

MINUTES OF THE UNIVERSITY SENATE, DECEMBER 14, 1998

The University Senate met in regular session at 3:00 p.m., December 14, 1998, in the auditorium of the W. T. Young Library.

Professor Roy Moore, Chairperson of the Senate Council presided.

Members absent were: Walter Abbott*, Sammy Anderson, Leon Assael, Anthony Baxter*, Jeffrey Bieber*, Brian Biermann, Anibal biglieri, Deborah Blades, Rachel Bomberger, Sharon Brennan*, Jayson Brittain, Joseph Burch, Laretta Byars, Leo Cai, Joan Callahan, James Campbell, Brad Canon*, Charles Carlson*, Edward Carter, Jordan Cohen, Mary Davis*, George DeBin, Henri DeHahn, Jeffrey Dembo, Eric Drake, Vincent Fields, Ray Forgue*, Donald Frazier, Richard Furst, Hans Gesund*, Philip Greasley, Howard Grotch, Ellen Hahn*, David Hamilton, Issam Harik*, Patrick Herring, James Holsinger, Craig Infanger, Mike Inman, Jamshed Kanga, Edward Kasarskis, Keith Kinderknecht, James Knoblett, Philipp Kraemer, Michael lach, Thomas Lester, C. Oran Little, Marianne Lorensen, Donald Madden*, Douglas Michael, Jason Miller, David Mohney, Robert Molzon, Jacqueline Noonan, Miles Osland, James Parker, Thomas Pope, Thomas Robinson, Elizabeth Rompf*, Katherine Sallee*, Michael Schlossberg, Robert Schwemm, Robert Shay, David Stockham, Kaveh Tagavi, Henry Vasconez, William Wagner, Nick West, Charles Wethington*, Paul Willis, Carolyn Williams, Eugene Williams, Lionell Williamson, Emery Wilson, Ernest Yanarella*

ACTION ITEM 4 - For Discussion and Action: Ad Hoc Committee on Faculty Title Series

Background:

In December 1997 the Senate Council ad hoc Committee on Faculty Titles Series (Co-Chaired by Professors Ann B. Amerson, Pharmacy, and Antoinette Powell, Agriculture) submitted its Final Report for consideration by the University Senate Council. The ad hoc Committee on Faculty Titles Series was charged with "a comprehensive review of the title series system, to identify strengths and weaknesses, and develop recommendations to simplify, clarify, improve the structure, and ultimately invigorate the spirit of the system." The committee began its work by gathering information about series at other institutions and the historical development of the Faculty Titles Series at the University of Kentucky. After reviewing the background information, the committee decided to focus its attention on the Special Title Series, Research Title Series, and the Clinical Titles Series. The Committee was later given responsibility to review the proposed Lecturer Series. To accomplish this, the committee divided into two task forces, Special Title Series and Non-Tenure Track series.

Note: At its meeting on November 16, 1998, the Senate Council voted to submit the following recommendations from the Task Force report to the full Senate for discussion only. The Senate Council will consider the feedback from the discussion in determining which recommendations to forward later to the full Senate for action.

Boldface indicates suggested wording added by the Council. Strikeovers indicate wording the Council recommends deleting. All items and changes are for discussion only.

For Discussion Only:

1) In view of the proposal for the Lecturer Title Series we propose all title series in which tenure is not granted as part of the promotion process (research, clinical, lecturer) be referred to as contractual title series. The definition of contractual faculty does not include visiting faculty.

Rationale: We feel the term nontenure denotes a secondary status.

2) After six years at the rank of Assistant Professor (6 successive one year term contracts or single and/or multi-year term contracts totaling 6 years) a faculty member in a contractual title series must be considered for promotion to the rank of Associate Professor and if promoted all subsequent appointments will be on 3 to 5 year revolving contracts. If the individual is not promoted a one-year terminal contract will be offered. The same process will be used to consider promotion as is currently used for tenure and promotion.

Rationale: Any faculty member who is employed by the University of Kentucky for greater than six years must be a valuable asset to the University and appointment beyond the sixth year should be on a 3 to 5 year revolving contract as a reward for being successful. This will provide a moderate amount of job security to the individual and would facilitate productivity and growth. Continual one-year contracts encourage faculty to keep an eye on the job market.

3) Contractual faculty must be notified at least one year in advance if their contracts will not be renewed the following year.

Rationale: All faculty need the time to find suitable employment. Twelve months is not an unusual amount of time needed to find another academic position.

4) All faculty in the contractual title series should be provided all of the same rights as faculty in tenure tracks within the respective Colleges. These rights include are eligibility eligible for all committees except committees deciding tenure decisions for special and regular title series and shall be eligible as well as eligibility for voting in all elections and the opportunity to participate in all other decision-making processes within the University.

