



# Health Science Center

## FACULTY SENATE

GEB A204 March 12th, 2019 4:00 PM

**Recording available:** <https://mediaserver.uthsc.edu/uthscms/Catalog/catalogs/tflorencia-2018>

*Present:* Shiva Bohn, Kristen Bettin, Bill Callahan III, MaryAnn Clark, Ricketta Clark, Shawna Clark, Wanda Claro-Woodruff, George Cook, Terry Cooper, William Dabbs, Martin Donaldson, Ioannis Dragatsis, Mary (Molly) Erickson, Meiyun Fan, Peter Fischer, Jami Flick, Lori Gonzalez, Bruce Hamilton, Penny Head, Vinay Jain, Vickie Jones, Ramesh Krishnan, Santosh Kumar, Mack Land, Chris Ledbetter, Sam Li, Carol Likens, Sharon Little, Nawajes Mandal, Jillian McCarthy Maeder, Myra Meekins, Megan Mulligan, Frank Park, James (Will) Pledger III, Tayebah (Fruz) Pourmotabbed, Laura Reed, Phyllis Richey, Shaun Rowe, Cindy Russell, Christina Spivey, Helmut Steinburg, Wen Lin Sun, Fridtjof Thomas, Kwame Torgbe, Jacqueline Venturin, Thad Wilson, & Yanhui Zhang.

*Absent:* Jami Brown, Beth Choby, Dawson Colvert, Cathy Crill, Alicia Diaz-Thomas, Tammam ElAbiad, Amado Freier, Oscar Grandas, David Hamilton, Peg Hartig, Carrie Harvey, Michael Herr II, Kenneth Hohmeier, Colin Howden, Uzoma Ibeguogu, Robert Jean, Jerry Jones Jr., Vijay Joshi, Rajesh Kabra, Rafal Kedzierski, James W. Kennedy, PJ Koltnow, Csaba Kovesdy, Aneel Kumar, Sajeesh Kumar, Roberto Lachica, Jennifer Langford, Roberto Levi-D'Ancona, Morgan Lisner, Tao Lowe, Tracy McClinton, Elisha McCoy, Mike McDonald, Linda Moses-Simmons, Dayna Myers, Edwards Park, Debendra Pattanaik, Jeff Phebus, Ranjit Philip, R.K. Rao, Reese Scroggs, Nadeem Shafi, Jackie Sharp, Anthony Sheyn, Richard Smith, Michelle Surbrook, Jeffery Towbin, Kirtikumar Upadhyay, Jason Vanatta, Gregory Vidal, Regan Williams, and Wes Williamson.

Meeting called to order at 1602 hours CST.

### **I. Approval of Minutes**

Minutes for the February 12, 2019 meeting were approved unanimously.

### **II. Announcements**

#### **A. Faculty Senate President's report -**

- Board of Trustees (BOT) meetings are recorded and available for viewing here: <https://trustees.tennessee.edu/webcasts/>

#### **B. Report on UT Board of Trustees (BOT) meeting and UT System Faculty Council – Vice Chancellor Lori Gonzalez and UFC Representative Phyllis Richey**

- Dr. Lori Gonzalez: Peer Review of Teaching policy passed with no questions or issues. BOT did not have questions on the Faculty Student Relationship policy but did note that

language differs across campuses due to varying campus missions and cooperation between administration and faculty. BOT was very receptive and open. Discussed tuition and fees for the Health Science Center.

- Dr. Phyllis Richey: Reported on the UT System Faculty Council meeting in conjunction with the board meeting. Education board meets regularly with President to advocate for faculty concerns. Enrollment, graduation, and research are the priorities of the new board. BOT is supportive to exploring the option of reinstatement of voting faculty member to BOT. Encouraged faculty input through Faculty Senate. The BOT is moving forward with Enhanced Post-Tenure Performance Review (EPPR) and Post-Tenure Review (PTR) policies but will monitor progress. VP John Compton and Stacy Patterson VP of Research eager to visit and talk with senate at UTHSC.

Action taken: None taken.

C. Report on the UTHSC Campus Advisory Board - Terry Cooper

- Some concerns voiced that the Advisory Board did not have enough representation from clinicians, however there are several qualified representatives with healthcare backgrounds and roles. The new Advisory Board ratified its Bylaws and elected a Chair. Tony Ferrara was elected as Secretary. The Advisory Board advises the Chancellor and meets about the Campus Master plan, budget, and tuition. The Advisory Board also has a mechanism for handling disagreements, which can be communicated to the BOT.
- Faculty handbook working on updating Bylaws.

Action taken: None taken.

### III. New Business

A. Faculty Senate annual election of senators and FSEC Representatives

- Time to elect new senators. FSEC voted to add more representation to Knoxville and Chattanooga departments. Please complete process by April 30<sup>th</sup>.

Action taken: Senators encouraged to work with their departments and FSEC representatives to complete the election process.

B. Request for nominations for Faculty Senator of the Year and Administrator of the Year

- Invited nominations from the full Faculty Senate on behalf of the FSEC. Administrators who have received the award within the last 5 years are not eligible.

Action taken: Please send nominations to the President and/or Secretary.

