

MINUTES OF THE UNIVERSITY SENATE, NOVEMBER 13, 2000

The University Senate met in regular session at 3.00 p.m., November 13, 2000 in the Auditorium of the W.T. Young Library.

Members absent were: Mike Allen, Ali Amoli, Leon Assael, Robert Baldwin, Lars Bjork, Deborah Blades, Anna Bosch, Fitzgerald Bramwell*, Joseph Burch, Laretta Byars, Ben Carr, Edward Carter, Mike Cibull*, Tasha Craig, Mary Davis*, George DeBin, Mark DeJesus, Patrick DeLuca, Lee Edgerton, Nolen Embry*, Josh Estep, Jianlin Feng, Juanita Fleming*, Scott Fowler, Daniel Frank, Don Frazier*, Richard Furst, Holly Gallion, John Garen*, Robert Gewirtz, Jimmy Glenn, Philip Greasley*, Howard Grotch, Steven Haist*, Victor Hazard, Kay Hoffman, Jean Jackson, Charles James*, Chad Jeske, Ling Hwey Jing, J. David Johnson, Jason Johnson, James Kerley*, Joachim Knuf, Phil Kraemer, Thomas Lester, C. Oran Little, Keh-Fei Lui, William Maloney, Jenawik Marcus, Patrick McGrath, William McKinney, Thomas Lester, C. Oran Little, Keh-Fei Liu, William Maloney, Jenawik Marcum, William McKinney, David Mohny, Nathan Neltner, Mike Nietzelj, Cody, Norenberg, William O'Connor, Amanda Perkett, John Piccoro*, Daniel Reedy, Kenneth Roberts, Thomas Robinson, Tim Robinson, Brian Roth, Peggy Saunier*, Claire Schmelzer*, Susan Scollay, John Shawcross*, Robert Shay, David Sloan, Janella Spencer*, Eric Stoner, Courtney Sullivan, William Thom, Allan Vestal, Cynthia Vines*, Enid Waldhart*, Retia Walker, Christopher Waller, Charles Wethington*, Carolyn Williams, Eugene Williams, Emery Wilson, Elizabeth Zinser.

Chairperson Bill Fortune called the meeting to order, and noted that there was a quorum.

The Chair indicated that the minutes of the 16 October 2000 meeting had been circulated and asked for corrections. There being none, the Chair stated that the minutes would stand as is.

Chairperson Fortune made several announcements: (a) a change in the GRs, (VIII.A.1, page VIII-1, first paragraph) to appoint an additional member from the Board to the presidential search committee has been accepted by the Senate Council and approved by the Board; (b) the upcoming Senate/Board holiday social is scheduled for Tuesday, December 12 from 4-6:00 p.m. in the King Alumni House. All Senators are invited; (c) there is a job opening for recording secretary of the Senate; (d) the Senate Council elections are underway, and the nomination ballot for the Board election will go out soon.

ACTION ITEMS:

ACTION ITEM A University Senate Meeting, Monday 13 November 2000. Proposal to create a Center for Historic Architecture and Preservation.

The Chair invited discussion on the proposal, and after discussion the proposal passed on a voice vote. The proposal is available in the Senate Council Office and will be posted to the University Senate web site on approval of these minutes.

* Absence Explained

ACTION ITEM B - University Senate Meeting, Monday 13 November 2000. Proposal to Establish a Research Center for Micro-Magnetic and Electronic Devices (CMED) in the College of Engineering.

Following discussion and on motion by Senator Tagavi and second by Senator Gesund, the proposal was recommitted to the Academic Organization and Structure Committee with instructions to consult the faculty of the College of Engineering. Motion carried in a hand count 25 in favor and 23 against.

ACTION ITEM C-1 University Senate Meeting, Monday 13 November 2000. Proposal to approve the AR for Post-Tenure Review, which was discussed at the 16 October Senate meeting. Also circulated for consideration was the UK-AAUP resolution, identified as Item C-2.

Brief background was offered by Chairperson Fortune. He called attention to the additional document proposed by UK-AAUP which was distributed at the beginning of the meeting. A second proposal was circulated before the meeting informally referred to as "the Tagavi amendments. The relevant documents are available in the Senate Council Office and will be posted to the University Senate web site on approval of these minutes.

Chairperson Fortune vacated the Chair to speak. Senator Durant assumed the Chair.

Senator Kennedy moved to amend the motion to approve on condition that the following paragraph be accepted as a substitute for the 5th paragraph on page two of the AR.

