

Faculty Senate President's Meeting Notes

October 4, 2021

Submitted by K. Craven

Members Present:

Stephanie Adams, Douglas Airhart, Dan Allcott, Michael Allen, Sean Alley, Chris Brown, Troy Brachey, Debra Bryant, Steve Canfield, Melissa Comer, April Crocket, Kris Craven, Yun Ding, Dennis Duncan, Mary Lou Fornehed, David Hajdik, Syed Rafay Hasan, Katherine Hermann-Turner, Tammy Howard, Samantha Hutson, Janet Isbell, Christy Killman, Matt Langford, David Larimore, Emily Lee, Jane Liu, Mark Loftis, Chad Luke, Jeanette Luna, Ann Manginelli, Lori Maxwell, Jennifer Meadows, Holly Mills, Linda Null, Brian O'Connor, Joseph Ojo, Kristin Pickering, Elizabeth Ramsey, Richard Rand, Christopher Reames, Lee Ann Shipley, Drew Sisk, Scott Smith, Troy Smith, Sandi Smith-Andrews, Holly Stretz, Lenly Weathers, Robert Wilbanks, Kimberly Winkle, Laith Zuraikat

Members Absent:

Steven Garner, Scott Hagarty, Dan Swartling, Russ Witcher

Guests Present: Lori Bruce (Provost), Lee Wray (Chief of Staff), Kevin Vedder (Associate VP of HR)

Call to Order

Call to order 3:35 p.m.

Remarks from President Oldham

Congratulations on a very successful Preview Day. The attendance was fantastic and the energy level was good. The families were pleased but it is hard to quantify exactly how many were there. There were over 500 students plus their guests, which is a good turnout. We will not see the proof of the success for months or even years. The weather cooperated and the football team won its first game.

I was a little late returning from Nashville where I was receiving an award from the Governor related to stewardship. This is partially due to the progress on campus including the new buildings and there are many people who deserve credit for the achievement. This includes Delaine Miller and the students who work with her to enhance the environmental efforts on campus.

The Board of Trustees (BOT) is meeting this week. They will be reviewing the October budget, capital requests and other matters. It should be a fairly straight forward meeting. This will be the first BOT meeting to be completely live streamed, including the committee meetings in the morning.

Discussion on Tenure and Promotion (Policies 205, 206, 207)

Guest: Provost Lori Bruce

1. What are current T&P trends?
2. How has the T&P coversheet been incorporated?
3. Any anticipated changes to this year's T&P procedure?
4. Other questions from Senators

Provost Bruce started by reviewing trends from recent years, showing a table indicating that we are awarding 95% of the tenure requests and 90% of the promotion requests. Of course, there will be some variations each year, but there are no obvious abrupt changes. Each case is evaluated individually. Each person involved in the process is expected to do their own assessment of the dossier and make their own decision. Much of the time, the results are unanimous, but not always.

Question: Why are there sometimes differences?

Answer: Each person should draw their own conclusions. Even the peers will sometimes split in the decision. When there are cases that are borderline it is usually due to different perspectives of the materials that are submitted.

Question: How many tenured faculty members have left TTU in recent years?

Answer: I don't know those numbers, would have to look into it.

Question: Are there any built-in consequences or ramifications for administrators when the policies are not followed? For example, when there are problems meeting the timeline.

Answer: President Oldham said that he is not aware of any of these types of issues. If there is something like that, any considerations would always be given toward the benefit of the candidate. In other words, we would hold them harmless and not count it against them. For example, we would extend any necessary deadlines accordingly. These are very important decisions and they need to be given the proper consideration. We don't want it to be flippant or decide based on a technicality. Everyone must apply thorough judgement with no ambiguity involved.

Provost Bruce added a footnote about out-of-cycle considerations. This would be when hiring a candidate and the department wants to award tenure upon appointment. These decisions also require support and consideration and will not be counted in the data shown previously.

President Oldham said that you can track this on the IR page. According to that data, the trend is going up.

Question: What about when a candidate has a number of good annual evaluations and good reviews but gets denied by the Provost? Seems like there are different practices being used at different levels. Do all departments have set criteria?

Answer: Provost Bruce expressed feeling a bit ambushed. This seems like a very loaded question. She denied it being true. It is up to the faculty member to include this information in the dossier. The other evaluators, outside the department, can only base their conclusion on the information that is provided. We must look at the dossier as a complete body of work. There are times when evaluators change their stance on the work during the tenure-track period. When the dossier goes to the next level for evaluation, we evaluate what is submitted and make our own judgement based on that.

