office of General Counsel for their input before presenting this to the Faculty Senate.

2. Discuss the proposed (10-15-2021) policy on workplace bullying (attached with agenda)

While grateful and supportive of the proposed policy developed by the Workplace Bullying Task Force, the committee had two key areas of concern that should be addressed before it is adopted by Human Resources or reflected in the Faculty Handbook. Such clarification will help to ensure the effectiveness of the policy. They are:

a) What counts as the "workplace"?

In the definition of bullying provided (pp. 1-2), there are several references to what happens "in the workplace." In our digitally-connected world, we are curious as to where the "workplace" begins and ends (if indeed it ends). Bullying (particularly cyber-bullying) could occur off-campus and not during work hours, but still have a significant effect on the workplace. Should such be reflected in the definition?

b) Who counts as an "employee"?

In the Summary Statement of Policy (p. 1), there are several references to "employees." There are several categories of people who may or may not be considered employees. For example, would Graduate Teaching/Research Assistants or Work Study Employees be covered by this policy? Would they likewise be held to the student code of conduct?

Jud agreed to summarize the issues above for review by the committee, and once reviewed by the committee through email, Beauvais Lyons will convey these two Mary Lucal and Lisa Yamagata-Lynch.

3. Discuss a proposal to implement more inclusive language for the handbook (provided by Diane Kelly)

Diane indicated that this is still a work in progress, and hopes to have a draft completed by the end of the calendar year. Tom and Justin agreed to assist in providing preliminary review of the draft before it comes to our committee for our meeting on January 31, 2022.

4. Discuss procedures to award emeritus status for former administrators in a [UT System Policy](#).

Discussion focused on (1) the meaning of "emeritus" as being retired but allowed to retain one's title as an honor, (2) the need for clearer and rigorous criteria for awarding emeritus titles, and (3) a lack of parity between awarding emeritus titles to administrators who are not yet retired from the institution and only to faculty who are. Beauvais

will contact system Vice-President Linda Martin to seek clarification of the origin of the system policy in 2017 and report back to the committee.

5. Proposed Meeting Dates for Spring 2022 were presented:

Monday January 31, 3:30-5:00pm

Monday February 14, 3:30-5:00pm

Monday March 28, 3:30-5:00pm

Monday April 11, 3:30-5:00pm

6. Adjournment at 4:53pm