

## MINUTES OF THE UNIVERSITY SENATE, OCTOBER 13,1997

The University Senate met in regular session at 3:00 p.m., October 13, 1997 in Room 115 of the Nursing Health Sciences Building.

Professor Jim Applegate, Chairperson of the Senate Council presided.

Members absent were: Jim Albisetti, Kimberly Anderson\*, Leon Assael, Anthony Baxter\*, Fitzgerald Bramwell, Geza Bruckner\*, Joseph Burch, Mary Burke\*, Johnny Cailleteau, Ben Carr, Edward Cater, Jordan Cohen\*, Philip DeSimone\*, Robert Farquhar, Richard Furst, David Hamilton\*, Issam Harik\*, Patrick Herring\*, James Holsinger, Patricia Howard, Rick Hoyle, Edward Jennings, Edward Kasarskis, Craig Koontz, Thomas Lester, C. Oran Little, Daniel Mason, Steven Middendorf, David Mohny, Mary Molinaro\*, Robert Molzon, Wolfgang Natter, Anthony Newberry, J. Todd P=92Pool, Roy Porter\*, Shirley Raines, Dan Reedy, Thomas Robinson, Horst Schach, David Shipley, Gregory Smith\*, David Stockham, Henry Vasconez\*, George Wagner\*, William Wagner, Retia Walker, Jesse Weil, Paul Willis, Emery Wilson, Charles Wethington\*, Carolyn Williams, Eugene Williams, Stephan Wilson, William Witt.

\* Absence Explained

The Chair called the meeting to order and made the following announcements:

The September minutes are not ready to be approved.

Item 5 on the agenda the consideration of the proposed Senate Rule Section III will be delayed until the next Senate meeting. There has been a request for some further discussion at the Senate Council level. That leaves a couple of interesting items for today, plus/minus grading and post tenure review.

I am happy that Gifford Blyton, our parliamentarian is here today, he has recently undergone some eye surgery but is back and can help us see through the maze of parliamentary procedure.

On October 2, 1997 a number of the senate faculty leaders were asked to go to Frankfort to testify before the Subcommittee on Post-Secondary Education and the Teaching Profession which is a subcommittee of the Joint Interim Committee on Education, to respond to two prefiled bills related to post tenure review. I will not go into the details of that here as we are going to have some discussion of that later. But there are two post-tenure review bills that have been prefiled for the regular session of the legislature, one of which is a bill which calls for review of all faculty every five years on a post tenure basis. The other one looks a lot like our Arts and Sciences pilot program. Today I have asked some folks who have had experience with that pilot program to come and share their insights and experience with that system. This will begin a fruitful discussion as we try to be informed about the issues that are swirling about us both in Frankfort and nationally. One of those is, of course,

accountability and post-tenure review. On October 2, the basic position =  
of  
all the Faculty Senate leaders was that we are all working on  
accountability measures on our campuses and we did not think that a  
post-tenure law was necessary. We will keep monitoring the issue.

The Senate Council had breakfast with our local legislative contingent an-  
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post tenure review bills were talked about briefly as well as funding  
issues and setting priorities for UK. One of the messages we received fr-  
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all our legislators was that it will be very important as we proceed with  
our proposals to the various incentive funds being created that the  
University make clear it has set priorities and then to ask for a lot. O-  
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legislative contingent is very supportive of our work and we will continu-  
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to work with them.

If you are interested in those prefiled post tenure review bills they are  
on the AAUP web site on campus and we will soon have the Senate faculty  
leaders=92 response to these bills on our own Senate Web site. The Senat-  
e  
Web site is up and running and attached to the UK page. Our Senate  
Committees, the Committee Chairs, their e-mail addresses and a lot of oth-  
er  
information is already on the site and we will be adding to that. The  
address is [www.uky.edu/usc](http://www.uky.edu/usc). We will be contacting some of you for  
assessments to try to make this the best and most useful web site possibl-  
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The President=92s Task Force on Graduate Education and Research, chaired =  
by  
Dan Reedy continues to work. Various subcommittees are meeting, evaluati-  
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programs in social sciences, life sciences, physical sciences, and other  
areas. There will be a couple of lengthy retreats in November and that  
report will be submitted to the President sometime in early December. I =  
am  
on that committee and I certainly welcome your input or thoughts. Many o-  
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you were involved in developing the particular program responses that wen-  
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to that committee.

