

MINUTES OF THE UNIVERSITY SENATE, DECEMBER 13, 1999

The University Senate met in regular session at 3:00 p.m., December 13, 1999 in the Auditorium of the W. T. Young Library.

Members absent were: Wael Ahmed, Anna Allen, Ali Amoli, Leon Assael, Ruth Beattie*, Suketu Bhavsar, Jeffrey Bieber, Deborah Blades, Rachel Bomberger, Eugene Bruce, Geza Bruckner, Joseph Burch, Lauretta Byars, Ben Carr, Edward Carter, Keisha Carter, Fred Danner, George DeBin, Susan DeCarvalho, Henri DeHahn, Marc DeJesus, Jeffrey Dembo, Nolen Embry*, Vincent Fields, Richard Furst, Eugene Gaetke, Holly Gallion, Amber Gatlin, Jonathan Golding*, Larry Grabau*, Howard Grotch, David Hamilton, Debra Harley, Patrick Herring, Kay Hoffman, James Holsinger, Patricia Howard*, Craig Infanger, Mike Inman, Ling Hwey Jeng, Chad Jeske, David Johnson, James Kerley*, Keith Kinderknecht, Thomas Lester, C. Oran Little, Patrick McGrath, David Mohney, Robert Molzon*, Kathryn Moore*, James Morris*, Nathan Neltner, William O'Connor, James Parker, Doug Poe, Claire Pomeroy, Thomas Pope, Shirley Raines, Dan Reedy, Luke Riddle, Thomas Robinson, Elizabeth Rompf, Ramona Rush, Jan Schach, Robert Shay, Kelley Shields, David Sloan, Sharon Stewart, David Stockham, Thomas Troland, Andrea Valenteo, Henry Vasconez, Monica Wertzler, Charles Wethington*, Carolyn Williams, Eugene Williams, Emery Wilson, Sadia Zoubir-Shaw.

Chairperson Moore called the meeting to order and welcomed everyone to the last meeting of the calendar year.

The Chair said that the first item of business was the minutes from the November meeting. There were no corrections or additions to the minutes, and they were approved as circulated.

The Chair made the following announcements:

There is a social tomorrow, a joint social with the Board of Trustees. I would encourage you to attend; there is always good food and fellowship. It will be held in the King Alumni House at 4:00 p.m.

The Senate Council has elected the chair-elect for next year who will take office on June 1, 2000. That is Bill Fortune. Professor Fortune was given a round of applause.

The new vice-chair elect who will take office at the same time is David Durant. Professor Durant was given a round of applause.

I would like to thank Ray Cox for his many years of service. He will be going off the Senate Council as of the end of this month.

There are two new members who were just elected to the Senate Council. They are Mary Molinaro and Enid Waldhart. They were given a round of applause.

The last three names to mention are the three faculty representatives elected to the Joint Board of Trustees Presidential Search Committee. Those names have been forwarded to the

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Chair of the Board of Trustees, Billy Joe Miles. Those faculty members are Judith Lesnaw, George Herring, and Alan Kaplan.

The new Senate Rules that were passed by this body on October 11, 1999, regarding elected faculty membership have now been forwarded to President Wethington for incorporation into the Governing Regulations and Administrative Regulations.

The Chair recognized Professor Lee Meyer, vice-chair of the Senate Council, to introduce the first action item.

Professor Meyer said this proposal was to amend the ARs on Post Tenure Review. I would like to thank Jim Applegate for his months of work on this proposal. There has been a lot of discussion and, regardless of how things work out today, it has been a very important discussion in the culture of the University. It is important to remind ourselves that part of the reason that we are discussing this with some urgency is that we are under mandate from the Kentucky Legislature to at least discuss and present a policy like this. Other universities in the state have all taken some action on this. Beyond that, we now have the chance as a University community to dig into this and have some good discussion today. Professor Meyer reviewed the background of the proposal and opened the floor for discussion.

For final version of Post Tenure Review Policy see Attachment I.

ACTION ITEM 1 - Proposed Post Tenure Review Policy.

Background:

On December 13, the University Senate will vote on a proposed Post Tenure Review policy. This policy has been more than two years in development, and has been widely circulated for review by faculty and administrators. Still, questions are being raised. In an effort to help focus discussion of this complex issue, the Senate Council wants to emphasize the following points.

- The University of Kentucky has been mandated by the Kentucky legislature to address post tenure review and so we must do something. The fact that most other universities in Kentucky have implemented, or are in the process of implementing, a policy adds pressure.
- Most of our benchmark universities have post tenure review policies. (A table with detailed data is attached.) See Attachment II.
- Many comments received over the past few weeks focus on the burdensome aspects of the policy, in particular the "developmental review." Few are concerned about the "consequential review" (triggered by two successive unsatisfactory performance reviews).
- In light of the comments we received, we are recommending that the six year "developmental review" be eliminated with the individual units given an option to conduct a developmental review for their faculty as part of the normal performance review if they choose.

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- As proposed, the Policy will be reviewed and recommendations for its continuation will be done in the seventh year.
- Budgeting of the proposal is problematic. It should be clear that the provisions requiring funding should be implemented only if adequately funded.
- The Senate Council feels strongly that a post tenure review policy must be passed, including at least the consequential review.

Rationale:

The Senate Council solicited and received detailed comments from the university community on the tenured faculty review and development policy drafted by the University Senate Council Steering Committee. The Committee, whose work was supported by a grant from the American Association for Higher Education, reviewed policies from around the country and sponsored a campus conference on the issue that included national experts from other colleges and universities.

After the Committee issued its report, the Senate Council had extended discussions on the proposal, and the University Senate discussed the proposal at its November 8 regular meeting. The Council sent a request to all Colleges in the University for comments from their Councils or other appropriate bodies. The Council also asked all Senators to seek input from their constituents.

After reviewing all of the information, including the numerous formal comments received, the Senate Council responded to the concerns expressed by the faculty and administrators by unanimously recommending for approval to the Senate a substantially revised proposal. The revised proposal eliminates the sixth year "developmental review" and recommends instead that the normal merit review process include a goal setting component and that part of the evaluation be based upon accomplishment of those goals. The council also agreed to require a review of any faculty member who receives an unsatisfactory review in a significant area of work (10% on the DOE) in the next academic year. A second successive unsatisfactory review in the same area(s) will trigger a full consequential post tenure review. That would be after 2 years in the annual review of tenured faculty areas (Medical Center) and in the third year in the biennial review areas (Lexington Campus). The Council also reviewed the proposal to allow individual units, with the approval of the Dean of the college, to design their own current system with no added bureaucracy.

Copies of the proposal and the post-tenure review summary sheet are attached.

The proposal was approved unanimously by the Senate Council.

Note: If approved by the Senate, the proposal will be forwarded to the administration for appropriate action.

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TENURED FACULTY REVIEW AND DEVELOPMENT POLICY

Preamble

The increased concern for defining and increasing the contributions of higher education to society has created great concern for assessment and accountability. This, in turn, has fostered rethinking of some of higher education's most time-honored practices. Among these is the granting of tenure. Across the United States, universities are examining the processes through which tenure is granted and the ways in which faculty are evaluated after the granting of tenure. Faculty roles and reward systems are being revised to reflect greater awareness of the multiple forms of scholarship can produce and the need greater engagement with society. The University Senate of the University of Kentucky only last year approved just such a massive reform in its promotion and tenure system.

Logically, now the University Senate is considering the issue of how best to review and facilitate continued contributions from its tenured faculty. Four years ago a pilot "post tenure review" policy was put into place in the University's largest College of Arts and Sciences (<http://www.uky.edu/ArtsSciences/Facaffairs/postten.html>). In 1998, the State Legislature called for the development of such policies at all State Universities and asked the Kentucky Council on Postsecondary Education to report on institutional progress in developing such policies in the Fall of 1999. In the Fall of 1998, the University Senate Council received a grant from the American Association for Higher Education (AAHE) to explore development of a University-wide post tenure review policy (i.e., applying to the Lexington Campus including the Lexington Community College and the Medical Campus).

The University Senate Council appointed a Steering Committee in late Fall 1998 to oversee the development of a University-wide tenured faculty review and development policy. In the spring of 1999 the Steering Committee reviewed policies from around the country and regularly reported progress to the University Senate and Administration. In March, 1999 the Committee sponsored a campus conference on the issue involving experts from around the country, all segments of the University community, and faculty leaders from campuses around the State (see Conference and other Committee resource material at <http://www.uky.edu/USC/>). The components of the policy were reviewed at a June 1999 meeting in Washington, D.C. of institutions funded by AAHE post tenure review grants. The Steering Committee submitted this policy to the Senate Council with suggestions for necessary funding and an implementation plan. The Senate Council organized additional extensive campus discussion of the policy in Fall 1999. The Council has amended the Steering Committee's policy in light of those discussions (i.e, removing the mandatory six year formative review for all faculty) and recommends the policy as amended to the University Senate. Following administrative review, the implementation date is Fall 2000.