When the objectives of the plan have been met, or in any case no later than three years after the start of the plan, a final report will be prepared by the department chair and given to the faculty member. The faculty member will be provided an opportunity to comment on the report if he or she wishes. If the chair states that the objectives of the plan have not been fully met and the faculty member disagrees, (assuming the chair did not initially develop the plan) the three member ad hoc committee of tenured faculty members that originally developed the plan shall be reconvened. If a person who was part of that three-member ad hoc committee is no longer available to serve, his or her successor shall be chosen in the same manner as the original person was chosen. The three-member ad hoc committee will then meet and try to reach a consensus for a report to the dean. In the event that no consensus is reached, both the chair's report and the report of the three-member ad hoc committee shall be forwarded to the dean, together with any written comments that the faculty member wishes to add.

Senator Anthony seconded the motion. The proposal was approved in a hand count 38 in favor and 17 against.

Motion was made by Senator Tagavi and seconded by Senator Blandford to adopt amendment #1 from the Tagavi amendments circulated at the beginning of the meeting, to-wit, "drop the following paragraph, 'In those cases where serious deficiencies continue to exist after the Consequential Review plans are completed, dismissal for cause procedures may be instituted.'" The motion failed.

Senator Tagavi dropped proposed amendments #2 and #3, and spoke to amendment #4. A revised amendment was proposed by Senator Tagavi, to wit: "That the Senate approve the amended AR with the additional recommendation that the administration consider adopting "clean-up" language in the proposed AR as detailed in the 'Tagavi amendments'." Motion was seconded by Senator Gesund and following discussion passed in a voice vote.

Motion was made by Senator Tagavi and seconded by Senator Gesund that in seven years following the adoption of the AR, the Senate ask the administration to evaluate the strengths and weaknesses of the policy. Based on the results of that review and analysis, the Senate shall approve (or not) the policy for continuation. Motion passed.

Senator Gleeson moved that the Senate recommend to the Administration that they consider the DOE option as a means of exempting faculty members from the consequential review. Motion was seconded by Senator Tagavi and passed.

A vote was taken on the main motion to approve the AR conditioned upon acceptance of the substitute paragraph which was the subject of the amendment and further that the Senate recommend that the Administration consider the other matters favorably passed on. Motion passed.

Item C-2 was withdrawn.

DISCUSSION ITEM D University Senate Meeting, Monday, 13 November 2000. For Discussion Only: the proposed amendment to the Governing Regulations for separate faculty representation of the Medical Center and Lexington Campus.

Chairperson Fortune offered background and invited Medical Center Chancellor James Holsinger to speak. Holsinger spoke. Discussion followed. The proposal with a negative recommendation from the Senate Council will be brought to the floor for a vote on 11 December 2000. A copy of the proposal is available in the Senate Council office and will be posted to the University Senate website on approval of these minutes.

The meeting was adjourned at 4:29 p.m.

David Durant
Secretary, University Senate

USMin 11.13.00

Action Item A

**Center for Historic
Architecture and Preservation**

An endeavor of the University of Kentucky College of Architecture
in collaboration with the Kentucky Heritage Council

Goals and Significance:

1. The goals of this research center are to:
 - Create new knowledge about Kentucky architecture and landscapes for the purpose of their preservation.
 - Focus on fieldwork and documentation.
 - Involve faculty and students in historic preservation and architecture at the University of Kentucky.
 - Involve faculty and students in related programs at other universities and colleges, such as Western Kentucky University, Eastern Kentucky University, Murray State University, Berea College, the University of Louisville, the University of Cincinnati, and other institutions throughout the Commonwealth and the region.
 - Involve staff at the Kentucky Heritage Council.
 - Involve staff at the Kentucky Department of Travel in the Tourism Development Cabinet and other pertinent Commonwealth agencies.
 - Involve Kentucky professionals of American Institute of Architects and American Institute of Landscape Architects.
 - Involve professionals in the private sector who create knowledge about historic architecture and preservation.
 - Coordinate the center's research with faculty and students in geography, anthropology, interior design, and landscape architecture at the University of Kentucky.
 - Create a network of research colleagues and recognize findings of these research colleagues from various public institutions and disciplines as well as from the private sector.

- Disseminate that knowledge to local, regional, and national audiences.
 - Organize and lead sessions for researchers to present their findings at the biannual Kentucky Heritage Council Conference.
 - Organize and lead symposia on topics that define cutting-edge research both on campus and in urban locations (i.e. Speed Museum).
 - Establish a peer review process to legitimize and recognize the high value of research on Kentucky topics.
 - Prepare an annual journal that publishes significant research completed by the center.
 - Coordinate efforts to publish books in the Kentucky Heritage Council's series Perspectives on Kentucky's Past: Architecture, Archaeology, and Landscape with The University Press of Kentucky.
 - Present findings at national conferences on architecture, vernacular architecture, and historic preservation.
 - Publish research in international, national, regional, and local venues, possibly including those of the University Press of Kentucky as appropriate.
 - Create a center Web Site for the electronic dissemination of information on the center and its research
- Create an archive of colleagues' Kentucky research.
 - Create an electronic archive that can be accessed by research colleagues.
 - Download research findings in hard-copy form on request for a fee.
- Provide professional services to Kentucky communities for the documentation of historic buildings and landscapes when such services are important to Kentucky and provide opportunities for student and faculty scholarship.
 - In support of local public and private preservation organizations organize teams of individuals under the direction of the center's staff that will measure, draw, and photograph a threatened building or landscape, and identify historical resources that assist in the interpretation of the building or landscape history.