In addition, simultaneously, the Strategic Planning Committee, on which I  
am serving as Senate Council Chair began working two weeks ago and meets  
again this Wednesday. It is beginning to lay out the structure of the ne-  
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strategic plan for the University. We will be sharing details with Senat-  
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committees as they emerge.

There is a lot happening, we will try to keep you as informed as possible  
and bring these various reports and plans before the Senate as  
expeditiously as possible.

The Senate Council reviewed a couple of AR changes; one was AR I-1.1-1  
which had to do with changing some of the consulting reporting requiremen-  
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for faculty. There was a great deal of response from you on these changes and most of it was negative. The Senate Council recommended against those changes in ARs and asked that the people interesting in making those changes come and speak to us to make clear why the additional reporting requirements were being made.

A second AR change would have required our review, faculty peer review of teaching university-wide. We felt that given the many initiatives going on around campus to enhance the teaching mission this requirement was premature. We recommended against that AR change at this time. The Council is not against peer reviews, but against mandating it University wide at this point without proper preparation. There were a number of ARs and GRs that we did recommend which basically made changes required by the new higher education reform act in separating the Community Colleges from the University of Kentucky.

The Chair said that the next item on the agenda was the consideration of a proposal that is actually a continuation of our discussions from Spring 1997. There was a visit from the Governor and some other interruptions that prevented us from getting back to this. You will recall that as a Senate we voted to attempt, in this year, to adopt a uniform grading system for undergraduate students on the Lexington Campus and Medical Center Sectors. At that meeting we narrowed the proposals to two. One was a return to no plus/minus on a University wide basis and the other was a GPA neutral system in which plus/minus grades are assigned by the instructor and appear on the transcript but GPA is computed on the whole letter grade only. Those are the two proposals to which we narrowed for consideration. The Senate Council met and, trying to allow for the most orderly and yet open and inclusive discussion, adopted some rules and guidelines that we shared with you. Earlier we asked, if you had substitute motions for those before us, to send those to us a week in advance so we could get them out. There was one such motion and a second one contingent on first round voting. We will entertain the first submitted substitute motion. If there is no objection I am going to try to limit debate to fifteen minutes on these various motions, since we have spent two years discussing this. There is one substitute motion presented by Dr. Tom Waldhart from Library Science that was to substitute a plus/minus system that is GPA effective including A+. The Chair opened the floor for discussion.

Kaveh Tagavi (Engineering) asked if no substitute motion was adopted and both of the options have less than 50% vote, would they select one of the two or the third option of doing nothing?

The Chair said that these were the options laid out the previous spring and they would be voted against each other. Right now there is a substitute motion that is being proposed for the GPA neutral proposal. That will be voted on. The vote will then go back to what is left. Professor Tagavi said that if there were only two options and there is not a third option =

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doing nothing, it is possible that one option that has very little support  
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from the faculty would be adopted. Chairperson Applegate said that if  
someone had wanted to propose a substitute motion to do nothing they could  
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have done that. Professor Tagavi asked what the vote had been on these two  
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last year. Professor Applegate stated that these two options received the  
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most votes.

David Durant (English) said it seemed to him that they would vote for one  
or the other of these two options and then whether they were for or against  
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the proposal. The Chair said that there was a motion to substitute the GPA  
PA  
effective system for the option that is GPA neutral.

Joe Schuler (Student Government) wanted to call to everyone's attention  
that he did manage to locate a study that attempted to really analyze the  
effect of plus/minus grading. It was done by North Carolina State  
University, not by the student body but by the University. This is one of  
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our benchmark institutions. The study found that in all instances in 1993  
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plus/minus grading resulted in a significant decrease of the grade point  
average of the student body.

The Chair said that he had just been reminded by the parliamentarian that  
the discussion should be whether to substitute and not the merits of the  
motion. Mr. Schuler said that with all due respect he felt it did speak  
to  
the merit because the GPA neutral would not have that effect. He stated  
that another interesting fact was that by a two to one margin that there  
were twice as many minus's as plus's were given. And more relevant to  
o this  
motion they found that even with the A+ it did not decrease the impact on  
the students. That is why he encouraged them to support the GPA neutral  
system because with the other system students will lose their 2.0 and have  
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to leave the institution or lose their financial aid.

The Chair said again that the motion was to substitute.