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Philosophical Foundations

One of the Committee's first tasks was to articulate the basic assumptions or guiding principles for the development of the policy, based on its reading of national debates on 21st Century approaches to faculty roles and rewards policies, faculty development policies, and post tenure review policies. Many of the guiding principles adopted are captured in the 1997 report on post tenure review provided by the American Association of University Professor (AAUP) (*Academe*, September/October, 1997). We felt any policy must:

- Ensure protection of academic freedom
- Be committed to peer review
- Take into account review procedures already in place
- Be campus/faculty initiated and adapted to the institutional mission
- Be clearly differentiated from dismissal for cause procedures
- Be developmental in focus and supported by adequate institutional resources
- Be flexible, allowing disciplines, colleges, and campuses to achieve a "fit"
- Ensure confidentiality and adequate opportunity for faculty feedback/appeal
- Be built on our trial A&S policy already in place
- Contain procedures requiring periodic review and change of the policy

The Committee approached the development of a tenured faculty review and development policy as a means of strengthening and preserving academic tenure. We view tenure as critical to sustaining institutional excellence. It requires years of probation during which faculty performance is stringently assessed. It allows scholars freedom to pursue independent lines of inquiry. It encourages a spirit of institutional service and responsibility. Tenure does not insulate faculty from regular evaluation. In fact, few professions are practiced more publicly than ours: before students in teaching, peers in publishing, and colleagues/citizens in service and outreach. In addition, tenured faculty at the University of Kentucky are reviewed for merit and salary purposes at least every two years.

This policy helps faculty communicate and coordinate their work with one another and the institution's goals. For the small percentage of faculty in serious need of professional assistance this policy provides a means of identifying the problem and offering solutions that increase productivity. In extreme cases, the policy may fail. This could result in the institution of separate and independent dismissal for cause procedures already in place in this and most other universities. However, the policy primarily (a) provides opportunity for units to better support tenured faculty (b) recognizes changing circumstances and interests of faculty and the institution across time, adjusting roles and rewards accordingly, and (c) identifies and addresses problems in performance through peer review and collaborative planning.

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The Policy

Specifically, the policy contains three features that build on the current system for conducting regular performance or “merit” reviews of tenured faculty for purposes of salary increases. It requires that:

1. Each academic unit must develop a clear set of expectations for satisfactory performance for tenured faculty linked to the distribution of effort agreement required of all faculty. In addition, a performance review system must be in place in which the lowest performance rating is “unsatisfactory.”
2. A consequential review process must be instituted for any faculty member receiving two successive unsatisfactory performance reviews (over a two or three year period depending on the frequency of the reviews) in a substantial area of work. This review is summative in nature and demands plans to improve performance within a specified period.

These items follow from the pilot consequential review process that has been in effect in the College of Arts and Sciences at the University of Kentucky for the last four years.

The policy also contains a voluntary third component suggesting the following:

3. **A process for developmental review of tenured faculty may be initiated within individual colleges. This process would include setting of individual faculty goals in collaboration with unit chairs, deans, and other senior faculty and be incorporated into the regular performance review process.**

The Committee originally focused on the consequential review as the defining feature of post-tenure review. However, our review of national trends and conversations with colleagues on campuses with post-tenure review, as well as those doing research in the area, convinced the Committee that if we are to reap maximum benefit from such a policy it must have a proactive, developmental component. We heard again and again of the benefits that come from all tenured faculty sharing accomplishments and plans with unit administrators and colleagues: increased collegiality, better appreciation of differences, greater alignment of individual faculty goals with department, college, and university goals, more effective realignment of faculty roles and rewards with changing individual interests as faculty progress along natural career trajectories, better understanding of the reward system. Hence, while voluntary, the third component of the policy is an important one.

In sum, we offer a three-part policy with each part improving the outcomes of the other two. A detailed description follows.

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A. Developing Expectations for Satisfactory Performance

Each academic unit will develop a narrative statement of its expectations for adequate or satisfactory faculty performance by tenured faculty. Such statements shall include expectations for the areas of performance as they are defined by percentage effort allocated to each area on the distribution of effort agreement (DOE) generated annually for each faculty member. They shall be differentiated by rank, level of seniority if relevant, and they shall be as specific as is possible without unduly restricting the recognition of the diverse contributions that individual faculty members may make. This statement, once agreed upon by the faculty of the academic unit, will be reviewed by the appropriate college advisory committee and the dean to assure that the faculty performance expectations are in keeping with the established mission of the college and that they do not fall below college expectations for faculty performance. The approved statement of expectations will be the basis on which all reviews of performance are conducted. Building on the statements of expectations each college will develop a merit-rating system in which the lowest level of performance is identified as "unsatisfactory." The definition of performance expectations for tenured faculty should be consistent with and naturally follow from the departmental document outlining expectations for performance for untenured faculty mandated in the promotion and tenure revised regulations currently under administrative review.

The development of clear expectations for faculty performance will be useful only if these are clearly communicated within the current process of faculty performance (merit) reviews and the creation of annual distribution of effort agreements. The DOE defines the focus of faculty work and the performance review evaluates its quality. To make clear what is already University policy, academic unit heads are required to meet with each faculty member to develop the faculty member's DOE for the coming year and are obliged to do the same in the communication of the results of performance reviews.

We strongly recommend, in addition, that after completion of each performance review, these two meetings (the communication of review results and the development of DOE agreements) occur as a single meeting at which the past and future activities of the faculty member are discussed within the context set by the six year developmental review. Further, this policy requires such a meeting when the faculty member receives unsatisfactory ratings or ratings at the level just above unsatisfactory.

B. Voluntary Periodic Developmental Review of Tenured Faculty

With the intent of facilitating continued professional development, tenured faculty members should engage in periodic review of their professional activities with administrators and colleagues. These reviews encourage development of links between individual goals and the goals of the unit, institution, and other colleagues. They also can produce strategies to secure the resources necessary to accomplish goals. For these reasons **each academic unit is strongly encouraged to create a process for developmental review of tenured faculty that includes setting individual faculty**

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goals in collaboration with unit chairs, deans, and senior faculty colleagues. These reviews should be incorporated into the current performance review process for tenured faculty to minimize administrative burden.

These periodic faculty reviews: 1) recognize long-term meritorious performance; 2) improve quality of faculty efforts in teaching, research, and service; 3) increase opportunities for professional development; and 4) uncover impediments to faculty productivity. These goals and plans can inform subsequent merit reviews and should be reflected in the faculty member's Distribution of Effort agreement during subsequent periods. The goals and plans should be linked to the mission, goals, and plans of the faculty member's academic unit and of the University of Kentucky.

C. The Consequential Review

The Consequential Review will be conducted with faculty for whom the performance ("merit") reviews indicate persistent inadequate performance. It is thus intended for a specific sub-group of the faculty who receive unsatisfactory ratings in an important area of effort in two successive performance ("merit") reviews. These are conducted annually or biannually as dictated by the rules of specific academic units. Evaluation can be a positive force when used to encourage members of the faculty community to continue their professional growth and to remain professionally active. This policy emphasizes continuing engagement with all forms of scholarship and to provide incentives and resources to assist faculty members in remaining engaged.

Selection for consequential review. Each academic college and school will be expected to adopt a merit-rating scheme in which the lowest level of performance is identified as "unsatisfactory." Any tenured faculty member who receives a merit rating indicating unsatisfactory performance in any category (or categories) of activity on the distribution of effort agreement in which the faculty member's cumulative percentage of effort is more than 10 percent for two successive reviews (i.e., significant areas of work) will be selected for a Consequential Review. An assignment with a DOE of 10 percent or less normally will be exempted from consideration for review. Upon recommendation of the department chair and approval of the dean, a faculty member subject to evaluation under this plan also may be exempted if there are extenuating circumstances (such as health problems). The faculty member shall have the right to appeal his or her merit rating as specified in University Governing and Administrative Regulations, and the selection of a faculty person for consequential review will not be undertaken until the final disposition of a merit appeal has been determined.

The first time a faculty member receives an unsatisfactory rating in a significant area of work (greater than 10 percent of the distribution of effort agreement) he or she will be required to undergo a second merit review during the following academic year. Upon receipt of a second successive unsatisfactory rating in the same area(s) of work the faculty member will be selected for a full consequential post tenure review.

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The academic unit head shall inform the faculty member of being selected for review and of the nature and procedures of the review. One option that would avoid a review would be for the faculty member to change his or her DOE so as to reduce below 10 percent the category in which he or she is deficient. This alternative follows from the notion of "multiple profiles" of a successful faculty member -- that is, that there need not be a "one-size-fits-all" DOE and that faculty members can contribute in a variety of ways to the multiple missions of the college. A change in the DOE would imply the assignment of new duties to the faculty member, and it would need to be approved by the department chair and the dean.

The review dossier. For faculty selected for consequential review, the department chair shall prepare a review dossier in consultation with the faculty member. The faculty member has the right and obligation to provide for the review dossier all the documents, materials, and statements he or she believes to be relevant and necessary for the review, and all materials submitted shall be included in the dossier. Ordinarily, such a dossier would include at least the following: an up-to-date vita, a teaching portfolio, and a statement on current research or creative work. The chair shall add to the dossier any further materials (prior evaluations, other documents, etc.) he or she deems relevant, in every case providing the faculty member with a copy of each item added. The faculty member shall have the right to add any material, including statements and additional documents, at any time during the review process.

The review process. The Consequential Review will be conducted by either

- the department chair
- a three member ad hoc faculty committee, not including the chair but including (a) one member of the college council selected by the dean and (b) one faculty member chosen by the College Council who does not serve on the Council, and (c) one member chosen by the faculty member
- a subcommittee of the college council appointed by the council.

The faculty member will select the reviewing agent from these three options. The reviewing agent will create a development plan designed to remedy the deficiencies indicated in the performance reviews. Ideally, the plan should grow out of an iterative collaboration among the faculty member, department chair, reviewing agent (if not the chair), and dean.