- Work with local and state agencies to identify measures for preserving the building or landscape in question.

- Provide research internships to graduate students in historic preservation.
 - Coordinate these internships with the Director of the Graduate Program in Historic Preservation.
 - Encourage the overlap between research topics at the center and project requirements in the historic preservation program and the Kentucky Heritage Council.
 - Encourage the overlap between research topics at the center and topics outlined in the statewide historic preservation plan and all its partners.

- 2. The establishment of this center has significance for a number of reasons:
 - It is an ideal framework for linking theory and practice in the work of students and faculty.
 - No center of this kind exists in Kentucky.
 - Many historic buildings and landscapes in Kentucky have already been lost. Many more are currently threatened, owing to age, natural disaster, and development. Research produces both seminal information about these buildings and landscapes, and raises awareness about the importance of these buildings and landscapes, thereby encouraging their preservation.
 - Kentucky is considered one of the most important sites that include a wide diversity of historic buildings and landscapes in the United States, and therefore plays a leading role in American architectural history.
 - The Kentucky Heritage Council has long sought to establish a center of this kind in cooperation with the College of Architecture.

Justification:

As a venture with high participation and support of the Kentucky Heritage Council, the UK College of Architecture Center for Historic Architecture and Preservation will be a Commonwealth-wide resource and involve a network of research colleagues from public and private institutions throughout the Commonwealth as well as colleagues who, as privately employed professionals, create knowledge about the historic architecture of Kentucky and its preservation. The aspirations of this center exceed the

more limited endeavor of working groups that go in and out of existence when a particular research topic has been exhausted. In contrast, the Center for Historic Architecture and Preservation seeks, over the long term, to recognize the research of many colleagues inside and outside the University of Kentucky, create an electronic archive of research, and disseminate that research through conferences, symposia, a journal, book series, or video presentation. The permanence and continuity of the center's mission stands in contrast to that of working groups..

Research in historical architecture and preservation, the collection of that research, and its widespread dissemination are missions that require the identification that the establishment of a center brings. Through a center this research and its associated activities will manifest its purpose and, in time, produce the benefits of accumulative effects and focus for Kentucky and the region.

Faculty Leadership:

Director of the Center:

- Dennis Domer, Clay P. Lancaster Distinguished Professor of Historic Preservation and Director, Graduate Program in Historic Preservation (would be proposed for appointment as "Center Director" if it is established).
- Adjunct Instructor of Historic Preservation

Assistant Director of the Center:

- Julie Riesenweber, Adjunct Instructor of Historic Preservation

Advisory Board (Proposed) to be appointed by Dean after center is established:

- Mr. David Morgan, State Historic Preservation Officer, Commonwealth of Kentucky, (*ex officio*)
- Professor David Mohny, Dean, College of Architecture, the University of Kentucky, (*ex officio*)
- Dr. Michael Ann Williams, Western Kentucky University
- Professor William Mulligan, Murray State University
- Mr. Eric Zabilka, Architect, Omni Architects
- Dr. Patrick Snadon, School of Architecture, the University of Cincinnati
- Dr. Richard Levine, Professor of Architecture, the College of Architecture, the University of Kentucky
- Ms. Jan Johnston, President, Preservation Kentucky
- Professor Mary Ann Ramsey, Eastern Kentucky University

- Dr. Allison Carll-White, Professor of Interior Design, Merchandising, and Textiles, College of Human Environmental Sciences, the University of Kentucky
- Dr. Kim McBride, Co-Director, Kentucky Archeology Survey
 - Dr. Karl Raitz, Professor of Geography, the University of Kentucky
 - Professor Krista Schneider, Department of Landscape Architecture, the University of Kentucky
 - Ms. Larry Curry, Curator, Shakertown, Pleasant Hill
 - Dr. Ben Hufbauer, the University of Louisville
 - Mr. Sam Thomas, historian, Louisville

Research Colleagues:

- Research colleagues, whose work directly or indirectly relates to the topics of interest to the center, will be invited to join a network of people whom the center will recognize, bring together physically from time to time in conferences and symposia to discuss new research, bring together electronically at any time in the dissemination of new research, involve in peer reviews, and whose work may be published in the center's journal or in the book series.
- Research colleagues will be recruited from throughout the Commonwealth, from both public and private institutions, and from the private sector. The center will seek to expand this network of people into every county of the Commonwealth, and seek support for this network from the local and county institutions such as historical societies, historic preservation organizations, planning departments, historic site organizations, and other organizations.
- Initially, the most obvious individuals will be asked to join this network, including Michael Ann Williams at Western Kentucky University, Bill Mulligan from Murray State, Bill Macintire of the Kentucky Heritage Council, Richard Olson from Berea College, Karen Hudson from Lexington, Edith Bingham of Louisville, Patrick Snadon of the University of Cincinnati, Blaine Hudson, Tom Owen, Ben Hufbauer, and Carl Kramer of the University of Louisville, David Hall of Bardstown, Eric Zabilka of Lexington; Bettie Kerr from Lexington, R. Malcolm Porter from Lexington, Jan Johnston of Elizabethtown, Sam Thomas of Louisville, Nancy O'Malley, Don Linebaugh, Kim McBride, Richard Schein, Julie Riesenweber, Karl Raitz, Ned Crankshaw, Gerald Smith, Dan Rowland, Krista Schneider, Allison Carll White, Clyde Carpenter, Richard Levine, Henri de Hahn, Sandy Isenstadt, Wallis Miller, Francesca Rogier, David Mohnney, and Dennis Domer from the University of Kentucky.

Reporting Relationships:

- As a center within a college, the Director will report to the Dean of the College of Architecture at the University of Kentucky and would

coordinate matters pertaining to the Center with the State Historic Preservation Officer.

Staff and Facilities Requirements:

- The staff of the center would include the Director of the Center, an Assistant Director of the Center, and graduate research assistants appointed to the center by the Dean of the College of Architecture, a journal layout editor shared in the College of Architecture, and a network of research colleagues who contribute to the center's archive, publish in the center's journal, serve on the center's Advisory Board, and participate in the center's conferences and symposia.
- Until the Center is established and staff appointed, Dennis Domer, Julie Riesenweber, and researchers will continue to function as an informal working group.
- The center will be housed in 108A Pence Hall in the College of Architecture at the University of Kentucky.

Equipment:

The equipment for the center will be furnished by the College of Architecture and the Kentucky Heritage Council. This equipment includes a computer with significant hard disk storage, speed, and video capability, a text printer, an illustration printer, a flatbed scanner, a slide scanner, a digital camera, a 35-millimeter camera, equipment for undertaking measured drawings, a drafting table, filing cabinets, flat files, a telephone, work tables and chairs.

Operating Costs and Income:

Operating Costs:

- Year One:

Personnel:	Director	\$ 6,000
	Assistant Director	45,000
	Journal Layout Editor	2,750
	Graduate Research Assistant	3,200
	Benefits	11,825
Supplies:		1,000
Equipment		4,000
Travel		<u>1,000</u>
	Total:	\$74,775

- Year Two:

Personnel:	Director	\$ 6,300
	Assistant Director	47,000
	Journal Layout Editor	2,860
	Graduate Research Assistant	3,328
	Benefits	12,355
Supplies		1,000
Journal		5,000
Travel		<u>1,000</u>
	Total	\$78,843

- Year Three:

Personnel:	Director	\$ 6,600
	Assistant Director	49,000
	Journal Layout Editor	2,974
	Graduate Assistant	3,461
	Benefits	12,886
Supplies		1,200
Journal		5,000
Travel		<u>1,200</u>
	Total	\$81,721

Sources of Income:

- Year One

College of Architecture	\$54,000	72%
Kentucky Heritage Council	10,000	14%
Grants and Contracts	10,775	14%

- Year Two

College of Architecture	\$51,248	65%
Kentucky Heritage Council	11,826	15%
Grants and Contracts	15,769	20%

- Year Three

College of Architecture	\$44,947	55%
Kentucky Heritage Council	16,344	20%
Grants and Contracts	20,430	25%

Potential for Generation Extramural Funds:

- The center would generate extramural funds from the Kentucky Heritage Council, the Department of Travel in the Tourism Development Cabinet, Certified Local Governments, Renaissance Kentucky, the National Trust for Historic Preservation, architecture firms needing research on historic architectural projects, and private individuals.
- The center would not compete for projects which assess the impact of federally funded or assisted undertakings involving properties listed in or eligible for listing in the National Register of Historic Places (i.e. 106 review funding).