Rationale: This has to be done or a second class status results because we are not providing, all faculty the opportunity to participate in the governance of the University. Times have changed, and a much larger percentage of the faculty are in one of the contractual title series than in the past.

5) The number of faculty within the contractual series (research and clinical and lecturer) will not exceed 50% of the total number of faculty in any one department.

Rationale: In order to maintain the integrity of the tenure process and to ensure academic continuity, we must not allow any department within the University to systematically eliminate positions in tenure tracks.

The Chair recognized Professor Meyer for introduction of the item. Professor Meyer stated that the first part was a proposal and the second part was an area where there was not strong agreement within the Council, and they wanted the full Senate to discuss those points. He reviewed the background of the proposal and recommended approval by the Senate Council.

Mike Cibull (Medicine) and Alan Kaplan (Medicine) asked for clarification of the part of the proposal where the job description is being passed to the area committee

Lee Meyer said that, from the deliberations in the Senate Council, whenever the job description is changed, it would have to be reviewed at those various levels. The attempt here is that if the area committee is going to act upon promotion of someone, there should be consistency over time.

Chancellor Elisabeth Zinser said that she did not read anything in the proposed changes that contemplates a change in those procedures in that interpretation. She assumed that it was intended to continue as it is now. The intent is if there is a master job description, it is specific enough to cover a variety of different appointments and it can be used and not reviewed over and over. It does not have to be done position by position, unless there is a significant difference in the expectations of the individuals work.

Phyllis Nash (Medical Center) said that the current process in the Medical Center is that if there is a new special title series position created, the area committee reviews the promotion criteria and actually has approval of the promotion criteria. They do not have approval of the job description. They look at the promotion criteria in order to make sure that people at the assistant, associate, and full professor level are

evaluated some what consistently across positions. The change she sees in this is now the area committee would not only be reviewing the promotion criteria but also reviewing the job description.

Professor Cibull made the motion to send Section C back to the committee for some clarifying language that better defines the role of the area committee in the appointment of faculty in the special title series.

Claire Pomeroy (Medicine) supported the proposal to send back to committee because in the Department of Medicine, the vast majority of new appointments are in special title series. This is the norm, and the amount of time it takes to get a new person is already long, adding another layer on could be potentially disastrous.

Bill Fortune (Law) asked if the people from the Medical Center rather than send the proposal back to the committee could propose an amendment instead. Would keeping the existing language be better?

Professor Kaplan said that would actually work because it is more consistent from job to job.

The motion to send back to committee was withdrawn.

Professor Fortune proposed that Section C, paragraph 2, read as it did in the original.

Geza Bruckner (Allied Health) said that the question is still what is the intent of the proposal?

Alan Kaplan said that the problem is that the criteria for appointment and promotion are generic. They need to be consistent.

Doug Poe (Business and Economics) said they had talked about this in the Senate Council for a year and a half, and one issue that kept coming back was the number of faculty complaints that what was on their job description and the criteria they are held to when it gets to the area committee for promotion are not the same.

Mike Cibull said many people were hired to do one thing and told to do another and have very little recourse. This document makes it very clear that their job description is what they are going to be expected to be doing. A lot of that particular criticism is just removed by this. He is very much in favor of this redefinition, but not in favor or increasing the layers of bureaucracy that are needed to get a job in place.

The amendment to restore Section C to the original language passed in a show of hands; 26 for and 12 against.

The amended proposal passed in a unanimous voice vote.

The Chair said that the next part of the proposal was for discussion only, not for a vote and recognized Professor Meyer for introduction. Professor Meyer stated that members of the Senate Council would lead the discussion of the five items.

1) In view of the proposal for the Lecturer Title Series we propose all title series in which tenure is not granted as part of the promotion process (research, clinical, lecturer) be referred to as contractual title series. The definition of contractual faculty does not include visiting faculty.

Rationale: We feel the term nontenure denotes a secondary status.

The following issues and questions were raised to take back to the Senate Council:

Volunteer faculty do have have a contract so therefore are not considered contractual faculty.

Is an additional label beyond the title series needed? If regular and special title series are eligible for tenure and the others are not, why do they have to be labeled as tenured versus nontenured for contractual?

2) After six years at the rank of Assistant Professor (6 successive one year term contracts or single and/or multi-year term contracts totaling 6 years) a faculty member in a contractual title series must be considered for promotion to the rank of Associate Professor and if promoted all subsequent appointments will be on 3 to 5 year revolving contracts. If the individual is not promoted a one-year terminal contract will be offered. The same process will be used to consider promotion as is currently used for tenure and promotion.

Rationale: Any faculty member who is employed by the University of Kentucky for greater than six years must be a valuable asset to the University and appointment beyond the sixth year should be on a 3 to 5 year revolving contract as a reward for being successful. This will provide a moderate amount of job security to the individual and would facilitate productivity and growth. Continual one-year contracts encourage faculty to keep an eye on the job market.