It is the faculty member's obligation to assist in the development of a meaningful and effective plan and to make a good faith effort to implement the plan once it is adopted. In the event that the faculty member objects to the terms of the plan, he or she may request an independent review of the plan by the appropriate college advisory committee. The committee's recommendation to the dean is advisory, and the dean will be the final arbiter at the college level. The faculty member also will have recourse to appeal to the appropriate chancellor. Once the appeal has been resolved, the plan will be implemented.

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The plan must:

- 1) Identify the specific deficiencies to be addressed
- 2) Define specific goals or outcomes that are needed to remedy the deficiencies
- 3) Outline the activities that are to be undertaken to achieve the needed outcomes
- 4) Set timelines for accomplishing the activities and achieving the outcomes
- 5) Indicate the criteria for annual progress reviews
- 6) Identify the source of any funding which may be required to implement the development plan¹.

Monitoring and follow-up. The faculty member and his or her department chair will meet annually to review the faculty member's progress towards remedying the deficiencies. A progress report will be forwarded to the Dean.

Further evaluation of the faculty member within the regular faculty performance evaluation processes of the University may draw upon the faculty member's progress in achieving the goals set out in this plan.

Completion of plan. When the objectives of the plan have been fully met, or in any case no later than three years after the start of the development plan, the department chair shall make a final report to the faculty member and the Dean.

D. Dismissal for Cause

The successful completion of the development plan is the positive outcome to which all faculty and administrators involved in this process must be committed. If the disengagement of some scholars derives in part from an organizational failure, the re-engaging of their talents and energies reflects a success for the entire University community. However, in those rare cases where serious deficiencies continue to exist after the consequential review plans are completed the University may decide to initiate separate and independent dismissal for cause procedures currently in place. The multiple criteria for instituting the dismissal for cause process are independent from and extend beyond the scope of this review policy.

E. Faculty Professional Development Fund

The focus of the fund. The Faculty Professional Development Fund (FPDF) is established as a system to enhance faculty performance. It is designed to promote continuing professional growth and to encourage faculty to sustain patterns of strong performance and heightened motivation as academic unit priorities and personal direction change over careers.

¹ Should the plan reasonably require monetary support from the University for completion, the plan must be submitted through appropriate channels for funding (see "Faculty Professional Development Fund below). If adequate funding is not available the plan must be modified.

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The FPDF is a source of funding for supporting (1) the outcomes of any voluntary developmental review process created within colleges coming out of regular merit/performance reviews and (2) the faculty development plans created out of the consequential reviews designed to improve unsatisfactory performance in major areas of faculty work. Examples of activities that might be funded as a result of goals established in developmental reviews or from plans generated by the consequential reviews to improve unsatisfactory performance include support for:

- a. International study, attendance at conferences, seminars, etc.
- b. Faculty returning to duties from administrative roles
- c. Redirection of the faculty member's career focus
- d. Efforts to secure extramural funding
- e. Enhancement of research skills
- f. Curriculum innovation
- g. Improvement in teaching and use of new instructional technologies

The allocation process. Each Chancellor would be charged with developing a process for allocating development funds based on, merit/performance, and consequential reviews. The Committee recommends that funding priority be given to activities tied to plans generated by consequential reviews with other allocations made on a competitive basis. Given the special circumstances surrounding the consequential review, funding seems especially important. Not all plans will require funding or funding beyond the department level (satisfactory performance is the norm with current support levels). However, where additional support is reasonable, to not provide support would make it difficult for the University to hold the faculty member accountable for improvement.

Funding levels. The University currently devotes a part of its resources to various programs aimed at faculty development (e.g., the Teaching and Learning Center on the Lexington Campus). We anticipate the various types of development plans generated by this policy would fully access current funds. However, the Committee reviewed current and proposed allocations for faculty development directly tied to tenured faculty review processes at several other institutions (e.g., the University of Georgia and Massachusetts systems, the University of Hawaii, and some private institutions). Estimates are difficult given the inability to predict the number of consequential reviews that will be done four years after the implementation of the system and thereafter, the number of applications that will be made based on exemplary six year reviews, and the disciplines from which these will come.

The Committee recommends that the University designate \$50,000 for faculty development activities specifically linked to this senior faculty review policy during the third year following the effective date of implementation (when the first consequential reviews may be conducted). That amount should be added in each successive biennium so that a total of \$150,000 in recurring dollars is available by the sixth year. Obviously, funding should be modified based on use. However, this size fund, combined with current support for faculty development generally, should provide adequate funding to support

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consequential review plans and requests generated from any voluntarily created developmental review processes.

The size of support for individual faculty will depend on discipline and the nature of the plans developed. The Committee recommends awards generally ranging in amount to \$6,000 annually with definite time limits for achieving goals and strong accountability measures. Awards may be higher depending on the nature of the plan and the discipline.

Eligibility. Any tenured University faculty member participating in the senior faculty development and review process is eligible for FPDF funds. Each application must include a professional development plan consistent with the mission, goals and plans of the faculty member's academic unit and college as well as the University of Kentucky's goals and strategic plans. The application must include letters of support from the head of the faculty member's academic unit, dean of their college, and the peer review body involved in their review. The plan must be based on either goals documented in a developmental review linked to the merit review process or activities identified in the consequential review for improving areas of unsatisfactory performance.

F. Policy Review Procedures

At the conclusion of the third year following implementation and biannually thereafter, the unit heads will submit to the Office for Institutional Research a brief summary including but not limited to the following:

1. Number of faculty receiving unsatisfactory ratings in areas of effort in which the faculty member's distribution of effort is more than 10 percent.
2. Number of faculty changing assignment as a result of the policy (including retirement, change in distribution of effort).
3. Number of faculty applying for and receiving professional development funds.
4. Number of faculty selected for Consequential Review based on unsatisfactory performance review.
5. Number of faculty successfully completing development plans based on Consequential Review.
6. A brief narrative account of other benefits and problems created by the policy.

During the seventh year after the effective implementation date of this policy, the University Office for Institutional Research will survey a scientifically constructed sample of faculty and unit heads to determine perceptions of the strengths and weaknesses of the policy. The Senate Council will appoint a Policy Review Committee to use the analysis of survey results and the unit head reports provided by the Office for Institutional Research to review the policy and make recommendations by the end of the sixth year of the policy's operation.

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G. Implementation

This policy is submitted for administrative review with the formal condition that any substantive change in the policy nullifies Senate approval and requires reconsideration by the full Senate. Effective Implementation is Fall 2000.

Infrastructure Development to Support the Plan

If one clear message was delivered by all the colleagues with whom we consulted over the course of the year, it was that the success of any policy is dependent upon the development of a sound infrastructure to support its implementation from the outset.

Faculty Professional Development Fund. First and most importantly, the Administration must budget the requested amount for the Faculty Professional Development Fund. Without this fund the policy's usefulness is limited. Though monetary rewards and support are not the only methods for fostering improvement, without an adequate development fund the policy will be much less effective in promoting faculty performance. Moreover, if the University does not budget to support specifically the improvement plans created under the consequential review, it will be less able to hold faculty accountable for performance improvement.

Personnel development. One clear and consistent lesson was offered by other institutions and our national experts: we cannot underestimate the importance of providing educational support for faculty (who will serve on peer review committees as well as being reviewed), department chairs, and deans. These groups, most directly, must have the knowledge and communication skills to make this policy work for the common good. During the administrative review of the policy the Council and University Administration should ensure that the appropriate offices on each campus [Lexington (including Lexington Community College) and Medical Center] are designing seminars that can be implemented as soon as the policy is in place. Indiana University-Purdue University-Indianapolis has focused its AAHE grant activities on the development of materials for personnel involved in tenured faculty reviews. Texas A&M University also has focused a part of its efforts on this work.

The Chair said that Jim Applegate had conferred with Professor Tagavi and there were some editorial and grammatical changes that do not change the substance of the proposal. There are some substance changes that have been recommended that will come later in the form of amendments. These are just cleanups of the original proposals. A copy of that has been distributed.

Jim Applegate thanked Senator Tagavi for his careful reading of the proposal. What is in this new copy are good but strictly editorial wording, grammatical type changes. There is nothing in here that changes anything in the substance of the proposal. Senator Tagavi wanted this to be the cleanest, clear proposal that it could be. We have gone over these very carefully and the changes are truly just simply editorial.

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The Chair said that the best way to proceed was if no one had any objections they would simply just have this as the substitute for the original proposal. The original proposal is the one that was actually passed unanimously by the Senate Council. There are several versions floating around, but this is the final version approved by the Senate Council with these editorial corrections.

Brad Canon (Political Science) asked if this proposal contained the Senate Council's more neutral position? On page four at the bottom of the original proposal in bold face type the words: "For these reasons each academic unit is strongly encouraged to create a process for developmental review." The Senate Council did not adopt this position. The Senate Council's position is strictly neutral and would read "For these reasons each academic unit may create a process."

The Chair said that the version approved by the Senate Council does say, "may create" and asked a substitution be made if there were no objections. There were no objections.

Kaveh Tagavi (Engineering) said that the background for Amendment 1 was as follows: The proposal as it is written now would come up with criteria for unsatisfactory in Fall 2000 and then they would also use the same criteria in the performance review in Fall 2000, meaning that the accomplishments that they have made from 1998 to 2000 would be evaluated by criteria that are not even present right now. The first amendment is to add the sentence: "The first performance review using this new rating should be for the period starting after the above expectations are developed." on page 3, item #1, at the end. This would mean the beginning date of the review would start after these written evaluations are already on the book, approved and available to the faculty.

