

**THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA
FACULTY SENATE MINUTES**

September 2, 2004

Division	Present:	Absent:
President	Richard Rice	
Past-President	Marvin Ernst	
At-Large	Neal Coulter, Jim Henry, Stephen Kuhn, Jonathan McNair, Greg O’Dea, Claire McCullough	
Adjunct		Tim Parker
Behavioral	David Brodsky, Fritz Efaw, Rich Metzger	
Business	Rich Allen, Chris Brockman, P. Dileepan, Obasi Haki-Akan	
Engineering	Roger Briley, Joe Dumas, Jim Hiestand Rick Keyser	
Fine Arts	Matt Greenwell, Stacy Ray, Gavin Townsend	
HEPS	Nicholas Boer, Ann Johnson, Ted Miller, Burch Oglesby, Randy Walker, Robin Lee, Judith Wakim (?)	
Humanities	Vicki Steinberg, Talia Welsh, Joseph Wilferth, Elizabeth Gailey, Chuck Lippy	
Library	Priscilla Seaman	
Math & Science	Linda Collins, Bob Marlowe, Henry Spratt, David Ashe, Gretchen Potts	
Ex-Officio	Fred Obear, John Friedl, Jocelyn Sanders, David Pittenger, Theresa Liedtka	Richard Brown, Mary Lynn Williamson

Among the Guests Present: Deborah Arfken, Linda Orth, Mark Gillen, Herb Burhenn, Chuck Cantrell, and Debbie Parker

SUMMARY

EDO/CPR Policy

These minutes include a long discussion of the ramifications of the new EDO/CPR policy of the UT Board of Trustees, in particular the fact that tenured faculty who receive several less than merit EDO ratings may eventually face termination.

Other business:

- * Marvin Ernst announced the availability of Lupton funds for faculty travel.
- * Members were appointed to the Graduate Council, Honor Court, Handout Committee, and ad hoc Football Study Committee, with the latter to include one undergraduate and one graduate student.
- * The fourth faculty meeting of this year is to be held on April 15, 2005 (not Reading Day).
- * Committees are to report regularly to the Executive Committee.

- * The Chancellor reported on funding for several projects and mentioned that individualized benefit summaries will once again be produced by the UT system.

Passed Motions:

1. The Handbook Committee is to move the Honor Court and Grade Appeals Committees under the purview of the Committee on Committees and bring this change to the Senate.
2. The Handbook Committee is to reconsider the EDO Rating Appeals Process, created by the faculty last year, in order to determine how to increase faculty input.
3. The Handbook Committee is to review the EDO process, especially the section regarding termination for cause, and to identify parts of this process over which there may be flexibility.
4. Motions to appoint members to the Graduate Council, Honor Court, Handout Committee, and ad hoc Football Study Committee.

Best Quote: “Department Heads Running Amok!”

MINUTES

Call to Order: The meeting was called to order at 3:00 p.m.

Approval of the Minutes

The Faculty Senate minutes of August 26, 2004 were approved. [The new secretary is gratified that there were no changes.]

Welcome and Introductions

President Richard Rice welcomed members to the first regular meeting of the 2004-2005 Faculty Senate, and all present introduced themselves to the assembly.

Report from the Executive Committee

a. Recommendation regarding the scheduling of the last faculty meeting of 2004-2005

Since there is to be no Reading Day in Spring 2005 due to scheduling constraints, President Rice announced that the last full Faculty Meeting of 2004-2005 will be held instead on Thursday, April 14, 2005. There was some discussion about how this meeting would occur between Senate meetings on April 7 and (possibly) April 21.

b. Discussion regarding faculty committees, including issues related to effectiveness, accountability, and relevance

President Rice commented that the Executive Committee would be asking all committee chairs to keep the Executive Committee posted on their activities throughout the year. One reason for doing so, among others, is to ascertain if some committees that have not met in a long time should be considered for disbandment.

c. Graduate Council

Jonathan Mies of Physics, Astronomy, and Geology and Steve Kuhn of Mathematics kindly offered to serve on the Graduate Council and were elected by acclamation.

d. Honor Court

A motion to approve the following faculty members to the Honor Court was moved by Professor Ernst and seconded by Professor Wilferth: Barbara Norwood (chair), Marea Rankin, Jennifer Beech, and

Karen McGuffee. The following were nominated as alternates: Deborah Arfken, Rick Keyser, and Greg O'Dea. President Rice pointed out that Deborah Arfken is a faculty member as well as the Dean of the Graduate School and hence eligible to serve on the Honor Court. Randy Walker raised a question as to whether Professor Arfken, as Dean of the Graduate School, would have a problem with conflict of interest on this committee. A discussion ensued in which Dean Arfken remarked that there are almost no Honor Court cases involving graduate students and Professor Rice suggested that she recuse herself if a conflict of interest occurred. The Senate approved the motion unanimously.