Other Proposed Benefits:

- The center will provide service to the Commonwealth through its emergency measured drawing teams and through the development of its research archive.
- The center's staff will provide public testimony on behalf of historic architecture throughout the Commonwealth and contribute to its preservation, thus participating in one of the essential goals of the Commonwealth which is promote its cultural heritage.
- Along with the Graduate Program in Historic Preservation, the Center will provide training in technical and practical research techniques applied to structures and landscapes.
- The center will provide a peer review network for research colleagues at various institutions of higher learning.
- The center will create cooperative arrangements with state government agencies and their partners, institutions of higher learning throughout the Commonwealth, thus maximizing the efficiency of resources, enhancing collegiality, developing interdisciplinary ties, and encouraging cross-disciplinary approaches to research.
- The center will encourage and assist communities and individuals with the development of research topics and issues in the Commonwealth

Action Item C

**Memorandum to accompany the Proposed AR on Post-Tenure Review
(November 13, 2000)**

The Post-Tenure Review policy (PTR policy) was adopted by the University Senate on December 13, 1999 and reflecting amendments adopted at that

meeting. The proposed AR II-1.0-11 is the product of discussions between members of the Council and representatives of the University Administration. The Senate's approval of the PTR policy on December 13 was conditioned on the following proviso:

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.

Converting the PTR policy to an Administrative Regulation. In putting the PTR policy into a proposed Administrative Regulation, the Senate Council worked with representatives of the President's staff and Jim Applegate to develop a mutually acceptable document. The proposed AR is that document. It was discussed extensively in Senate Council meetings and the Council, though not unanimously, recommends approval.

Background: Jim Applegate, then Senate Council Chair, headed the committee which developed the policy submitted to the Senate Council. In addition to Professor Applegate, the members of the committee were Kim Anderson, Lois Nora, Roy Moore, Nolan Embry, Richard Greissman, Michael Kennedy, and Sue Rimmer.

A note: The PTR policy circulated in October (page 3) requires Academic Units to develop a clear set of expectations for satisfactory performance. This requirement is embodied in a proposed change to another AR (AR II-1.0-5). Thus the omission of this requirement in AR II-1.0-11 does not represent a change from the PTR policy.

Substantive changes. In the view of the Senate Council, the changes between the PTR policy and proposed AR II-1.0-11, and the rationales for the changes, are as follows:

1) *PTR policy*: two unsatisfactory ratings in a substantial area of work in a four year period

AR: successive unsatisfactory ratings in a significant area of work

Rationale: the Med Center faculty are reviewed annually and it could cause problems if the PTR review were tied to a four year time frame. It makes sense for the PTR review to kick in after the second consecutive unsatisfactory rating.

2) *PTR policy*: significant area of work defined as 20% of teaching & research, 10% service

AR: 20% teaching, research & service

Rationale: The change simplifies the process. Raising the “bar” to 20% of the DOE will mean that PTR is not triggered when a faculty member performs poorly in a minor (by the DOE) area (for example, service) but does well in all major (by the DOE) areas.

3) *PTR policy*: one option to a consequential review is to change the DOE with approval of chair & dean

AR: Not mentioned

Rationale: unnecessary to include this option, because the faculty member, chair and dean can deal with deficiency in several ways, including changing the DOE. There are other means not mentioned (for example, leave of absence), and it’s probably best not to list alternatives to the PTR process, because listing one alternative might be interpreted as excluding alternatives not listed.

4) *PTR policy*: At election of faculty member, consequential review by: a) department chair; b) 3 member committee (member of college council selected by dean; non-member of college council selected by council, member chosen by faculty member; or c) subcommittee of college council.

AR: At election of faculty member, consequential review by: a) department chair; or b) 3 member committee of tenured faculty, one member selected by faculty member, one selected by dean, one selected by college faculty.

Rationale: simplifies things; should be tenured faculty. Some colleges don’t have councils -- so “college faculty” is used in the AR. Everyone

assumes that the college council will be used in colleges where such a council exists.

5) *PTR policy*: doesn't speak specifically to monitoring

AR: Not the purpose of the Consequential Review to evaluate the performance of the faculty member but rather to develop a plan to remedy the deficiencies indicated in the performance reviews. It is the responsibility of the department chair to recommend the plan that has been developed to the Dean for approval and to monitor the implementation of the plan approved by the Dean.

Rationale: spells out the roles. This language was urged by the Administration.

6) *PTR policy*: The original "agent" that created the development plan in the first place will submit the final report to the dean and advise whether the plan has been satisfactorily completed.

AR: The department chair shall make the final report to the dean. The faculty member will be provided an opportunity to comment on the report.

Rationale: the chair monitors the plan & should make the report and it would be impracticable or impossible to have the original three person committee make the report. The Administration feels that it is impracticable to involve the original review committee in the preparation of a final report. If a faculty member is concerned about the final report, the faculty member has the right to appeal to the applicable dean.