Jim Applegate said that this made sense. It was a timing issue that was not obvious to the committee for the review to begin on those criteria after the criteria are approved.

The amendment passed in a show of hands.

Professor Tagavi said that on page 5 the paragraph starting with "Selection for..." line 11, he would like to add the following sentences: "A decision by the chair not to recommend such exclusion may be appealed by the faculty member to the college advisory council. The decision of the advisory council would be advisory to the dean and the dean will be the final arbiter." He really liked the human side of the fact that if you had a health problem that you should not be given a consequential review at least for some amount of time. He noticed that although the decision to give the faculty member unsatisfactory is appealable, if the chair decides your performance is unsatisfactory, that decision is appealable. The way it is written right now is if the chair decides not to exclude consequential review because of health problems, that decision literally is not appealable.

The amendment passed in a show of hands.

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Professor Tagavi said his next amendment was on page 6 in the top paragraph. It starts by saying the way out, meaning the way out of a consequential review. If you drop the portion of the DOE on which you got unsatisfactory to below 10%, perhaps theoretically that is a way out. I do not know of any faculty who is willing or able to drop their research or teaching to below 10% to get out of this situation. My suggestion is in the spirit of post tenure review of helping the faculty, if the faculty with the approval of the chair makes a substantial change in their DOE to address the deficiency in performance.

Professor Applegate said that this makes a lot of sense. The committee would have the 10%, which is related to the other issue of what kinds of activities count. We all know that evaluations in every category start with an interaction of output by percentage of effort, so what one expects from a faculty member when one has 60% in research is different than what one expects from a faculty member when there is 30% research. It makes sense if whoever is doing the review says that what you are doing at this point is unsatisfactory for 60% of your effort but if they work something out by reducing it to 30% and say that for 30% and taking on an extra course, etc. it would seem to be that the level of productivity you have of research is satisfactory. It seems to be in the spirit of working with this system to make it work for faculty and the department to get the most out of everybody's work. I think it is a good amendment and something that the committee should have done.

John Thelin (Education) said that with Professor Applegate's characterization he thinks that they are equating a quantitative effort with a qualitative effort. If you have low teaching evaluation, it does not matter whether teaching is 60% of your load or 30% bad teaching/low rating, you are just changing the proportion of it.

Professor Applegate said that in teaching he was right.

Professor Thelin said that he would say that was true in research, too. An excellent article, a lot of bad articles is not necessarily so you have fewer bad articles.

Professor Applegate said that if you think of research, which is the example, if you have a certain level of productivity and I am assuming for the purpose of this example if it has gone through peer review and published it is a pretty good piece, different levels of quantitative productivity and research might be expected. I agree with your point about teaching and I think that probably what would happen is if you dropped to 30% time in teaching but if the teaching was still very poor you would get unsatisfactory evaluation for the 30% and post tenure review would still kick in.

Joe Anthony (LCC) said that at LCC they had several categories that might be below 10%, not just teaching. We don't do research per se. He did not know how the amendment would work for them. If they dropped community service, dropped institutional service, they well might get below 10% in the unsatisfactory category.

Professor Tagavi said that this did not substitute the original provision that if you go below 10%, then you have a way out. By definition, in other parts of the proposal when we define

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significant category, if you go below 10% still you have a way out. He recognized that in certain situations whether the effort is 30% or 60%, it makes no difference if it is unsatisfactory. That is why I added "with the approval of the chair."

The amendment passed in a show of hands with one opposition.

Professor Tagavi said that on page 7 under "Completion of plan" he would like to add the following sentence: "The original 'agent' that suggested the developmental plan in the first place would advise the dean as to whether or not the plan has been satisfactorily completed by the faculty." This has a very logical and nice feeling to it in a sense that this same agent that decided what you are supposed to do would decide whether that had been done or not.

The amendment passed in a show of hands with 2 opposed.

Professor Tagavi said that the last amendment had two sections, one which he thinks was just an oversight by the Senate Council. On page 9 the last paragraph just before item G, he would like to add "to the Senate through the Senate Council." The other item is, as the proposal is written now, if in seven years they don't like it and they tell the Administration they don't like it if they do not do anything further than the plan stays, he would like to add the following sentence: "An unfavorable vote by the Senate nullifies this proposal (i.e. a sunset clause)." By doing this if they say we do not like it and they do not do anything, then the plan would automatically drop.

Professor Applegate said that what needs to happen is that the proposal needs to be reapproved by the Senate and the Board of Trustees. This is going to require a change in Governing Regulations, and he is not sure that the Senate can nullify Governing Regulations. They need to say that they need the approval of both the Senate and the Board of Trustees to continue the policy. That would allow for amendments as well. One reason all the requirements were put in for data gathering was that one of the things they heard over and over again nationally was that a lot of these policies they just put them in place and never tracked or found out what happened. So the idea would be at the end of that time they could look at what had happened and make an informed decision. It may not be an up or out. It may be a modification, where the Senate and the Board would both be involved in the reauthorization.

Professor Tagavi said this was a type of fancy footwork. The way he suggested they do it, is not them saying in seven years this must be dropped. He knows they can't and should not even try. The fancy footwork of this is that if the Board of Trustees agrees to the amendment, then it is them telling themselves in seven years if they don't do anything it is dropped from the books. It is not the Senate telling them. This will be approved by the Board of Trustees before it is even a new rule. If they do approve, then it becomes their word that it would be nullified in seven years.

Bill Fortune (Law) said that he would like to make an amendment to reflect Professor Applegate's proposal.

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Chairperson Moore asked for the wording for the amendment.

Professor Applegate said the amendment would say "The policy must be reapproved by both the Senate and Board of Trustees after seven years."

Professor Tagavi said he would accept that as a substitute amendment but wanted to keep "i.e. a sunset clause."

There was a second to the substitute amendment.

The substitute amendment passed in a show of hands with one opposed.

The amendment as amended passed in a show of hands.

Michael Kennedy (Geography) said his first amendment was to replace the paragraph at the bottom of page 5. The paragraph that is in bold faced type reads "The first time a faculty member receives an unsatisfactory rating in a significant area of work (greater than 10 per cent of the distribution of effort agreement) he or she will be required to undergo a second merit review during the following academic year. Upon receipt of a second successive unsatisfactory rating in the same area(s) of work the faculty member will be selected for a full consequential post tenure review." That has not been in any proposal up until the one that was just circulated a week ago. AAUP is very concerned about that. It is not part of the Arts and Sciences model. It provides only a period of about eight months between the time the faculty member finds out about the result until another review period. It came about because some faculty members are reviewed biannually and some annually and the idea was to make it fair to have everybody be up for post tenure review with the annual review. Our view is that this makes it unfair for everybody. Our proposal is to replace that paragraph with the following: "A faculty member will be selected for a full consequential review if he or she receives an unsatisfactory rating in a significant area of work (significant area of work previously defined) and also receives an unsatisfactory rating in that same area of work in the merit evaluation conducted two years hence, assuming that this second rating also applies to a significant portion of the distribution of effort." The idea is that even for those people who are evaluated yearly, and there are some who are so evaluated because they are responsible for life, health, and a significant amounts of property, still the trigger for a consequential review requires an unsatisfactory in the second year. It is really important, if we are talking about the developmental approach rather than the punitive approach, to provide a good length of time for faculty members to shore up an unsatisfactory rating. In research areas, eight months would not provide enough time to do research or get anything published. In terms of teaching, you would not even have a full semester during which you could change your teaching and get the evaluation because the evaluations come after the decisions are made for fall semester.

Steven Haist (Medicine) asked what would happen in the instance that they are in the annual review process and the next year they get a favorable review in a particular area and then when the mandatory two year comes up as proposed by this and it is unsatisfactory.

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Michael Kennedy said he would say the review gets through.

Bill Fortune said that he proposed this. It was his feeling that it does make sense if we are concerned with taking a serious look at post tenure review to have an annual review if there is an unsatisfactory rating in a significant area of performance. It makes sense when they are trying to demonstrate they are serious about this. It puts those folks who are on a biennial basis on the same footing as those people who have an annual review. I think what Professor Kennedy suggests has problems with reviewing a person or triggering the consequential review in the year following an unsatisfactory rating. There are two answers to that. One is if the person is serious about working to remedy the situation that even though it may be technically only eight months, he or she will have an opportunity to do that. Secondly, and this goes back to the whole philosophy behind Professor Applegate's committee, the consequential review is not intended to be and is not a punitive thing. It is intended to correct deficiencies. It is not termination or a step towards termination. The whole philosophy of it is intended to correct deficiencies.

Michael Kennedy said that he would respond that it would be punitive to have to go through another review.

Kaveh Tagavi said that if this was not a punishment, maybe they wanted to change the word consequence to sequential rather than consequential. The consequence is usually a punishment. We are used to this two-year review and one of the philosophies or what is written before the preamble said these are our guidelines. We are going to work within the system that is already there. The system that is already there is a two-year review. Why are we trying to upset that now, even though we promised we are going to have this post tenure review to be consistent with the existing policies that we have? I agree with my colleague. This was not there until about ten days ago, coming out of no where. One additional thing is, it was said in the proposal or the charge of the committee that we like to have some measure of confidentiality. Imagine a full professor who is going through two year reviews for five to ten years in a row and all of a sudden he has to be reviewed two years in a row. Then everyone will know what is happening.

Lee Meyer (Agriculture) said that he would to speak in favor of the amendment. The way the proposal is they have six years now before there will be an impact. But from a practical perspective, given delays in the evaluation process, it may be three or four months before someone knows what their evaluation is. So, from a practical perspective we should support this amendment.