Bill Fortune (Law) said that they have had the plus/minus grading system  
for probably ten years. To his knowledge it had worked well and that there  
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were not more minus's given than plus's. The grades are just laid out  
t on a  
grid and there is no apparent bias towards giving minus's as opposed to  
plus's. He urged even if they did not agree with that to vote for the  
substitute motion instead of the GPA neutral which he felt was a poor  
compromise to the basic issue of whether plus/minus should count.

Enid Waldhart (Communication and Information Studies) wanted to speak very  
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strongly in favor of a GPA effective plus/minus system simply because not  
to do that is not a true reflection of the grade. If you are able to  
distinguish a plus/minus grade it seems they need to talk about students

earning grades. It is not there to deliberately punish students in any way or kick them out of the University. If a student earns a minus grade, it seems that something that reflects that on the GPA is warranted. As a course director for a basic public speaking course, she noted that since they have had plus/minus grades there have been almost no complaints about the grade at the end of the semester. Given the ones they usually had, it seems that by itself takes care of a lot of the comments they had in previous semesters.

The question was called. The motion to end debate passed in a voice vote.

The Chair said that there would be a roll call vote. He would call the names of the voting members and they were to answer yes or no. Yes means they are supporting the motion to substitute the GPA effective system for the GPA neutral system. No means you are voting not to substitute and leaving the two options in place.

The motion to substitute GPA effective for GPA neutral passed by a vote of 50 to 33.

Chairperson Applegate said that they were now looking at two proposals. One is a no plus/minus system and the substituted system that has the GPA attached.

George Blandford (Engineering) said that he had given a possible substitute if the vote came out this way. The Chair said that there had been a conditional substitute motion. It was that if the first substitute motion won, this motion would substitute what they just excluded, the neutral system for the no plus/minus system. The motion is to substitute the GPA neutral system for the no plus/minus system. The motion was seconded.

Jan Schach (Agriculture) stated that the normal protocol for these meetings was that when a proposal was brought from the Senate Council it did not need a motion, it is an implied motion. So that the two items they now have are a motion.

The Chair stated they have not voted to substitute Dr. Waldhart's proposal for one of the Senate Council proposals and now there is a motion to substitute the GPA neutral for the other Senate Council proposal.

The question was asked if there were any other conditional motions. The Chair stated there was not.

The question was called. The motion to end debate passed in a voice vote.

The motion to substitute the GPA neutral system for the no plus/minus failed in a voice vote.

Bill Fortune said that his understanding last year was that they would bind themselves to a unanimous system and this was the method that the Senate

Council had chosen to do that. It was appropriate then to have the vote either one or the other as opposed to voting one up and down and then the other up and down because as the gentleman said what happens if they are both voted down. He made the motion that they vote either for system A, which is no plus/minus, or system B, which is with plus/minus and that the majority prevails. It is not a vote on one and then a vote on the other. There was a second to the motion.

Doug Poe (Business and Economics) said that the Senate voted last Spring to go to one system, to do away with the current system: that was already decided to go to one or the other.

The motion to vote on the items in opposition to one another passed in a voice vote.

The question was called. The motion to end debate failed in a show of hands, 52 to 33.

Hans Gesund (Engineering) said that he was against the A+, that would be different from other schools in Kentucky and that left no alternative except to stay with the straight grades.

Michael Tomblyn (Student Senator - Graduate School) said that he too rose in opposition to the plus/minus on behalf of the traditional system partly because an A+ shows a high level of excellence. He would hope that students are challenged in class sufficiently so they are not receiving 98 percent in classes. More importantly whenever surveyed the UK student body, of those who had an opinion, 78% opposed a plus/minus system, that is four to one. It has already caused problems as far as the academic appeals board, he only sees the problems increasing as far as that goes. We have data to show that over time, maybe the first couple of years the faculty will not give a lot of minus 92s because then it will show they are not out to do that, but over time it will be about two to one, minus 92s to plus 92s. He does not feel that the faculty are out to get students, what the students were trying to do is bring a system that would give the faculty the power that they wanted to make those fine distinctions that would not penalize the students, especially the excellent students who might lose a scholarship. He hopes that the Senate can listen to the student body.

Joe Schuler said that two important points can be made; first the A+ system received 11 votes last Spring and now it is one of our two options. Secondly, only one benchmark institution out of 15 or 16 actually has a GPA effective system that uses A+.

Louis Swift (Dean - Undergraduate Studies) would like to suggest that they keep the system of no plus/minus. He would have preferred the neutral because it was a very good compromise, allowing the professors to make the

point that they need to make. He is concerned about the 2.0 students who will get the C- and for a very small grade difference will be end up being on probation or suspension. The benefit that occurs to use of the plus/minus system does not warrant that problem. He urges use of the straight grading system.