Other Committee Appointments

a. Handbook Committee

Steve Kuhn made and Gavin Townsend seconded a motion to approve Senate members Obasi Haki Akan and Anne Johnson to the Handbook Committee [replacing Rich Allen and Robin Lee, who were elected at the previous meeting but declined to serve]. The Senate approved the motion unanimously.

b. Ad Hoc Football Study Committee

President Rice reminded the Senate that the Football Study Committee was created by last year's Senate to conduct a cost-benefit analysis of the football program and that five members had been approved for this committee at the last meeting. The committee will make its recommendations after the end of this year's football season. Matt Greenwell moved and Gretchen Potts seconded a motion to approve the following additional members for this committee: Stuart Benkert (band director), David Brodsky, Leila Pratt, and Gary Wilkerson.

Claire McCullough suggested that the committee include a student representative. Discussion ensued in which various points were made, including: student membership is not required, student input is highly desirable, and the SGA can be requested to appoint a student or two to this committee. Deborah Arfken suggested that a graduate student also be appointed to the committee. Joe Dumas pointed out that the committee size was being expanded from seven to nine to eleven; committee effectiveness is often inversely proportional to the size of the committee.

Marvin Ernst moved and Matt Greenwell seconded an amendment to add a student member to the committee, to be appointed by the Student Government Association. Gretchen Potts moved and Claire McCullough seconded an amendment to the amendment to add a graduate student to the committee, to be appointed by the Graduate Student Association. Both amendments passed. The Senate passed the motion as amended, namely to add to the Football Study Committee the above listed four faculty members, as well as one undergraduate student to be appointed by the SGA, and one graduate student to be appointed by the GSA.

(An unidentified voice commented that with 11 members, the committee could now form a football team. Someone else remarked that perhaps the football question could now be settled by holding a scrimmage between the committee and the UTC football team....)

c. Committees and the Handbook

Having just had to scrounge up nominees for the Honor Court and Grade Appeals Committee (as per Handbook), President Rice requested that the Handbook Committee consider changing the method of appointment of these committees to be the same as for other standing committees of the faculty, i.e., for recommendations to be made by the Committee on Committees. Quite a lot of discussion ensued, with Matt Greenwell, Chair of the Handbook Committee, stating that the Committee should receive explicit instructions rather than making policy, while Marvin Ernst and Richard Rice reminded the Senate of proper procedures for making Handbook changes (required approvals: Senate, full faculty, Chancellor, and on up the line). Eventually Claire McCullough moved that appointments to the Honor Court and Grade Appeals Committee be moved under the purview of the Committee on Committees, and that the Handbook Committee be assigned the responsibility of drafting the language for this change, to be

presented to the Senate and the full Faculty for approval. The motion was seconded and passed unanimously.

Administrative Report: New EDO/CPR Process

At the behest of the Executive Committee, Associate Provost Jocelyn Sanders made a presentation on behalf of the Provost concerning the new EDO/CPR process. She presented a flowchart, entitled "Evaluation of Tenured Faculty Members: Annual Performance-and-Planning Review," summarizing the new sections in the Faculty Handbook, 3.7.3 and 3.7.4, addressing evaluation. [See <http://www.utc.edu/Administration/AcademicAffairs> for these sections of the Handbook.] Her remarks covered a number of points, including the following: this new policy was created by the Board of Trustees and applies to all campuses of the UT system; the policy applies to both tenured and untenured faculty; it replaces the three old EDO categories with four categories [exceeds expectations, meets expectations, needs improvement, and unsatisfactory]; the faculty established a procedure last year for faculty to appeal their ratings; below merit ratings [Unsatisfactory or Needs Improvement] can lead to termination, including termination of tenured faculty; faculty who receive two Unsatisfactory or three below merit ratings [Unsatisfactory of Needs Improvement] in a five year period will be subject to a Cumulative Performance Review; this new CPR that has the same title as the old CPR but different procedures; the new CPR can lead to a satisfactory rating, a one-year CPR Improvement Plan, or a recommendation for termination.

Prolonged (*very* prolonged) discussion followed. Among the remarks made and questions raised were the following:

Matt Greenwell, chair of the Handbook Committee, commented that there are now a number of sections in the Handbook relating to evaluation that do not seem to fit together. He also remarked that he thought CPR was being eliminated and was surprised to find it popping up again. Last year it seemed to the committee involved with these changes, of which he was a member, that the issue was of the EDO process going from three levels to four levels of ratings. No big deal. Now we find that the new process can lead to termination. Perhaps, he said, "it is our fault for not reading the fine print," but it feels like a snow job. Jocelyn Sanders responded that the committee was in possession of the entire policy.

There were repeated questions about the "top down" nature of this policy. Fritz Efaw asked if the faculty approved or had any say in this policy. Jocelyn Sanders said that the policy was given to us by the Board [of Trustees of the UT System]. The faculty cannot unilaterally change Board policies but can make suggestions. There were questions about which parts of the Handbook are new Board policies. [Answer: Handbook Sections 3.7.3 and 3.7.4 include the new Board policy, approved June 2003. The EDO Rating Appeals Process in 3.7.3 was developed by the UTC Handbook Committee last year and approved by the Faculty Senate and UTC Faculty. Section 3.8.1, which addresses termination, is Board policy that has been around for awhile.]