Mark Meier (Arts and Sciences) said he would also like to speak in favor of the amendment. In his field they do not have to wait six months to get a paper reviewed, but it is at least four and that is assuming that the moment you get the unfavorable rating you slap the paper in like it is waiting and you have not submitted it. If this is a person who needs to do some housecleaning and get themselves in gear, they probably do not have such a paper setting around and it will take some time to generate it. What is more important, though, at least in his field, the scientific discipline where there is external research money available, he can imagine himself as a hard nosed department chairman sometime in the future trying to drag his department kicking and screaming into the twenty-first century and into the top twenty, I am going to expect to see some

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funded research and I can tell you that you can not get anything back from the National Science Foundation in less than six months. If we go forward with this one year-eight month trigger for a second review, that means that the first review is exactly equivalent to the second review being unsatisfactory. I understand that the intent is not to be punitive. The perception of somebody being told that they are unsatisfactory and need to be reviewed again, there is a huge stigma associated with that and the faculty that I have talked to are quite worried about that statement. We need to proceed on this understanding that these people will feel like they are being punished, at least being stigmatized, by being put up for this second review. We need to be very careful, and I strongly urge that we go to a two-year frame on this.

Michael Kennedy pointed out that the Arts and Sciences model has worked well, and it is based on every other year. People have either changed their distribution of effort, or they have improved in the deficient area or retired. We have said that we want to build this on the Arts and Sciences model.

The Chair said that the question had been called. The vote to end the debate passed in a show of hands.

The amendment passed in a show of hands with five opposed.

Michael Kennedy said that the second amendment was to insert the following definition after the first paragraph of "C. The Consequential Review": A "significant area of work" shall be defined as more than 20% of the distribution of effort in the areas of teaching and research, and more than 10% in the area of service." The idea is that there may be faculty who have a large service component and who wanted to go down to 20% research. In Arts and Sciences, we have a standard 45%, 45%, 10% distribution of effort. It seems reasonable to have the research and teaching component trigger to be larger than 10%.

Jim Applegate stated that without taking a position on this, this was the reason they went from to 10% from 25%, which is what Arts and Sciences had before. The discussion of several members of the committee was in terms of accountability statement to say that a person can be unsatisfactory in one-fifth of their work or to translate it--one day out of the week--you can be doing unsatisfactory work seemed like a lot to say was okay.

Michael Kennedy said that his feeling and the AAUP's feeling was that it was not satisfactory to be unsatisfactory in 20% of your work. But you get the unsatisfactory rating and suffer the financial consequences and the question is, is it enough to put you and the University through a consequential post tenure review?

Kaveh Tagavi said that he did not think this could be abused a lot. If you are already below 20% perhaps for years and doing unsatisfactory work and be under the rating, but if you are above, you can not abuse this by going below because this is not a right. This in a sense is a privilege. If your chair or your dean does not agree to make your research from 25% to 19.99% so that you are getting a free ride, the chair is going to say no.

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An unidentified senator asked if this affected the line in selection for consequential review that says "an assignment with a DOE of 10% or less normally would be exempted from consideration for review."

Jim Applegate said that "yes" it would. Basically, where it said 10% they would go back and put significant areas of work.

An unidentified senator asked if a cumulative total of more than 10% of two areas of unsatisfactory was a trigger?

Jim Applegate said that under "Selection for Consequential Review" it says, "any tenured faculty member who receives a merit rating indicating unsatisfactory performance in any category (or categories) of activity on the distribution of effort agreement in which the faculty member's cumulative percentage of effort is more than 10%." I assume, if this amendment passes, the 10% would be changed to 20% in teaching and research and 10% in service or refer it back to the definition of significant areas of work.

The amendment passed in a show of hands with six opposed.

Michael Kennedy said that the third amendment said that the Senate Council would go back and try again if they wanted the developmental piece in the document. I have a feeling that was a really important part. I think that the document, as it stands now, having been amended several times, is a satisfactory document that would satisfy the legislature. It really leaves out the potential that we have heard so much about in the year and a half of working on it of rewarding faculty who are doing a really good job and letting faculty know what other faculty are doing in the same department. We think it is an important piece, and we would like the Senate Council to sit down and look at it. We are asking that, rather than holding this up until that is done, to go ahead and pass this and then ask the Senate Council to ask the steering committee to put together a workable proposal by the end of the 2000 Spring semester.

Bradley Canon said he was not sure what the problem was.

Michael Kennedy said that he actually lost track of what was happening from the time the committee turned it over to the Senate Council and the proposal came out. The original committee proposal was that every six years or every third biennial review that there be sort of a super review that would be a totally positive experience and there was money behind it.

Bradley Canon said that it seemed to be an unnecessary exercise. So we made a call that if the unit wanted to do it, they could, but there was not a requirement.

The amendment to return the document to the Senate Council to come back with a workable developmental proposal by the end of the spring semester failed in a show of hands.

Kaveh Tagavi said that on page 9, item F, he really liked the six items. They provide the information necessary to make a decision whether they like this or not. The idea of his

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amendment is based on the fact that post tenure review can not be really reversed from this tenure review or promotion review. I would like to propose that we add an item 7 to simply say "data on percentage of cases where tenure is denied or promotion to full professorship is denied." It is a piece of information; it will not hurt anyone. They would look at it, and if it is meaningless, they would not use it and if it was meaningful, it would be used. In the spirit in which they are asking for six pieces of information, he would like to add that additional piece of information.

An unidentified senator said that the wording said "a brief summary including but not limited to the following" so that would mean that this is an open ended list to begin with which raises the question of who is going to make the requirement of what is going to be reported.

An unidentified senator said he was not sure how post tenure review impacts tenure. If you do not have tenure, you can never go through a post tenure review.

An unidentified senator asked if a person had a need to be kept at an assistant or associate professor level and not be promoted to full professor but still be doing a satisfactory job?

An unidentified senator asked what was the base? Some people do not get tenure because their department turns them down, some do not because their college turns them down, some because the area committee turns them down, and some because the president or chancellor turns them down.

Kaveh Tagavi said he was always told that departments, deans, and area committee recommends and the Board of Trustees decides. Whether that is true or not supposedly you do not get tenure based on the fact that you did not perform to the standards that the University as a community wants. Perhaps that information is not even available, who turns you down. It is my understanding that if the dean does not recommend to the chair, then the information that the chair provided is not open for inspection. Only those positions that were adopted by the University are open. I think the difference is not really that much.

The amendment failed in a show of hands.

Bill Fortune said that implementation provision in the way it was described was tied to funding. Is it clear that it is tied to actual funding? When this goes to the Board of Trustees, would they make a funding decision with regard to this?

The Chair said that all they could do was to make a recommendation.

Jim Applegate said that they had asked for a more limited budget now in this version because it only calls for the required consequential review. One thing that makes this a little fuzzy is that the funding can come from various sources. The funding could come from the funds called for here. The funding could come from faculty in the review of funding for post tenure plans that is done by the AAHE. Most of these policies that you have seen have only been in place since 1998. Most of the funding has tended to come from existing funds such as the

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Teaching and Learning Center if it was in teaching and other areas. We thought it was important to call for some funding to be set aside. The level of funding, as it has been in other institutions, would have to be determined by use. Most institutions that have done this, the few that have multiyear data, they have not used up the money that is there.

Bill Fortune said that he would like to suggest since they were under somewhat of a time constraint in order to show the legislature that it was in place, that they might consider taking out subsection G. I understand the importance of funding and the need for having that in place. But they need the Board to go ahead and act on this.

Jim Applegate said that G was where the policy was submitted for administrative review with the formal condition that any substantive change in the policy nullifies Senate approval and requires reconsideration by the full Senate, and I would want that to be in there.

Bill Fortune said that he had indicated that would involve the funding issue as well. Is that correct?

Jim Applegate said that was added as infrastructure development to support the plan and that was connected. I think that there has to be funding to help the faculty. A special development fund has to exist to help with the plans. This could not even be a plan for several years. We have delayed the first review under the system until 2002, and then four more years, so the funding would be way down the line.

Bill Fortune said that perhaps in the cover letter they could indicate that it is not the intent of the Senate to require that funding to be in place in order for the Board of Trustees to consider this.

The Chair said that he would be happy to do that if no one had any objections. There were no objections.

An unidentified senator said that she had a question about eligibility on page 9 where it says that any tenured University faculty member participating in the senior faculty development and review process is eligible for FPDF funds. She thought that the hope was they would all participate in the process and only some would be judged unsatisfactory and those were the people who were supposed to get the funds.

Jim Applegate said that when they took out the mandatory six year review and made it voluntary, the intent of that was that obviously all faculty who participate in the consequential review will be eligible for these funds. They will have a plan and the funds will be there to help support it. This was intended to suggest as well that for those programs who do opt to go through some kind of developmental proactive review where they might set out plans for faculty who are doing very well but need some support, that they would be eligible to apply as well.

Mark Meier said that he saw that the committee recommends that the University fund this. Is this still going to be a recommendation or will it be in stone? My concern is the following:

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We are going to put people through developmental reviews and if there is not a guarantee of the resources to put that plan into effect, we have already condemned the plan to failure. As far as I can tell, nothing of consequence ever seems to happen without money. That money simply has to be there. If it is not there, the development plan strikes me as a waste of time.