Question: Will the Provost talk to the department during the process? It is the department faculty who should set the expectations. If the other evaluators make decisions based on other expectations then we are wasting our time applying and making department decisions. This seems like the upper administration is not doing their due diligence.

Answer: President Oldham responded that he appreciates the comments. The data speaks for itself. It is a rare occurrence when the upper level will vote against the department and college decision. To think that the upper administration has a heavy hand just look to the case history, which speaks volumes. Most of the cases are straight forward. However, there are instances when there is a split decision in the department, or the chair and/or dean may disagree. In these cases, it is appropriate for the administration to weigh in and make an independent evaluation. Some departments have well developed guidelines and understanding of the expectations. If there are questions on expectations, there should be communication with the candidate. Departmental expectations should be vetted within the college to assure that they are appropriate and consistent. It is easiest and best when there are clear guidelines and expectations.

Question: The pressure is on you to encourage every department to have good guidelines and expectations. You should assure the chairs, deans, and Provost and make sure everyone knows what is expected.

Answer: President Oldham: I agree. The goal is for every department to have well-articulated guidelines. We do not expect each department to have the same ones. We do not intend to administratively dictate expectations. Occasionally departments will not abide by their own guidelines. This is unfortunate. We want to protect the candidate and take corrective action.

Provost Bruce: When there is disagreement among the peers, it can be that they don't agree on how to apply the expectations. What counts and what doesn't. For example, what publications are expected and acceptable. This causes a split over interpretation. If the department peers don't agree, how will the candidate know what is going to count? Sometimes the guidelines are not clear, or there is a misalignment between guidelines and expectations.

Question: There is some concern about misalignment with the policies. One talks about an appeals committee, isn't that the Faculty Affairs committee? Also, during the appeals process the policy indicates that you should exclude the applicant. Should they be included as part of their due process?

Answer: President Oldham – Policies are subject to review and revision. You should definitely use the mechanism to remedy the issues. There are schedules and also a sunset clause. The Senate is encouraged to revisit the policies and recommend improvements.

Provost Bruce – It does seem odd to exclude the applicant. There could have been a reason for doing this when the policy was written. But I don't know of any reason to exclude them.

President Oldham – Most of the time, the appeal is to look at the process that was followed. The difficulty is when judging with different people than those involved in the original decision.

Provost Bruce – The applicant could have information about the process or new evidence that needs to be considered. Need to stay focused on the issue of the appeal.

Question: Several points – Some departments have criteria for promotion and tenure that are too lax or too stringent, they should review them and compare to others. – The Faculty Affairs committee is defined in the promotion policy to make decisions on appeals about promotion. The chair of the department and the faculty member are supposed to be told of the decision made by the Faculty Affairs committee. – As for tenure, there can be credit given for prior service but this is not the same for promotion. However, work done toward tenure does count for promotion.

Response: President Oldham – These are all valid points. The department guidelines should be aligned with the goals and strategic plan of the unit and could be reviewed by the dean and the Provost. As for the looseness of who hears the appeals, a standing committee would be better and would facilitate using the same group for consistency over a period of time. Giving credit toward tenure is important, but should be stated in writing up front. Be careful not to devalue the rank of full professor by allowing a candidate to come up too early. The evidence for awarding should be really strong and there needs to be standards across the board.

Provost Bruce – The misalignment is due to revision and editing of the policies when the BOT required 2 policies in place of a single policy. That is when the appeals committee was put into the policy. It would be better if the two policies mirrored each other.

Senate President Luna plans to form an ad hoc committee at the next meeting to work on this.

Comments: The Faculty Affairs is a standing committee. It has representatives from all of the colleges, in rotating terms and is a subcommittee of the Faculty Senate. There is a well-

established procedure and timeline for hearing appeals. Their role is to make a recommendation to President Oldham who has the final decision.

Question: When developing the department standards, be careful not to be too prescriptive. We want to keep a level of flexibility to foster diversity. According to the policy, the primary responsibility for the decision is with the peers. Are there weights applied to the different people in the chain of decisions?