UNIVERSITY OF KENTUCKY ADMINISTRATIVE REGULATIONS	IDENTIFICATION AR II-1.0-11	PAGE 1
	DATE EFFECTIVE	SUPERSEDES REGULATION DATED

Item "C-1"

TENURED FACULTY REVIEW AND DEVELOPMENT POLICY

This policy is designed to provide definitive guidance to units in supporting tenured faculty ~~who need assistance~~ to increase their productivity and to identify and address problems in performance.

This policy builds on the current system for conducting regular performance or “merit” reviews, as defined in AR II-1.0-5, of tenured faculty for purposes of salary increases. It requires the following:

A Consequential Review process must be instituted for any faculty member receiving successive unsatisfactory performance or “merit” reviews in a “significant area of work”. For the purposes of this policy, a significant area of work is defined as a Distribution of Effort Agreement greater than 20% in the areas of instruction, research or service. The review is summative in nature and requires a plan to improve performance within a specified period.

Upon recommendation of the department chair and approval of the dean, a faculty member subject to evaluation under this plan may be exempted if there are extenuating circumstances (such as health problems). A decision by the chair not to recommend such exemption may be appealed to the Dean. A Consequential Review will not be undertaken until the final disposition of any appeal.

The Dean shall notify the faculty member and department chair of the initiation of a Consequential Review process and of the procedures of the review.

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 Consequential Review will be conducted by the department chair, or at the request of the faculty member by a three-member ad hoc ~~faculty~~ committee of ~~tenured faculty members~~ including one member selected by the Dean, one member chosen by the faculty member, one member selected by the college faculty.

It is not the purpose of the Consequential Review to evaluate the performance of the faculty member but rather to develop a plan to remedy the deficiencies indicated in the performance reviews. It is the responsibility of the department chairperson to recommend the plan that has been developed to the Dean for approval and to monitor the implementation of the plan approved by the Dean. Ideally, the plan should grow out of an iterative collaboration among the faculty

member, department chair and dean. The review should be completed within 60 days of notification of the initiation of the review.

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 dean.~~ The faculty member may appeal to the appropriate chancellor. Once the appeal has been resolved, the resulting 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 plan.

The faculty member and his or her department chair should meet each semester 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 the 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 plan, a final report will be made by the department chair to the faculty member and the dean. The department chair shall provide the faculty member with a copy of the report before sending the report to the dean and the faculty member will be provided an opportunity to comment on the report if he or she wishes.

In those cases where serious deficiencies continue to exist after the Consequential Review plans are completed, dismissal for cause procedures may be initiated.

Each academic unit may create a process for a Developmental Review of tenured faculty, consistent with criteria in AR II-1.0-1, 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.

Each Chancellor and Dean shall develop a process for allocating additional support funds in appropriate cases to provide support to faculty members undertaking a Consequential or Developmental Review.

Each Dean shall prepare annually a summary report on cases resulting from the implementation of the Tenured Faculty Review and Development Policy in that College and transmit the report to the Chancellor.

AR II-1.0-11.doc

Note: Item C-2 was withdrawn

Amendments to Post Tenure Review AR

(by Kaveh A. Tagavi)

Amendment 1: Drop the following paragraph (bottom of page 2):

In those cases where serious deficiencies continue to exist after the Consequential Review plans are completed, dismissal for cause procedures may be initiated.

Rationale:

- The proposed AR has dropped the following statement from the version that was approved by the Senate last year: "The multiple criteria for instituting the dismissal for cause process are independent from and extend beyond the scope of this review policy." Deletion of that sentence while keeping the above sentence -- the subject of this amendment -- might create an implied connection between criteria for Consequential Review and criteria for "dismissal for cause".
 - State law does not allow dismissal for "serious deficiencies". Therefore this rule contradicts state law. University rules dictate that university regulations may not contradict state law. Therefore, the above is against existing university rules in addition to being against state law.
 - Dismissal for cause is provided for in a state law. We cannot change that. We may, however, establish *procedures* on how to perform such an act but we cannot establish *criteria* that lead to it or trigger it. This rule is clearly trying to establish criteria that would trigger "Dismissal for Cause".
 - The above construct suggests, however so implicitly, that the same "deficiencies" that trigger the Consequential Review could also trigger a "Dismissal for Cause" procedure. Either this has always been the case, in which case we do not necessarily need to include it here, or, it is a new linkage, which at least should be disclosed by the administration and discussed by the faculty.
 - "Truth in Advertising": This regulation starts prominently with: "This policy is designed to provide definitive guidance in supporting tenured faculty to increase their productivity and to identify and address problems in performance". It does not say anything about firing the faculty. In fact, once fired, the particular faculty member's "productivity" will go to zero as far as UK is concerned.
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Amendment 2: Add the following paragraph after the 3rd paragraph starting with "A Consequential", page 1:

If the nature of unsatisfactory performance in a specific area is such that it is likely to be alleviated by a reduction in DOE in that area, such reduction of DOE, if allowed by University guidelines and regulations, should be offered to the faculty in lieu of triggering a Consequential Review.