Jim Applegate said that if you look on page 6 what the plan must include, item 6 says “identify” and “level” and “source” of any funding which may be required to implement the developmental plan. In other words, we would have to identify the source. Any plan that is constructed will have to identify where the money is coming from. If you can not find the money for the support, the plan is not doable and has to be revised.

Mark Meier said that his concern on that is that he could imagine the faculty member and their chair or other members of the committee getting into a serious argument as to whether money could be required or not. Who wins?

Kaveh Tagavi said that the agent wins.

Bob Gewirtz (Medicine) said that getting back to the eligibility, particularly about funds, if everyone is supposed to be eligible to apply for the funds, some units might see it as they are entitled to these funds.

Jim Applegate said that the primary purpose of the funds was to make sure that there is money there to support the developmental plans to help faculty move out of the unsatisfactory category. We did want to leave some opportunity that if the chair voluntarily said that they liked this developmental review that the AAUP supports and we want to do this for everybody and create plans so that they will be eligible and make requests for support, we thought they should be eligible.

The question was called and the motion to end discussion passed in a show of hands.

The amended proposal passed in a show of hands with eleven opposed.

Jim Applegate said that he would like to thank Nolen Embry from Lexington Community College, Lois Nora from the Medical Center, Richard Greissman, Sue Rimmer, Roy Moore and Kim Anderson. That was the committee, and it was a year and a half of work. He would like to thank the Senate. It was a very difficult proposal, and he thanked them for their time and effort.

The Chair thanked Jim Applegate for all of his hard work. Professor Applegate was given a round of applause.

Chairperson Moore recognized Professor Lee Meyer for introduction of the next agenda item.

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Professor Meyer said that this proposal affected admissions to Engineering standing for Mechanical Engineering. The policy brings Mechanical Engineering more in line with the general University criteria. He recommended approval on behalf of the Senate Council.

John Hahn (Mechanical Engineering) said that the basic item was that they wanted to address the number of repeat options students use in excess of the two that the University allows and to get them in line with the rest of the college.

ACTION ITEM 2 - Proposed Changed in University Senate Rules, Section IV, Policy for Admission to Engineering Standing in Mechanical Engineering.

Proposed: (delete bracketed section; add bold)

University Senate Rules Section IV

4.2.2.10 College of Engineering (US: 4/25/84; 2/12/96;) Admission to engineering standing in a degree program is necessary in order to be granted a baccalaureate degree in engineering or computer science. Students must complete at least 30 of the last 36 hours of their programs in residence at the University. Specific departmental requirements for admission to engineering standing are as follows. The same criteria are applied to transfer students with the equivalence of courses determined by the Director of Undergraduate Studies. A student must apply to the specific department for admission to engineering standing. Note: The cumulative grade point average includes all college level work taken at the University of Kentucky or elsewhere.

Mechanical Engineering

Completion of at least 50 semester hours applicable to the degree program with a minimum cumulative GPA of 2.5. Completion of ENG 101, ENG 102, (or ENG 105), MA 113, MA 114, MA 213, MA 214, CHE 105, CHE 107, PHY 231, PHY 241, PHY 232, and PHY 242 with a minimum cumulative GPA of 2.7 in these courses. A student may [repeat four of these courses in order to improve this grade point average, except that he/she may not repeat a course in which he/she already has a grade of "A". All attempts (up to a maximum of sixteen) in this group of twelve courses will be included in the calculation of this grade point average. No grade will be dropped. Attempts in excess of the first sixteen will not be included in this calculation] **exercise official University of Kentucky repeat options as appropriate. Written request for an exception to the number of repeats should be submitted to the Director of Undergraduate Studies.**

Rationale:

To be more consistent with the requirements for Engineering Standing throughout the College of Engineering. The exception to the number of repeats is for non-traditional students who may have matured during the time since the courses were originally taken. Since the UK system does not have an expiration date on grades and has specific rules on transfer courses from other universities which limits a student's bankruptcy options, this exception is, in effect, a department granted bankruptcy. Guidelines for UK Academic Bankruptcy will be followed in these cases, so precedent exists for procedure here.

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The proposal has been reviewed favorably by the Senate's Admissions and Academic Standards Committee and the University Senate Council and is recommended for approval.

Implementation: Fall Semester, 2000

There was no discussion and the item passed in a show of hands.

Chairperson Moore recognized Professor Meyer for introduction of the last action item.

Professor Meyer said the proposal was to request to establish entrance and progression requirements for Nutrition and Food Science. It adds a requirement for a GPA of 2.4 or above to progress into coursework and a grade of "C" or better in all coursework designated as major requirements.

Hazel Forsythe (Human Environmental Sciences) said that they would like to make a clarification. This was an addition and should be inserted directly beneath the line 4.2.2.4 College of Human Environmental Sciences. It should read Dietetics Program Entrance and Progression Requirements apply to Option A and Option B.

ACTION ITEM 3 - Proposed Changes in University Senate rules, Entrance and Progression Requirements for Nutrition and Food Science - Dietetics Undergraduate Program.

Proposed: Request to establish entrance and progression requirements for Nutrition and Food Science – Dietetics Undergraduate program

University Senate Rules Section IV

4.2.2.4 College of Human Environmental Sciences

Add:

1. A GPA of 2.4 or above to progress into coursework designated as major requirements
2. A grade of "C" or better in all coursework designated as major requirements.

Background and Rationale:

The Department of Nutrition and Food Science has a major in Dietetics with about 140 students. This major has very exacting requirements, including American Dietetics Association approved coursework (a verification statement must be provided for each student), a supervised practice or internship and a licensure examination. The final result of a successful quest is the R.D. - registered dietitian.

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Internships are very competitive on a national basis and those students with less than a 3.0 GPA are at risk of not receiving one. This means no R.D. and exclusion from jobs requiring the R.D. certification.

Dietetics is a biomedical-type program. All such programs on campus have strict entrance requirements in terms of GPAs, thereby screening candidates. Dietetics has "open admission", but the GPA becomes critical at the end of the training when it is time to apply for internships. Therefore, we propose to attach a very modest "progression requirement" to the dietetics program. This will give the students a more realistic sense of the level of accomplishment needed to be successful in dietetics.

To reiterate, the proposal is to require a GPA of 2.4 or above to progress into coursework designated as major requirements and a grade of "C" or better in all coursework designated as major requirements.

The Department believes that this will aid students in being successful in their chosen profession while preventing unrealistic attempts by those who should choose other fields.

The proposal has been reviewed favorably by the Senate's Admissions and Academic Standards Committee and the University Senate Council and is recommended for approval.

Implementation: Fall Semester, 2000

Kaveh Tagavi asked if number 1 was cumulative GPA?

The answer was "yes."

The proposal passed in a show of hands.

Chairperson Moore said the University Marketing Report would be postponed until the February meeting.

The Chair recognized George Herring, Chair of the Futures Committee for an update.

Professor Herring made the following remarks:

Originally I had hoped to be able to discuss and share with you some of the conclusions of a report that I hoped would be finished. But human nature and committee work being what it is, I was far too optimistic five or six weeks ago in thinking we would have a finished report by this time. We are doing very well. We have a draft report, but it will be a little longer before it is done. As you know, we used e-mail, our web site and other mechanisms to solicit faculty, staff and student views back in the fall on the issues we are dealing with: Where do we want to go as a university? What kind of person do we want to lead us there? I must say that in the beginning that the response was very gratifying. We had a lot of responses on the e-mail. We had very

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thoughtful responses from faculty, staff, and students. Individuals on our committee went around and talked to various faculty staff councils and student groups. The response here was very good. People seemed to be keenly interested in the issues we are talking about. We appreciate all the input we got. We have considered it seriously, I can assure you, in our deliberations. We have been meeting about an average of once every ten days over the last month or so. I will continue to work on the draft report over the Christmas holidays, not something I look forward to but something reality demands. I would hope that we will finish our report. We have a meeting scheduled for January, and it is my hope that we will be very close to finished by that point and in a position to pass our finished report on to Roy Moore and the Senate Council by the middle or the latter part of the month of January, which is the timing we originally started off with last year. I appreciate the opportunity to give you an idea of where we are. Thank you.

Chairperson Moore said that two of the elected faculty members for the Board of Trustees Search Committee are from the Futures Committee--George Herring and Judith Lesnaw. He thanked Professor Herring for all of his hard work.

The meeting was adjourned at 4:32 p.m.

Donald Witt
Secretary, University Senate

ATTACHMENT I

ATTACHMENT I

TENURED FACULTY REVIEW AND DEVELOPMENT POLICY

Preamble

The increased concern for defining and increasing the contributions of higher education to society has created great concern for assessment and accountability. This, in turn, has fostered rethinking of some of higher education's most time-honored practices. Among these is the way in which faculty are evaluated after the granting of tenure. Faculty roles and reward systems are being revised to reflect greater awareness of the multiple forms of scholarship one can produce and the need for greater engagement with society. The University Senate of the University of Kentucky only last year approved just such a massive reform in its promotion and tenure system.

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Logically, now the University Senate is considering the issue of how best to review and facilitate continued contributions from its tenured faculty. Four years ago a pilot “post tenure review” policy was put into place in the University’s largest college, the College of Arts and Sciences (<http://www.uky.edu/ArtsSciences/Facaffairs/postten.html>). In 1998, the Kentucky State Legislature called for the development of such policies at all public universities and asked the Kentucky Council on Postsecondary Education to report on institutional progress in developing such policies in the Fall of 1999. In the Fall of 1998, the University Senate Council received a grant from the American Association for Higher Education (AAHE) to explore development of a University-wide post tenure review policy (i.e., applying to the Lexington Campus including the Lexington Community College and the Medical Campus).