Discussion also focused on the number of levels of appeal and review in the new policy. Professor Sanders summarized:

- (1) First possibility for appeal: a faculty member can appeal an EDO rating using the EDO Rating Appeals Process established by the faculty;
- (2) The CPR review occurs after (a) two Unsatisfactory or (b) three below merit ratings (any combination of Unsatisfactory or Needs Improvement) in a five year period; and
- (3) A second review occurs if the faculty member has been given time up to one year to improve performance after the CPR review.

Professor Efaw suggested that just like there is a cap on Exceptional Merit ratings, there should be a 1% cap on Unsatisfactory ratings, especially since we were told that such ratings would be rare. We were also told there would be financial awards for Exceptional Merit, but the money has since dried up.

Stacy Ray and others commented that working up to a CPR review can take up to five years. Dean Burhenn pointed out that the CPR review is just the first step. Then comes the actual review, a performance plan, etc., so that "the likelihood of this being accomplished in someone's lifetime is..." [Laughter]

Fritz Efav and Richard Rice questioned if tenure still exists. The Provost pointed out that even without the new policy, tenure could be lost due to misconduct. Professor Rice said that now tenure can be lost due to performance—or to be more precise, a department head’s opinion of a faculty member’s performance. With the arrival of a new department head, a faculty member who was previously getting Merit and Exceptional Merit ratings can find himself up for termination review in two years. Claire McCullough and others commented that, given the possibility of such an occurrence, we need to look more closely at the appeals process for EDO ratings. Both Provost Friedl and Dean Burhenn of Arts and Sciences pointed out the appeals process for EDO ratings is established by the UTC faculty. Dean Burhenn suggested the perhaps the Senate should take this opportunity to revisit the EDO process, in particular the painful 20% cap on Exceptional Merit, a category which generates “no rewards but lots of irritant.” Richard Rice and others suggested that the appeals process be revisited, to reconsider such possibilities as forbidding a rating to jump two levels at once (e.g., from Satisfactory to Unsatisfactory in the space of one year). John Friedl commented that the latter suggestion made common sense, but that common sense cannot be legislated. The check and balance on “a department head who runs amok” is the appeals procedure established by the faculty and described in Section 3.7.3 of the Handbook. Several people commented that this appeals process is top-heavy with administrators.

Marvin Ernst moved and Randy Walker seconded a motion to remand the appeals process back to the Handbook Committee to include greater faculty input into the appeals process. The Senate passed the motion unanimously.

Matt Greenwell moved to empower the Handbook Committee to review the EDO process, especially the section regarding termination for cause, and to identify parts of this process over which there may be flexibility. The motion was seconded and then passed unanimously.

Many questions were raised about the ambiguous nature of the criteria for merit ratings, satisfactory performance, and so on. Professor Sanders remarked that criteria for EDO ratings are up to each department and that these criteria differ from department to department, as well they should; faculty also have input at other stages, for instance in establishing Improvement Plans. The Board policy uses generic language on the subject, but includes examples of what activities could be included in an Improvement Plan. Jonathan McNair suggested that one of the reasons for the unease being exhibited about this evaluation process is a fear of capriciousness on the part of administrators. Since standards for performance vary from department to department, departments should be encouraged to put their expectations in writing.

Richard Rice raised the question of whether the policy is uniform across all campuses. In particular, does Knoxville have the same policy? Information Professor Rice found on their website does not seem to indicate the same policy as UTC is now burdened with. In the past, there have been policies that have not been applied uniformly. In fact sometimes it seems that UTC gets the short end of the stick while Knoxville gets better treatment. A case in point was the year that CPR [the first CPR] started, back in the 90’s. Knoxville faculty who took part in the CPR process got permanent raises while UTC faculty got only one year bonuses. Provost John Friedl responded that in that situation, the Board required all campuses to adopt the CPR policy but gave each campus responsibility for financial incentives. UTC chose a different incentive from UTK. The Provost also remarked that in the case of this new CPR, Knoxville should have the same policy as UTC, and if it doesn’t, we should find out why.

Administrative Report from the Chancellor

President Rice welcomed Chancellor Fred Obear back to campus. Dr. Obear commented that he has once again learned, in his few weeks on the job, that it is mostly taken up by nonacademic concerns and many meetings, e.g., contractual discussions, facilities management, etc. Woody Allen’s comment applies: “90% of life is just showing up.” The good news heard from his endless string of appearances at meetings is that individual benefits statements are being reinstated by the System personnel office after a hiatus of a number of years.

The Chancellor Search Committee, chaired by Verbie Prevost, is meeting in mid-September with President Peterson.

The third and final year of faculty computer purchases has been approved, with half the money from Lupton funds and half from accumulated savings.

The continuance of funding for refurbishing classrooms with technology has been on hold except for a few extreme cases. Hopefully the refurbishing will be completed this year, with half the funds coming from the Lupton fund and half from accumulated savings. This will depend on the university's financial situation.

Announcements

Marvin Ernst announced that interested faculty may now apply for travel expenses funded by Lupton. Information is to be found at the Walker Teaching Resource Center website.

Adjournment

With no other business or faculty concerns, the Senate adjourned at 4:50 p.m.

Respectfully submitted,

Betsy Darken
Faculty Senate Secretary