The following issues and questions were raised to take back to the Senate Council:

Many research assistant professors are paid by grants, some might be at the University for many years and the expectation is frequently they would like them to stay. If a grant is terminated, they know a year in advance and give the maximum amount of warning, but there is no money to pay if the grant is terminated, so they can not extend to a three to five year period.

Has there been some thought that if people are kept on for a lengthy period of time, that the Medical Center has an obligation to find them a position if the event the grant fails.

This type of individual seems to find an alternative appointment within the Medical Center or elsewhere in the University more often than not.

The wording is such that these people would be dismissed prior to coming up for the three to five year promotion in order to protect the department or professor. In Pharmacy they are very careful about these appointments because of the salary obligation, if they are supported by grants and the grant ends, the college is then responsible for the salary for the term of the contract. The contracts are worded very carefully so when the grant runs out so does the appointment and the salary.

Physicians are often hired in the clinical title series and if for example they do not get an HMO contract or people start going to a different institution, if they do not generate their salary, there is no money to pay them.

Does this affect being able to attract the people they want with these short-term contracts? This is what they get in private practice. After two years at the end of the contract, they still get years notice.

The Administrative Regulations as they are allow them to give faculty in the research title or clinical title series a contract for the period of the funding.

3) Contractual faculty must be notified at least one year in advance of their contracts will not be renewed the following year.

Rationale: All faculty need the time to find suitable employment. Twelve months is not an unusual amount of time needed to find another academic position.

The following issues and questions were raised to take back to the Senate Council:

This has not always been the practice, the Administration forced the one-year situation. There was a line on the contract that basically said if the funding were no longer available the person would be terminated. They were told they were in error and must give in the first year a three month notice, in the second year a six month notice, and after that they could only be given notice at the end of the contract period and that had to be a full year's notice. In this era of unsure funding, one way to get around that is to only guarantee the one year and then hope at the end of the year they will be able to give another contract, but in order to protect

the departments from being obligated financially that is the route they went. The department did not have to do that, if they had funding and knew they could pay for one full year, then they did not have to have a terminal contract.

This does not necessarily work well and there are research faculty who feel insulted by getting revolving terminal appointments. This has to do with money and should be worked out by a committee of faculty and administration together.

4) All faculty in the contractual title series should be provided all of the same rights as faculty in tenure tracks within the respective Colleges. These rights include are eligibility eligible for all committees except committees deciding tenure decisions for special and regular title series and shall be eligible as well as eligibility for voting in all elections and the opportunity to participate in all other decision-making processes within the University.

Rationale: This has to be done or a second class status results because we are not providing, all faculty the opportunity to participate in the governance of the University. Times have changed, and a much larger percentage of the faculty are in one of the contractual title series than in the past.

The following issues and questions were raised to take back to the Senate Council:

This could be a place where lumping faculty in the contractual category creates a problem. Within research assistant professors, they should have the same rights as faculty, they are seldom ever going to be majority and this would not be a problem. In the case of clinical title series, it could become a problem.

The clinical title series faculty are teaching students and doing many of the same things that the rest of the regular title and special title series faculty are doing, getting them to give up private practice and do this and then telling them they can not be on a University committee, is negative in terms of attracting. They want to serve on committees. They do serve on departmental committees which allow that.

The issue is what is best for the University? In clinical departments where the goal is to make money for the department by practicing medicine, it becomes an overriding concern to the exclusion of research and even perhaps to some extent teaching. If people are hired who are just going to be practicing medicine than the whole tone of the department could be changed.

One of the issues that is interesting, that they have been discussing affects people who are not in attendance. They should be able to vote on some of these things that affect their careers and their place of employment and that argues to give them voting rights.

The United States Senate often talks about things that affect people lives that are not in the meeting. That is the nature of any elected body.

There are full-time faculty who have no intention of staying for the long haul. People in tenured faculty positions are usually planning on staying, in the one or two-year clinical positions there are quite a few people who are not planning on staying. Perhaps representatives from this group could be included in the debate or to the committees to discuss issues.

5) The number of faculty within the contractual series (research and clinical and lecturer) will not exceed 50% of the total number of faculty in any one department.

Rationale: In order to maintain the integrity of the tenure process and to ensure academic continuity, we must not allow any department within the University to systematically eliminate positions in tenure tracks.

The following issues and questions were raised to take back to the Senate Council:

Are there departments in the Medical Center for whom this would be a problem? There are not any now, but with the Medicare who knows what might happen next year. It might be necessary to have a group of people who are predominately practicing medicine in order to have enough money to survive. There is enough bureaucracy; there is no need to mandate every aspect of departmental life.

The meeting was adjourned at 5:00 p.m.