Tom Troland (Physics) said he would like to agree with his colleague. In all the times that this issue has been discussed, as far as he can tell, no one has presented any evidence to suggest that the plus/minus grading system has any effect whatever on the learning of the students. That is the thing that is most important about the institution. The only thing that is favor of the plus/minus grading system is the fact that some of the professors of the University think that it is a good idea. That fact, after being balanced against an overwhelming objection on the part of the students, is not enough. He asked his class today of about 150 students to choose between the two cases that were open to discussion initially and it was about eight to one in favor of the no plus/minus system, even over and above the GPA neutral system. If the students are overwhelmingly against this and there is no strong evidence that it has any educational value in terms of student learning, just vote it down and go back to the system that has always worked very well.

Mike Friedman (Fine Arts) said he would try briefly to represent the case for the plus/minus system. Like Dean Swift he was fond of the compromise because it gave professors a chance to respond in a very definite and recorded way to the work they thought the students were doing and yet and it seemed to be skirting some of the difficulties the student representatives had raised concerning scholarships and class standing. No concrete evidence has been presented on either side of this issue and this remains a popularity contest. He is unswayed by popularity contests outside the confines of the Senate vote. It does not interest him how many polls are taken out of the room. It is their job to make a decision. The plus/minus system does permit an increased level of discrimination so the faculty can respond more accurately to the work that is done by their students. He comes from a college that has made he feels successful use of plus/minus grading in the past and he would like to see that option preserved for them.

Craig Infanger (Agriculture) asked the Academic Ombud concerning how many cases he has had in the past year where issues of plus/minus became an issue for a student.

Lee Edgerton (Academic Ombud) said he would like to respond with some really good data but he had not calculated that before the meeting. There have been maybe a half dozen cases and quite honestly those were issues where the syllabus was not followed. He is not sure it is fair to say th-

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are really plus/minus issues. They were cases of where plus/minus was suggested on the syllabus and the student did not think it was followed o-  
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there was no suggestion that plus/minus was going to be used and then tho-  
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grades were given. He is not sure that once it is clear what system is i-  
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place that it will made a whole lot of difference in terms of cases going to the Ombud office.

Amy Bird (Student) wanted to speak in opposition to the plus/minus. She saw a big division between faculty and students. She feels they are all there for the purpose of being educated. When her transcript goes across the desk of a perspective employer they see the GPA in contrast to anothe-  
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student at another university who did not have a plus/minus system. It does not matter if she worked harder or has a better percentage if the GP-  
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does not reflect that. The students want to get jobs and the professors want them to get jobs and a plus/minus GPA is not going to help that.

The Chair asked for other discussion, hearing none he called for the vote and said it would be a roll call vote. If a senator is in favor of the n-  
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plus/minus system vote for system one, if a senator is in favor of the plus/minus system vote for system two.

The proposal to have a grading system with no plus/minus grading passed i-  
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a vote of 71 to 15.

The Chair stated that the next item on the agenda was post tenure review. There are currently two bills prefiled before the legislature. He asked four people who have some experience with post tenure review to come and speak to the Senate. They are: Mike Nietzel, Dean of the Graduate Schoo-  
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and former Chair of Psychology, Dave Durant, Chair of the English Department, and Richard Greissman and Sue Rimmer from the Dean of Arts an-  
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Sciences office. The two proposals currently that have been prefiled are both by Senator Philpot; one is a system that looks much like the one in place at the University of Louisville which is a system that says every five years every faculty member has to be evaluated. A second bill befor-  
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the subcommittee on Postsecondary follows the current system that the University is piloting in the College of Arts and Sciences.

Chairperson Applegate said that the panel would talk briefly about some o-  
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the key issues they have seen in the years it has been in effect in Arts and Sciences and then they would take questions. On November 11, 1997 th-  
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AAUP will be sponsoring a half day seminar, bringing in representatives from their national office to discuss this issues. He noted he was worki-  
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on some other national insights for the December Senate meeting. He felt it was important they had a chance to discuss these issues before debatin-  
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an action item. The Task Force on Promotion and Tenure which submitted i-



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report last year, has as one of the recommendations that the Arts and Sciences system be piloted here on a University-wide basis.