The University Senate Council appointed a Steering Committee in late Fall 1998 to oversee the development of a University-wide tenured faculty review and development policy. In the Spring of 1999, the Steering Committee reviewed policies from around the country and regularly reported progress to the University Senate and Administration. In March 1999, the Committee sponsored a campus conference on the issue involving experts from around the country, all segments of the University community, and faculty leaders from campuses around the State (see Conference and other Committee resource material at <http://www.uky.edu/USC/>). The components of the policy were reviewed at a June 1999 meeting in Washington, D.C. of institutions funded by AAHE post tenure review grants. The Steering Committee submitted this policy to the Senate Council with suggestions for necessary funding and an implementation plan. The Senate Council organized additional extensive campus discussion of the policy in Fall 1999. The Council amended the Steering Committee’s policy in light of those discussions (i.e., removing the mandatory six year formative review for all faculty) and recommended the policy as amended to the University Senate. The Senate further amended and approved the attached policy in December 1999. Following administrative review, the implementation date is Fall 2000.

Philosophical Foundations

One of the Committee’s first tasks was to articulate the basic assumptions or guiding principles for the development of the policy, based on its reading of national debates on 21st Century approaches to faculty roles and rewards policies, faculty development policies, and post tenure review policies. Many of the guiding principles adopted are captured in the 1997 report on post tenure review provided by the American Association of University Professors (AAUP) (*Academe*, September/October, 1997). We felt any policy must:

- Ensure protection of academic freedom
- Be committed to peer review
- Take into account review procedures already in place
- Be campus/faculty initiated and adapted to the institutional mission
- Be clearly differentiated from dismissal for cause procedures
- Be developmental in focus and supported by adequate institutional resources
- Be flexible, allowing disciplines, colleges, and campuses to achieve a “fit”
- Ensure confidentiality and adequate opportunity for faculty feedback/appeal
- Be built on our trial A&S policy already in place
- Contain procedures requiring periodic review and change of the policy

The Committee approached the development of a tenured faculty review and development policy as a means of strengthening and preserving academic tenure. We view tenure as critical to sustaining institutional excellence. It requires years of probation during which faculty performance is stringently assessed. It allows scholars freedom to pursue independent lines of inquiry. It encourages a spirit of institutional service and responsibility. Tenure does not insulate faculty from regular evaluation. In fact, few professions are practiced more publicly than ours are before students in teaching, peers in publishing, and colleagues/citizens in service and outreach. In addition, tenured faculty at the University of Kentucky are reviewed for merit and salary purposes at least once every two years.

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This policy helps faculty communicate and coordinate their work with one another and the institution's goals. For the small percentage of faculty in serious need of professional assistance this policy provides a means of identifying the problem and offering solutions that increase productivity. In extreme cases, the policy may fail. This could result in the institution of separate and independent dismissal for cause procedures already in place in this and most other universities. However, the policy primarily (a) provides opportunity for units to better support tenured faculty (b) recognizes changing circumstances and interests of faculty and the institution over time, adjusting roles and rewards accordingly, and (c) identifies and addresses problems in performance through peer review and collaborative planning.

The Policy

This policy contains three features that build on the current system for conducting regular performance or "merit" reviews of tenured faculty for purposes of salary increases. It requires that:

4. Each academic unit must develop a clear set of expectations for satisfactory performance for tenured faculty linked to the distribution of effort agreement required of all faculty. In addition, a performance review system must be in place in which the lowest performance rating is "unsatisfactory." The first performance review using this new rating should be for the period starting after the above expectations are developed.
5. A consequential review process must be instituted for any faculty member receiving two unsatisfactory performance reviews (over a four year period) in a substantial area of work. This review is summative in nature and demands plans to improve performance within a specified period.

These items follow from the pilot consequential review process that has been in effect in the College of Arts and Sciences at the University of Kentucky for the last four years.

The policy also contains a voluntary third component suggesting the following:

6. A process for developmental review of tenured faculty may be initiated within individual colleges. This process would include setting of individual faculty goals in collaboration with unit chairs, deans, and other senior faculty and be incorporated into the regular performance review process.

The Committee originally focused on the consequential review as the defining feature of post-tenure review. However, our review of national trends and conversations with colleagues on campuses with post-tenure review, as well as those who perform research in the area, convinced the Committee that if we are to reap maximum benefit from such a policy it must have a proactive, developmental component. We heard again and again of the benefits that come from all tenured faculty sharing accomplishments and plans with unit administrators and colleagues: increased collegiality, better appreciation of differences, greater alignment of individual faculty goals with department, college, and university goals, more effective realignment of faculty roles and rewards with changing individual interests as faculty progress along natural career trajectories, better understanding of the reward system. Hence, while voluntary, the third component of the policy is an important one.

In sum, we offer a three-part policy with each part improving the outcomes of the other two. A detailed description follows.

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A. Developing Expectations for Satisfactory Performance

Each academic unit will develop a narrative statement of its expectations for adequate or satisfactory faculty performance by tenured faculty. Such statements shall include expectations for the areas of performance as they are defined by percentage effort allocated to each area on the distribution of effort agreement (DOE) generated annually for each faculty member. They shall be differentiated by rank, level of seniority if relevant, and they shall be as specific as possible without unduly restricting the recognition of the diverse contributions that individual faculty members may make. This statement, once agreed upon by the faculty of the academic unit, will be reviewed by the appropriate college advisory committee and the dean to assure that the faculty performance expectations are in keeping with the established mission of the college and that they do not fall below college expectations for faculty performance. The approved statement of expectations will be the basis on which all reviews of performance are conducted. Building on the statements of expectations each college will develop a merit-rating system in which the lowest level of performance is identified as "unsatisfactory." The definition of performance expectations for tenured faculty should be consistent with and naturally follow from the departmental document outlining expectations for performance for untenured faculty mandated in the promotion and tenure revised regulations currently under administrative review.

The development of clear expectations for faculty performance will be useful only if they are clearly communicated within the current process of faculty performance (merit) reviews and the creation of annual distribution of effort agreements. The DOE defines the focus of faculty work and the performance review evaluates its quality. To make clear what is already University policy, academic unit heads are required to meet with each faculty member to develop the faculty member's DOE for the coming year and are obliged to do the same in the communication of the results of performance reviews.

We strongly recommend, in addition, that after completion of each performance review, these two communications (the communication of review results and the development of DOE agreements) occur in a single meeting at which the past and future activities of the faculty member are discussed within the context set by developmental review. Further, this policy requires such a meeting when the faculty member receives unsatisfactory ratings or ratings at the level just above unsatisfactory.

B. Voluntary Periodic Developmental Review of Tenured Faculty

With the intent of facilitating continued professional development, tenured faculty members should engage in periodic review of their professional activities with administrators and colleagues. These reviews encourage development of links between individual goals and the goals of the unit, institution, and other colleagues. They also can produce strategies to secure the resources necessary to accomplish these goals. For these reasons each academic unit may create a process for developmental review of tenured faculty that includes setting individual faculty goals in collaboration with unit chairs, deans, and senior faculty colleagues. These reviews should be incorporated into the current performance review process for tenured faculty to minimize administrative burden.

These periodic faculty reviews: 1) recognize long-term meritorious performance; 2) improves quality of faculty efforts in teaching, research, and service; 3) increase opportunities for professional development; and 4) uncover impediments to faculty productivity. These goals and plans can inform subsequent merit reviews and should be reflected in the faculty member's Distribution of Effort agreement during subsequent periods. The goals and plans should be linked to the mission, goals, and plans of the faculty member's academic unit and of the University of Kentucky.

C. The Consequential Review

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The Consequential Review will be conducted with faculty for whom the performance ("merit") reviews indicate persistent inadequate performance. It is thus intended for a specific sub-group of the faculty who receive unsatisfactory ratings in an important area of effort in two successive performance ("merit") reviews. These are conducted annually or biannually as dictated by the rules of specific academic units. Evaluation can be a positive force when used to encourage members of the faculty community to continue their professional growth and to remain professionally active. This policy emphasizes continuing engagement with all forms of scholarship and to provide incentives and resources to assist faculty members in remaining engaged.

A "significant area of work" shall be defined as more than 20% of the distribution of effort in the areas of teaching and research, and more than 10% in the area of service.

Selection for consequential review. Each academic college and school will be expected to adopt a merit-rating scheme in which the lowest level of performance is identified as "unsatisfactory." A faculty member will be selected for a full consequential review if he or she receives an unsatisfactory rating in a significant area of work (significant area of work previously defined) and also receives an unsatisfactory rating in that same area of work in the merit evaluation conducted two years hence, assuming that this second rating also applies to a significant portion of the distribution of effort.

An assignment with a DOE percentage less than 20% in teaching and research or 10% in the area of service normally will be exempted from consideration for review. Upon recommendation of the department chair and approval of the dean, a faculty member subject to evaluation under this plan also may be exempted if there are extenuating circumstances (such as health problems). A decision by the chair not to recommend such exclusion may be appealed by the faculty member to the college advisory council. The decision of the advisory council would be advisory to the dean and the dean will be the final arbiter. The faculty member shall have the right to appeal his or her merit rating as specified in University Governing and Administrative Regulations, and the selection of a faculty member for consequential review will not be undertaken until the final disposition of a merit appeal has been determined.