Answer: Provost Bruce – the peers are the closest to the discipline, they would hold the heaviest weight, but there are no numbers used. The intention is not to exclude anyone’s decision. If there is a disagreement, it requires good reasons and evidence of the strengths and weaknesses that led to the decision. President Oldham – agree. I only really evaluate cases with ambiguity. If there is agreement from those before, then I agree.

Question: For many years there was a promotion review committee. Can this be resurrected?

Answer: yes. As evaluators, we are allowed to make personal judgements. These judgements should be professional judgements. All must participate in the process. This is even more important when there are disagreements. We must hope that the process is strong enough to handle the conflict.

Question: What is the status of the dossier cover sheet?

Answer: Provost Bruce – It was approved in April of 2020 by the Academic Council. It is discussed in the procedures for applying for promotion. It is designed as a quantitative table plus a narrative. It is meant to help to show the impact that the faculty member has had and highlight their accomplishments. It really helps me (Provost Bruce). From a reviewer’s perspective it shows the most important information first, similar to an executive summary. It is only required for tenure, but most are using it for promotion also. It helps to give context around the accomplishment and tries to negate bias. When I evaluate a dossier, I am looking for a reason to say “yes” and the cover sheet helps to get me there faster.

Discussion about Policy 600 – Code of Conduct

Guests: Associate VP Kevin Vedder, Human Resources

1. Section III-C of Policy 600 - - how is this interpreted? Can it be modified?
2. Other questions from Senators

Question: In Section 3, part c it discusses ramifications for the appearance of unethical conduct. How is the employee subject to discipline that hasn’t actually occurred? How can it be unethical conduct if it hasn’t happened?

Answer: Associate VP Vedder is honored to be here. However, I am still getting to know the policies, so I will do my best to answer your questions. I understand that the nexus of this came

about when TTU was transitioning to the BOT and this policy became necessary. I am not aware of the basis for this part of the policy. It could come from state policies, but I would have to do some research to discover the source. Once the circumstances are understood, then we can consider changing or removing it from the policy.

Question: I have done some looking and didn't find it in other policies. Have not looked at the federal level. I am glad you are willing to revise.

Answer: I have found the same wording in the code of conduct policy at UT, MTSU, and Austin Peay. The same elements are present in those with identical language.

Question: Does it have teeth, or is it vague?

Answer: Again, I am not fully versed at this time. I do agree there are some areas of concern. When I have a better understanding, I can consider changes. Of course, you always need to consider the particulars of any given situation or event and then make a determination of the appropriate actions.

Question: This doesn't meet the standards of an HR policy. There are concerns about the disciplinary measures and resulting liability of the university. An employee could claim bias. This is up for review in 2021, has it been reviewed?

Answer: Not to my knowledge.

Comments: There is concern about the unspecific language and the possibility of subjective application of this part of the policy. There can be an appearance of wrongdoing when there is no wrongdoing present. This could have financial concerns for the university. This policy does apply to all employees, but just faculty members.

Question: Who determines if unethical behavior occurred?

Answer: That would be the supervisor or department chair. Of course, there would be an investigation where we would talk with all involved parties.

Comments:

- This policy needs to be revised to address 21st century issues. We need to be discouraging incivility and disrespect and encouraging professional courtesy. We all need to hold ourselves to a higher standard.
- We need to respect freedom of expression and realize that reasoned discourse is a good thing. Sometimes we may act foolish, but does that make it misconduct?
- This is a bad policy as it is written. Subjective criteria for disciplinary measures are a non-starter.

- This policy was part of the mass of policies that needed to be implemented quickly during the transition from TBR to the TTU BOT. Therefore, it got by without full consideration of the implications and consideration of the disciplinary measures.
- There is also mention of a requirement to accept reasonable job assignments. However, who makes the decision of what is reasonable? How can this be acceptable as a policy and not something that is decided between the employee and the supervisor?

Senate President Luna would like to invite Troy Perdue to give a talk to the Faculty Senate on academic freedom. She would also like to send Senate representatives to work on a revision of this policy. Associate VP Vedder agreed that this is a good approach.

Discussion about Policy 101

Guests: University Counsel

1. Section F – how would the President or supervisor know against whom to take action as fraud is reported anonymously? What legal ground exists to judge the ‘good faith’ when something is reported?
2. Other questions from Senators

This item will be deferred to a later meeting.

Adjourned at 5:33 p.m.

Approved: October 18, 2021