Rationale: This would accomplish the stated goal of this proposal (see the first paragraph, page 1) without the hardship and burden of going under a Consequential Review. It has been suggested that the above can still be offered under the proposed AR. However, the proposed AR does not seem to offer that above *instead* if undergoing the Consequential Review. The original intent of the Senate was that the Consequential Review should be avoided if a change in distribution of effort is offered and implemented.

Amendment 3: (a) Replace the last paragraph on page 1 with:

By the selection of the faculty member, the Consequential Review will be conducted by one of the following three agents:

- The department chair.
- A three-member ad hoc committee of tenured faculty members including one member selected by the Dean, one member chosen by the faculty member, and one member selected by the college faculty council or a college committee whose members are elected by and representative of the college faculty.
- A three-member ad hoc committee selected by the college faculty council or a college committee whose members are elected by and representative of the college faculty.

(b) Add to the end of paragraph starting with "When the" on page 2:

In cases where the faculty member disagrees with the chair's opinion on whether the plan has been successfully completed, the faculty member may appeal the chair's decision to the original "agent". The agent's report will be submitted to the dean along with the chair's report. (If any of the original members of the review agent are not available, substitutes will be appointed in the same manner that the unavailable members were chosen.)

Rationale: This would bring back the third option that was originally part of the Senate's version. By replacing "College Council" with "college committee on tenure and promotion", it also eliminates the administration's concern that not all college have a faculty council. But AR/GR ever college must have a committee that deals with tenure and promotion. Such change is also very reasonable and meaningful because issues related to post tenure review is very much similar to issue related to grating on tenure in the first place.

Amendment 4a: Add to the end of paragraph starting with "When the" on page 2:

The faculty member's input will become part of the report submitted to the dean.

Rationale: This would remove the ambiguity.

Amendment 4b: Make the following change paragraph starting with "For faculty", page 1:

The chair shall add to the dossier relevant materials from any further materials (prior evaluations, other documents, etc.) ~~he or she deems relevant,~~

Rationale: The chair should not have unlimited discretion as to what could be added to the dossier. It seems material already included in previous evaluations should be sufficient. Also a consequential review should not be used to "pile on" the faculty members issues that have not been raised in previous evaluations.

Amendment 4c: Drop "obligation" from paragraph starting with "For faculty", page 1.

Rationale:

- We should not coerce or require faculty members to provide material detrimental to them. There is an exhaustive list of material in the ARs that are needed to be supplied by the faculty and to be included in performance review documents.
- Example: Should the faculty be obligated to provide the narrative reviews of the rejected journal articles?

Amendment 4d: Add the following to the end of last paragraph, page 3:

with a copy to the Senate Council.

Rationale: This would inform the Senate and would also confirm the principle that the faculty has a legitimate interest & concern in such a policy and should share in the governance of this university. It is also in line with the Senate charter.

Amendment 5 (alternatively, this could be considered as a Senate resolution to accompany our approval of the AR): Add the following:

"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 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)."

Rationale: This was part of the original version approved by the Senate. Such statement would allow the Senate to revisit this issue and make recommendations based on the accumulated data to change/modify the policy.

UNIVERSITY OF KENTUCKY Administrative Regulation AR II-1.0-11

Final Document Proposed by UK-AAUP

Original AR Submitted by the UK Administration

Substitute Language

TENURED FACULTY REVIEW AND DEVELOPMENT POLICY

This policy is designed to provide definitive guidance to units in supporting tenured faculty to increase their productivity and to identify and address problems in performance.

This policy builds on the current system for conducting regular performance or "merit" reviews, as defined in AR II-1.0-5, of tenured faculty for purposes of salary increases. It requires the following:

A Consequential Review process must be instituted for any faculty member receiving successive unsatisfactory performance on "merit" reviews, conducted on the regular schedule for the unit, in a "significant area of work". For the purposes of this policy, a significant area of work is defined as a Distribution of Effort Agreement greater than 20% in the areas of instruction, research or service. The review is summative in nature and requires a plan to improve performance within a specified period.

Upon recommendation of the department chair and approval of the dean, a faculty member subject to evaluation under this plan may be exempted if there are extenuating circumstances (such as health problems). A decision by the chair not to recommend such exemption may be appealed to the Dean. A further option that could exempt a faculty member from a Consequential Review is a substantial change in the distribution of effort (DOE); such a change would imply assignment of new duties to the faculty member and would need to be approved by the chair and the dean. A Consequential Review will not be undertaken until the final disposition of any appeal.

The Dean shall notify the faculty member and department chair of the initiation of a Consequential Review process and of the procedures of the review.