Hans Gesund said that he noticed there were no representatives of the legal system involved, he wondered if this was not a contract violation. His letter when he got tenure said that his appointment as professor was continuous tenure. He had turned down other job offers that would have involved giving up tenure and had accepted perhaps a lower pay scale. He regards that a fixed contract with the University. Can the University or even the Legislature abrogate a contract with the individual faculty members. He would like to hear a reasoned opinion from an attorney, whether this can be made a part of our regulations.

Chairperson Applegate noted that Kentucky statutes already allow for removing tenure in instance of incompetence, refusal to perform duty, or moral=20

Richard Greissman made the following remarks:

We thought that the format of the discussion could be that Sue Rimmer and= I -- as dean=92s office folk -- talked about the implementation at the college level; then let Dave Durant and Mike Neitzel talk about post tenure review policy from the perspective of a department chair; and finally open it up for discussion.

I do have some strong opinions about how our system works and doesn't work and what might be done to improve it, either before, during or after it is implemented, if it is implemented, at a University level. =20

First some background: Rick Edwards, former dean of the College, had been working at the national level on various committees and professional organizations and got to see how the so-called Madison Plan worked. Under the Madison model, which was imposed on the University, all faculty undergo post-tenure review every five years. You could be a Nobel Laureate but, under the Madison Plan, you would still have to undergo post tenure review.

Edwards' starting point was that he did not want to implement a plan that required a huge amount of time and effort to confirm what he already knew: that the overwhelming majority of faculty in the college are doing at least an adequate, if not an outstanding job. Rather than put everybody through it, he wanted to create a "trigger mechanism" to determine which subset of faculty, whose performance was not at least satisfactory, warranted closer scrutiny. Therefore, post tenure review was incorporated into the regular

faculty merit review which occurs at least once every biennium. It is an integral part of our regular evaluation processes.

Our merit review process uses a seven-point scale, where seven is meritorious. A score of 4 is defined as adequate and the trigger score for post tenure review is a score of 2.5. Any faculty person who receives a score of 2.5 or below in a DOE category (teaching, research or service) in which the faculty person has a 25% or greater DOE weighting may be subject to a post-tenure review. The starting point for our post-tenure review process was to ask each academic department to establish a standard of "adequate" performance at the tenured ranks. Each department was asked to define, in fairly specific terms, what would constitute adequate or satisfactory service in teaching, research, and service for its department faculty.

The understanding is that someone who, for example, received a score of 2 in Research with a 45% DOE component would be put "on informal notice". The chair and the faculty person would meet, discuss some strategies for improvement, but there would be no formal action undertaken at that point. To initiate post-tenure review requires two consecutive biennia of scores 2.5 or lower in a category. At that point, chair, dean, and faculty person would formalize a professional development plan. It would be a rather specific plan to identify strengths and weaknesses and propose ways to improve the deficiencies. The person would undergo a review the next year and we would look for indications of improvement.

To date no faculty persons has had the two sets of unsatisfactory scores (in successive biennia) which would initiate the first phase of formal action -- the professional development plan -- of our review process. In both biennium since we implemented this plan -- 1994 and 1996 -- we have had less than a dozen people who have scored 2.5 or lower. There were three "informal" remedies faculty persons employed in response to their first biennium of an unsatisfactory score: the faculty person elected to retire; the faculty person changed his or her DOE percentage to less than twenty-five percent in the category in question; or, the faculty person worked to improve his or her merit rating in the second round of merit review.

The implementation of post-tenure review was approved by the Arts and Sciences' faculty as a pilot experiment for a four-year term. The College faculty will be asked this coming spring to consider its continuation beyond the current academic year. One of the problems we will need to discuss is whether the seven-point rating scale -- with 4.0 defined as "adequate" but 2.5 identified as the "trigger" score for post-tenure review -- is reasonable, never mind defensible. We have a college in which the average score in each of the three review categories exceeds 5.0; maybe it is the Garrison Keilor syndrome at work and we are all above average. But, when one defines 4 as the referent for adequacy and then identifies 2.5 as a trigger for post-tenure review, using guidelines which define standards

of adequate performance, one may have problems defending the integrity of the ratings process. If the concern in the post tenure review process is whether or not a faculty person has performed adequately his or her duties, then employing a four-point scale where 2 is defined as adequate (and any score below 2 is unsatisfactory) might clear up some of this confusion. =20

We are also mindful of other initiatives on campus, like this one being undertaken by the University Senate, and would prefer to stay in step with the broader campus framework as it develops.=20  
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That is in a broad outline of how the system works. =20