C. Report on Upward Evaluation of Administrators and restrictions based on state law – Richard Smith

- Renamed the Upward Evaluation and it is now called the Faculty Feedback Action. It will be delivered via Qualtrics and is a confidential survey. Email announcements will be distributed soon.

- Discussed legal restrictions on the data. The FSEC is responsible for distributing the survey per the Faculty Handbook, however, will not have access to the data per TN law (please see Appendix A).

Action taken: Please participate and encourage your departments to take the survey. Contact Dr. Smith of Faculty Affairs and Allen Dupont if you have specific questions or concerns, or if you'd like them to speak to your departments.

- D. Report on Subcommittee on Non-tenure Track Faculty and vote on upgrading to a Standing Committee – Bill Callahan
- Meeting for several months gathering information and receiving feedback. The objectives of the committee have garnered support from Deans and Chairs. Currently, surveying peer and aspirational institutions for recommendations to improve process for non-tenure. Discussed benefits and purpose for moving to a full standing committee vs. sub-committee.

Action taken: Motion to move the Non-Tenure Track Sub-Committee to a standing committee. Results - 93% in favor and 7% against. Motion passed.

- E. Additional committee reports
- Budget and Benefits meeting – Exploring gender equity issues and gathering data to put together a report on this concern.
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- Old Business – None.
  - Next full Faculty Senate meeting: April 8, 2019 from 4-5 p.m. in GEB A204.

There being no other business, the meeting was adjourned at 1655 hours CST.

Respectfully submitted,

Jami E. Flick, MS, OTR/L

Faculty Senate Secretary

## Appendix A

Section 2.3.7.8: Evaluation of Campus Administrators and Appointed Collegiate Faculty Leaders  
The Faculty Senate Executive Committee is responsible for the **establishment** and **implementation** of a process to provide for faculty evaluation of the performance of the Chancellor, Vice Chancellors, Deans, Chairs, and Associate and Assistant Deans. The evaluation process should be developed in consultation with the Chancellor. (UTHSC Faculty Handbook)

Here's the text of the Tennessee Public Records Act exemption at issue –

(26)(A) Job performance evaluations of the following employees shall be treated as confidential and shall not be open for public inspection:

- (i) Employees of the department of treasury;
- (ii) Employees of the comptroller of the treasury;
- (iii) Employees of the secretary of state's office; and
- (iv) Employees of public institutions of higher education.

(B) For purposes of this subdivision (a)(26), "job performance evaluations" includes, but is not limited to, job performance evaluations completed by supervisors, communications concerning job performance evaluations, self-evaluations of job performance prepared by employees, job performance evaluation scores, drafts, notes, memoranda, and all other records relating to job performance evaluations.

(C) Nothing in this subdivision (a)(26) shall be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.

Note that in addition to (1) creating an exemption from the Public Records Act for job performance evaluations, it says that (2) they are to be "treated as confidential." Which means having a system where the only people who see a job performance evaluation are those who have an official need to see it.

In terms of whether the Faculty Senate's evaluations of administrators would be considered to be "job performance evaluations" under the statute –

- Yes, the Faculty Senate's evaluations of administrators is a type of job performance evaluation
- It matters not whether the evaluation is done by the person's supervisor or whether they are done by others - "... all other records relating to job performance evaluations"

it's pretty easy to argue that they are, because the statute is written pretty broadly, and is not limited to evaluations done by a supervisor (as that's only one category of the definition).

[https://comptroller.tn.gov/content/dam/cot/orc/documents/oorc/2018-01-19\\_ExceptionstotheTennesseePublicRecordsActFinal.pdf](https://comptroller.tn.gov/content/dam/cot/orc/documents/oorc/2018-01-19_ExceptionstotheTennesseePublicRecordsActFinal.pdf)

When the TPRA was enacted in 1957, it provided for only two statutory exceptions. In 1988, the Legislative Committee on Open Records reported eighty-nine exceptions. As of November 2017, the Office of Open Records Counsel identified 538 statutory exceptions. Currently, only two exceptions are scheduled to sunset. (p. 3 of the document at the above URL)

NOTE: in 2017 the employee job performance evaluation exception was added.

From p. 22 of the document at the above URL:

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(a)(26)	Employees, Job performance evaluations	Tennessee Comptroller of the Treasury, Tennessee Department of Treasury, Tennessee Secretary of State, and Public Institutions of Higher Education	<p>(A) Job performance evaluations of the following employees shall be treated as confidential and shall not be open for public inspection:</p> <ul style="list-style-type: none"> <li>(i) Employees of the department of treasury;</li> <li>(ii) Employees of the comptroller of the treasury;</li> <li>(iii) Employees of the secretary of state's office; and</li> <li>(iv) Employees of public institutions of higher education.</li> </ul> <p>(B) "[J]ob performance evaluations" includes, but is not limited to, job performance evaluations completed by supervisors, communications concerning job performance evaluations, self-evaluations of job performance prepared by employees, job performance evaluation scores, drafts, notes, memoranda, and all other records relating to job performance evaluations.</p>	(C) Nothing in this subdivision (a)(26) shall be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.