The academic unit head shall inform the faculty member that he or she has been targeted for review and of the nature and procedures of the review. One option that would avoid a review would be for the faculty member, with the approval of the chair, to make a substantial change in his or her DOE so as to address the deficiency in performance. This alternative follows from the notion of "multiple profiles" of a successful faculty member -- that is, that there need not be a "one-size-fits-all" DOE and that faculty members can contribute in a variety of ways to the multiple missions of the college. A change in the DOE would imply the assignment of new duties to the faculty member, and it would need to be approved by the department chair and the dean.

The review dossier. For faculty selected for consequential review, the department chair shall prepare a review dossier in consultation with the faculty member. The faculty member has the right and obligation to provide for the review dossier all the documents, materials, and statements he or she believes to be relevant and necessary for the review, and all materials submitted shall be included in the dossier. Ordinarily, such a dossier would include at least the following: an up-to-date vita, a teaching portfolio, and a statement on current research or creative work. The chair shall add to the dossier any further materials (prior evaluations, other documents, etc.) he or she deems relevant, in every case providing the faculty member with a copy of each item added. The faculty member shall have the right to add any material, including statements and additional documents, at any time during the review process.

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The review process. The Consequential Review will be conducted by either

- the department chair
- a three member ad hoc faculty committee, not including the chair but including (a) one member of the college council selected by the dean and (b) one faculty member chosen by the College Council who does not serve on the Council, and (c) one member chosen by the faculty member
- a subcommittee of the College Council appointed by the Council.

The faculty member will select the reviewing agent from these three options. The reviewing agent will create a development plan designed to remedy the deficiencies indicated in the performance reviews. Ideally, the plan should grow out of an iterative collaboration among the faculty member, department chair, reviewing agent (if not the chair), and dean.

It is the faculty member's obligation to assist in the development of a meaningful and effective plan and to make a good faith effort to implement the plan once it is adopted. In the event that the faculty member objects to the terms of the plan, he or she may request an independent review of the plan by the appropriate college advisory committee. The committee's recommendation to the dean is advisory, and the dean will be the final arbiter at the college level. The faculty member also will have recourse to appeal to the appropriate chancellor. Once the appeal has been resolved, the plan will be implemented.

The plan must:

- 1) Identify the specific deficiencies to be addressed
- 2) Define specific goals or outcomes that are needed to remedy the deficiencies
- 3) Outline the activities that are to be undertaken to achieve the needed outcomes
- 4) Set timelines for accomplishing the activities and achieving the outcomes
- 5) Indicate the criteria for annual progress reviews
- 6) Identify the level and source of any funding which may be required to implement the development plan².

Monitoring and follow-up. The faculty member and his or her department chair will meet annually to review the faculty member's progress towards remedying the deficiencies. A progress report will be forwarded to the Dean.

Further evaluation of the faculty member within the regular faculty performance evaluation processes of the University may draw upon the faculty member's progress in achieving the goals set out in this plan.

Completion of plan. When the objectives of the plan have been fully met, or in any case no later than three years after the start of the development plan, a final report will be made to the faculty member and the Dean. The original "agent" that created the developmental plan in the first place would submit the report and advise the dean as to whether the plan has been satisfactorily completed by the faculty.

D. Dismissal for Cause

The successful completion of the development plan is the positive outcome to which all faculty and administrators involved in this process must be committed. If the disengagement of some scholars derives in part from an organizational failure, the re-

² Should the plan reasonably require monetary support from the University for completion, the plan must be submitted through appropriate channels for funding (see "Faculty Professional Development Fund below). If adequate funding is not available the plan must be modified.

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engaging of their talents and energies reflects a success for the entire University community. However, in those rare cases where serious deficiencies continue to exist after the consequential review plans are completed the University may decide to initiate separate and independent dismissal for cause procedures currently in place. The multiple criteria for instituting the dismissal for cause process are independent from and extend beyond the scope of this review policy.

E. Faculty Professional Development Fund

The focus of the fund. The Faculty Professional Development Fund (FPDF) is established as a system to enhance faculty performance. It is designed to promote continuing professional growth and to encourage faculty to sustain patterns of strong performance and heightened motivation as academic unit priorities and personal direction change over careers.

The FPDF is a source of funding for supporting (1) the outcomes of any voluntary developmental review process created within colleges coming out of regular merit/performance reviews and (2) the faculty development plans created out of the consequential reviews designed to improve unsatisfactory performance in major areas of faculty work. Examples of activities that might be funded as a result of goals established in developmental reviews or from plans generated by the consequential reviews to improve unsatisfactory performance include support for:

- a. International study, attendance at conferences, seminars, etc.
- b. Faculty returning to regular duties from administrative roles
- c. Redirection of the faculty member's career focus
- d. Efforts to secure extramural funding
- e. Enhancement of research skills
- f. Curriculum innovation
- g. Improvement in teaching and use of new instructional technologies

The allocation process. Each Chancellor would be charged with developing a process for allocating development funds based on, merit/performance, and consequential reviews. Funding priority should be given to activities tied to plans generated by consequential reviews with other allocations made on a competitive basis. Given the special circumstances surrounding the consequential review, funding seems especially important. Not all plans will require funding or funding beyond the department level (satisfactory performance is the norm with current support levels). However, where additional support is reasonable, to not provide support would make it difficult for the University to hold the faculty member accountable for improvement.

Funding levels. The University currently devotes a part of its resources to various programs aimed at faculty development (e.g., the Teaching and Learning Center on the Lexington Campus). We anticipate the various types of development plans generated by this policy would fully access current funds. However, the Committee reviewed current and proposed allocations for faculty development directly tied to tenured faculty review

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processes at several other institutions (e.g., the University of Georgia and Massachusetts systems, the University of Hawaii, and some private institutions). Estimates are difficult given the inability to predict the number of consequential reviews that will be done four years after the implementation of the system and thereafter, the number of applications that will be made based on exemplary developmental reviews, and the disciplines from which these will come.

The Committee recommends that the University designate \$50,000 for faculty development activities specifically linked to this senior faculty review policy during the fourth year following the effective date of implementation (when the first consequential reviews may be conducted). That amount should be added in each successive biennium so that a total of \$150,000 in recurring dollars is available on a recurring basis. Obviously, funding should be modified based on use. However, this size fund, combined with current support for faculty development generally, should provide adequate funding to support consequential review plans and requests generated from any voluntarily created developmental review processes.

The size of support for individual faculty will depend on discipline and the nature of the plans developed. Awards are recommended generally ranging in amount to \$6,000 annually with definite time limits for achieving goals and strong accountability measures. Awards may be higher depending on the nature of the plan and the discipline.

Eligibility. Any tenured University faculty member participating in the senior faculty development and review process is eligible for FPDF funds. Each application must include a professional development plan consistent with the mission, goals and plans of the faculty member's academic unit and college as well as the University of Kentucky's goals and strategic plans. The application must include letters of support from the head of the faculty member's academic unit, dean of their college, and the peer review body involved in their review. The plan must be based on either goals documented in a developmental review linked to the merit review process or activities identified in the consequential review for improving areas of unsatisfactory performance.

F. Policy Review Procedures

At the conclusion of the third year following implementation and biannually thereafter, the unit heads will submit to the Office for Institutional Research a brief summary including but not limited to the following:

7. Number of faculty receiving unsatisfactory ratings in areas of effort in which the faculty member's distribution of effort is more than 10 percent.
8. Number of faculty changing assignment as a result of the policy (including retirement, change in distribution of effort).
9. Number of faculty applying for and receiving professional development funds.
10. Number of faculty selected for Consequential Review based on unsatisfactory performance review.
11. Number of faculty successfully completing development plans based on Consequential Review.
12. A brief narrative account of other benefits and problems created by the policy.

During the seventh year after the effective implementation date of this policy, the University Office for Institutional Research will survey a scientifically constructed sample of faculty and unit heads to determine perceptions of the

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strengths and weaknesses of the policy. The Senate Council will appoint a Policy Review Committee to use the analysis of survey results and the unit head reports provided by the Office for Institutional Research to review the policy and make recommendations to the Senate through the Senate council by the end of the seventh year of the policy's operation. The policy must be reapproved by both the Senate and Board of Trustees after seven years (i.e. a sunset clause).

G. Implementation

This policy is submitted for administrative review with the formal condition that any substantive change in the policy nullifies Senate approval and requires reconsideration by the full Senate. Effective Implementation is Fall 2000.

Infrastructure Development to Support the Plan

If one clear message was delivered by all consulted, it was that the success of any policy is dependent upon the development of a sound infrastructure to support its implementation from the outset.

Faculty Professional Development Fund. First and most importantly, the Administration must budget the requested amount for the Faculty Professional Development Fund. Without this fund the policy's usefulness is limited. Though monetary rewards and support are not the only methods for fostering improvement, without an adequate development fund the policy will be much less effective in promoting faculty performance. Moreover, if the University does not budget to support specifically the improvement plans created under the consequential review, it will be less able to hold faculty accountable for performance improvement.

Personnel development. One clear and consistent lesson was offered by other institutions and our national experts: we cannot underestimate the importance of providing educational support for faculty (who will serve on peer review committees as well as being reviewed), department chairs, and deans. These groups, most directly, must have the knowledge and communication skills to make this policy work for the common good. During the administrative review of the policy the Council and University Administration should ensure that the appropriate offices on each campus [Lexington (including Lexington Community College) and Medical Center] are designing seminars that can be implemented as soon as the policy is in place. Indiana University-Purdue University-Indianapolis has focused its AAHE grant activities on the development of materials for personnel involved in tenured faculty reviews. Texas A&M University also has focused a part of its efforts on this work.