Sue Rimmer made the following remarks:

I think that Richard has covered the basics. I will say a bit more about something that we are committed to in the College, that is the use of differentiated DOEs. I noticed there was some laughter when Richard indicated there were cases where faculty had received low marks and had adjusted their DOEs. A basic premise of post-tenure review is that all faculty want to be held in reasonably high regard by their colleagues. They want to be considered productive citizens within the college and the university. I do not believe faculty enjoy receiving low merit evaluations. We have adopted differentiated DOEs for faculty whose research productivity had slowly fallen off, perhaps through no fault of their own. These faculty have been quite comfortable accepting a slightly higher teaching component. In fact, when you look at successful departments and see what makes these departments tick, you can always pick out individuals who perhaps carry a slightly higher teaching load, perhaps perform a higher percentage of the service; essentially, they are serving as enablers. One of the premises of post-tenure review is that it is okay to do some of these things; not all DOEs have to be the same. Where appropriate, this can be really helpful to the individual faculty member and to the department itself. This is not supposed to be seen as punitive by any means. Finally, it is important that the DOE process be seen as meaningful. It is important to take the DOE seriously as it is the basis for how we evaluate faculty. Many times, chairs and faculty say "just put anything down, it does not really matter," but it really does. Whether differentiated DOEs will be accepted in the long run, we have yet to see.

Professor David Durant made the following remarks:

I think that the post tenure review in Arts and Sciences was supposed to serve three purposes. One was to get Dean Edwards a job at another university; a second was to provide defense against the outside opinion that there are many nonproductive faculty who need to be weeded out; a third was to re-engage faculty. It was probably more defensive than anything else. No faculty were weeded out, but it put in practice a method by which they could be. That practice, however, would take forever: after four years of review there would be another review period that would

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go on for another four or five years; and only then would the system by  
which people are fired for cause kick in. From that standpoint, then, it  
is not very efficient. In terms of re-engaging disengaged faculty, it ha=  
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been somewhat useful. I think that faculty were worried about the system=  
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that they were attentive to what might happen in it. They therefore were  
willing to accept different assignments - especially increased teaching  
assignments for those not active in research - more readily. It=92s a  
question, however, if you can actually engage disengaged faculty. Dr.  
Bieber tells me that studies suggest that this is not very likely; I  
suspect they=92re true. It is very hard to get people to turn their care=  
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courses around.

I wonder, as we all do, if post-tenure review attacks academic freedom. =  
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suspect that the four people sitting up here are the last people to be  
reliable in answering that question. The people running a system never  
think that they are attacking the academic freedom of those whom they  
evaluate. But I think, honestly, that the system has not undercut academ=  
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freedom. We have a tenure system that has succeeded already in weeding o=  
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the worthy. If one is skeptical, one says that the plan has had fairly  
small consequences inside; fairly positive consequences outside the  
university; and does succeed in engaging some faculty.

Professor Mike Nietzel made the following remarks:

To me the most valuable feature of this was it forced chairs to have  
discussions with some faculty that you would avoid otherwise. I thought =  
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made me do my job better in terms of faculty mentoring and guidance and  
having very frank discussions with faculty about how =93you are going to =  
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this score and this is what it means if it happens for two rating periods  
in a row.=94 I do think that it makes a difference, and while we have no=  
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had an experience of knowing the full impact of the system in any one of  
these phases, I believe it has changed behavior, at least in cases that I  
am familiar with. I am speaking not within my department specifically. =  
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am not real comfortable with the shifting of the DOE, particularly when i=  
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involves reducing the research time and adding to the teaching time,  
because my experience has been that the person who is disengaged in  
research is typically not an outstanding teacher. So I am concerned abou=  
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a solution, where we simply have this person who has let a research progr=  
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dissolve or recede, be assigned to the classroom more often. I am not su=  
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we are doing students a service by that particular solution. I think tha=  
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needs to be looked at more closely as one of the consequences of the post  
tenure review. I think that what David refers to as a defensive  
justification for this in terms of how we define ourselves with external  
reviewers and constituents in the University is a very important one for =

us  
to consider. I would hate that to be the final reason, I think that we really ought to embrace the principle in the University that we expect people to do the work that they were hired to do. When someone is down forty-five percent research effort and has no research product whatsoever that they can point to in a two, three, or four year period, or six which is what we could be talking about here, then it seems to me that we should have a process by which we can have a very serious discussion about why that is. I think the academic freedom concern is an important one, but I think that there are ways to address that. If the person believes academic freedom is being infringed upon by that process it should be possible to point to the product, or the paper, or the discussion, or the class where he or she raised such controversial issues that academic freedom is now being jeopardized. I certainly hope it is not a big concern. I can see at least in theory how it could be. In those situations we are talking about here where this system has been triggered, or near triggered, that frankly has not been close to the issue.