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 Consequential Review will be conducted by the department chair, or at the request of the faculty member by a three-member ad hoc committee of tenured faculty members including one member selected by the Dean, one member chosen by the faculty member, one member selected by the college faculty.

"The Consequential Review will be conducted by either

- the department chair
- a three member ad hoc committee of tenured faculty, not including the chair but

including (a) one member of the college council selected by the dean, (b) one member chosen by the college council who do not serve on the council, and (c) one

member chosen by the faculty member

- a committee of tenured faculty appointed by the college council.

(In the event a college does not have an elected college council as such, the appointments will be made by an ad hoc elected faculty committee.)

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. "

It is not the purpose of the Consequential Review to evaluate the performance of the faculty member but rather to develop a plan to remedy the deficiencies indicated in the performance reviews. It is the responsibility of the department chairperson to recommend the plan that has been developed to the Dean for approval and to monitor the implementation of the plan approved by the Dean. Ideally, the plan should grow out of an iterative collaboration among the faculty member, department chair and dean. The review should be completed within 60 days of notification of the initiation of the review.

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, the faculty member

may appeal to the appropriate chancellor. Once the appeal has been resolved, the resulting 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 plan.

The faculty member and his or her department chair should meet each semester 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 the 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 plan, a final report will be made by the department chair to the faculty member and the dean. The department chair shall provide the faculty member with a copy of the report before sending the report to the dean and the faculty member will be provided an opportunity to comment on the report if he or she wishes.

When the objectives of the plan have been met, or in any case no later than three years after the start of the plan, a final report will be prepared by the department chair and given to the faculty member. The faculty member will be provided an opportunity to comment on the report if he or she wishes. If the chair states that the objectives of the plan have not been fully met and the faculty member disagrees, (assuming the chair did not initially develop the plan) the three-member ad hoc committee of tenured faculty members that originally developed the plan shall be reconvened. If a person who was part of that three-member ad hoc committee is no longer available to serve, his or her successor shall be chosen in the same manner as the original person was chosen. The three-member ad hoc committee shall prepare a written evaluation of the faculty member's performance in meeting the objectives of the plan. The chair and the three-member ad hoc committee will then meet and try to reach a consensus for a report to the dean. In the event that no consensus is reached, both the chair's report and the report of the three-member ad hoc committee shall be forwarded

to the dean, together with any written comments that the faculty member wishes to add.

~~In those cases where serious deficiencies continue to exist after the Consequential Review plans are completed, dismissal for cause procedures may be initiated.~~

Each academic unit may create a process for a Developmental Review of tenured faculty, consistent with criteria in AR II-1.0-1, 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.

Each Chancellor and Dean shall develop a process for allocating additional support funds in appropriate cases to provide support to faculty members undertaking a Consequential or Developmental Review.

Each Dean shall prepare annually a summary report on cases resulting from the implementation of the Tenured Faculty Review and Development Policy in that College and transmit the report to the Chancellor.

Item "D"

Discussion Item for November 13

At the request of Chancellor Holsinger, President Wethington has asked the Senate to consider recommending a change in the Governing Regulations to provide for the faculty trustees to be chosen one from the Lexington Campus and one from the Medical Center.

Governing Regulation II (A)(2) would read substantially as follows:

The Board of Trustees of the University of Kentucky consists of sixteen members appointed by the Governor, two members of the faculty, one a member of and elected by the Lexington Campus faculty, and one a member of and elected by the Medical Center faculty, one member of the University System non-teaching personnel, etc. . . .

(This amendment will be effective July 1, 2001)

The Senate Council considered this issue on October 30 and voted to send it to the Senate with a negative recommendation. The Council's rationale for recommending rejection is that the University of Kentucky is one university, not two separate entities called Medical Center and Lexington Campus. In the preface to Governing Regulation VII, appears this statement, which we believe pertinent to the issue:

The educational-administrative organization of the University shall be such as to minimize duplication of effort and to enable the University to operate as a single, closely integrated institution, not as a loose association of colleges and departments. Barriers between

educational and administrative units shall not be allowed to interfere with the academic purposes of the institution.

At times both faculty trustees have been from one sector; at other times, the trustees have been from different sectors. We believe that the faculty trustees have in the past, do presently, and will in the future speak and act for what they believe is in the best interest of the entire University. Electing trustees from sectors might cause those elected to feel responsible only to the interests of those that elected them. This would be divisive and not in the spirit of the Governing Regulation quoted above.

Furthermore, we believe that dividing the trusteeships by sector is artificial. Where do we draw the line? In addition to the Medical Center, LCC is distinctive, Agriculture is distinctive, as well as others. Trying to divide the trusteeships by commonality of interest is a fruitless -- and we think counterproductive -- task.

WebMinutes:11.13.2000