Chairperson Applegate thanked the panelists and opened the floor for questions or discussion.

Doug Poe (Business and Economics) said that in response to what was said earlier about shifting on the DOE, he was familiar with faculty who are not very engaged in research and are not very good teachers, he was also very aware of some faculty who allow their research program to lapse because they concentrated on teaching. Many universities have developed tracks, tenure tracks, not special tracks like UK has, in which individual has to document their teaching in much the same way they do their research. The system at Kentucky works against that in most departments that he is familiar with. If someone really wants to concentrate on teaching there is very little avenue in any department for them to do that. He wonders that since they have established a trigger for when they would put them through a review, that a trigger could be established that says you can not shift into the category unless you are already exhibiting a certain level of competence there and put a stop to shifting from one bad area to another bad area.

David Durant answered that is a real problem, some of the very weakest people in one area are actually weak in other areas as well.

Professor Poe answered that it could accomplish the weeding out which was one of the points to start out with, if they do not have any strong points then why are they being retained on the faculty.

Professor Rimmer said that one of the important things is the dialog that begins between the chair and the faculty member. That is the place where these things can be addressed, if someone has become a less effective teacher over time, there is an opportunity for some retooling. They are

not just talking about renewing someone's interest in research, necessarily; they could also be talking about teaching. Having a mechanism that opens up that conversation is important.

Mike Cibull (Medicine) asked if this would apply to all colleges in the university including the College of Medicine? The thing that struck him was the development of guidelines within the departments for evaluating faculty, how would that work, that is something they are debating in the College of Medicine, how to measure productivity. There are some who want to measure globally in the college and some who feel the departments are a more appropriate setting to do that. He asked for their view of that.

Richard Greissman answered that, in his opinion, any set of criteria for satisfactory performance that isn't discipline-specific is a disaster. Arts and Sciences is a good testing ground. There are nineteen academic departments across the three divisions of the College. When one looks at the nineteen statements on performance expectation at the tenured ranks, what strikes one are the differences between them. It is not that one department is more stringent than another; it's that their markers are different. There are some quantifiable statements and there are lots of statements that speak to the quality of work. But all statements reflect varied -- to very diverse -- academic cultures across the College. However, the use of performance expectations is essential.

Mike Nietzel stated he thought that one of the main benefits of post tenure review system is actually the process by which we got to it and that would argue strongly for having this based in the departments. Beyond the argument that Richard is making which is that there are discipline specific considerations that have to be addressed, I think that perhaps just the raising of this issue and to a certain extent maybe even its preventative implications by having the faculty involved in the discussion was probably one of the more valuable parts of it and may have had as much impact as anything in the system.

Chairperson Applegate said that two things he would reinforce was that when they were testifying before the legislature, the chair of the faculty senate of University of Louisville, who have a five-year-everyone-gets-reviewed career development system, pointed out that there are very different criteria in the College of Medicine versus the College of Arts and Sciences.

Also we have some resource materials in the Senate Council office that review these policies nationwide, we can not make copies for everyone but if you are interested you can look at those.

Carolyn Brock (Chemistry) said that her qualification for this discussion was that she spent forty-five minutes on the witness stand being worked over by Philpot in a case that she believed led to his current position. It became clear to me during that forty-five minutes, they all know how much money we make and they know how many people we have over us in the organization chart. Basically he did not think that someone at the level of professor had the right to as much independence, because anyone making

that little money and having that much independence would not do their job.

That was the basic assumption behind his point of view. The post tenure review as it is run by the faculty is independent and he does not think they have the right to make those decisions. What we need is defense from above, please. The Chemistry professors are working hard and are good and we need the administrators to be going out and saying that. That is the only group of people that Philpot will believe.

Chairperson Applegate said that they were not here to endorse post-tenure review at this point. Given all that has happened he felt it would be good for the Senate to engage in some discussion.

Mike Nietzel said that he was skeptical that they would be able to do anything that will discourage Philpot from filing a law suit when he wants to. They do not necessarily want to think that they can come up with any kind of language that will stop aggressive plaintiff attorneys from practicing their trade. He did lose the case. Professor Brock said that he basically looked upon her as a glorified secretary. Philpot said the only reason she was supporting the dean's decision was that the dean controlled her salary and he was her boss. Professor Nietzel said that all he was saying was that there was nothing they were going to be able to do to stop that type of litigation.

Elisabeth Zinser (Chancellor) said that they needed to have people at all levels of the organization providing creative suggestion about how they deal with questions of accountability within the higher education community and not let things get stuck on a point that can erode the respect that is accrued to the professoriate. When an individual may treat, or appear to be treating, or view a faculty member as a peon in the system that is what they need to counter. They need to insure that it is understood that the faculty of a university is a part of a professoriate and that is a profession, of sorts. If you will forgive the use of the language I do not mean that in the narrowest sense. These are very important points to be made along that line. I would not like to see administrators come in and reinforce that point by appearing to need to speak for the faculty. This is a complex issue. =20

The discussion is focusing on the individual discipline and how important it is to do this at the departmental level. I understand that point. However, we are also trying to foster interdisciplinary, cross disciplinary engagements. This comes up in terms of hiring and in terms of promotion and tenure. It is not a unique question. It may be especially important in this discussion. I wonder how that would be handled?

Sue Rimmer said they do have some experience with that because we have some interdisciplinary initiatives already. It is always a question of how you are going to evaluate something outside your field. I can say as a facult=

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member, that perhaps some of my colleagues think that my work is a little too far in one direction. The University survives on a system of peer review and I think that as individuals we have to broaden our horizons a little bit. The whole idea of pushing more interdisciplinary work becomes an issue not only for merit evaluations and how that would drive post tenure review but promotions and the whole works. That is something that as individual faculty members we have to change our perspective. We have struggled with it in the college. In the few cases we had, we went back and forth.

Richard Greissman said the evaluation of interdisciplinary work can be tricky. The work may not fit neatly into the performances standards of the dominant discipline. More likely, however, the work can be judged for its "adequacy" in a fairly straight-forward manner, but the question of its strength beyond adequate is a much more difficult evaluation question. Suffice it to say that, for purposes of post-tenure review, the question of adequacy need only be asked. Post-tenure review establishes a threshold after which other questions -- like is the work real good -- can be asked.

The question was asked about the relative rigor of the criteria for teaching versus research versus service. If you can shift out of research into teaching is the standard as high? People count journal articles for research and in view of the Senate Council's recent decision of a peer review system across the university, these things all tie together.

Richard Greissman said they would have a real hard time explaining in convincing and comprehensive way how someone's teaching was inadequate, given the current state of our teaching-related evaluation. Except in the most egregious cases -- the instructor rarely showed up for class; the syllabus was incomprehensible or hopelessly out-of-date -- it's tough to defend, in his opinion, the adequacy of our evaluation measures of teaching. It's not surprising that low scores in our college merit review process are predominately for research and not teaching. Because the chair often thinks, with regard to teaching: "I know it is bad, but I do not know how bad it is, and I do not want to get into a fight over a post tenure review of inadequate teaching."

Ellen Hahn (Nursing) asked about the two prefiled bills particularly about any of this external to the institution. Are they talking at all about having the Council for Postsecondary Education or SCOPE be involved in any of this? Or are they still thinking that each institution will be responsible for their own?

The Chair said that the way the bill reads now they dictate the system and say that you will be post tenure reviewed this way. It also ties it to



some budget issues which is not a happy thing. That is a general principle that they are all not to happy with: anything that ties specific internal university policy to budget issues at a legislative level. He does not know whether these two bills will go anywhere. His sense of this committee was that they needed to be aware of what is going on. The co-chairs of that committee are Ernesto Scorsone and Representative Marzian from Louisville who is very involved with the University of Louisville. We can provide that information for you and will get it on the Web site for you. It is something we need to monitor. I provided them with a detailed account of all the ways we currently evaluate faculty. I think that many times they are not aware of how much evaluation goes on. Then the basic argument of all the Senate leaders was to let each institution do exactly what you said, "you presented a challenge to us, you have laid these incentive funds out, each of us have our excellence goals, give us a shot at going after that with our own accountability measures, and do not pass this kind of legislation". That is where we are now. Frankly I think that some of the issues raised here have to do with our own internal sense of ourselves and community that go beyond any threat from external sources.

The meeting was adjourned at 4:38 p.m.

Patrick Herring  
Acting Registrar

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