

Senate Council Meeting  
February 26, 2007

The Senate Council met at 3 pm on Monday, February 26, 2007 in 103 Main Building. Below is a record of what transpired.

The meeting was called to order at 3:06 pm. The Chair noted the SC Office had received notices that Odoi would be absent; Grabau, Piascik and Randall would be late; and Finkel would leave early.

1. Minutes from February 19 and Announcements

There being no corrections, the minutes from February 19 were approved as distributed. The Chair shared that there were a variety of announcements.

The Chair related that he had sent Senate Council (SC) members, via the listserv, information regarding initial discussions for a proposed joint resolution with the Staff Senate a potential reaction to various legislative proposal under condition. Receiving no suggestion from SC members, the Chair said that he would take no further action, but would relay new information on the matter, should it develop.

The Chair initiated a discussion regarding replacing the former University Senate (Senate) parliamentarian, Professor Emeritus Gifford Blyton. In response to Finkel, the Chair said that the *Governing Regulations (GR)* included language that the Senate "shall" have someone appointed to the role of parliamentarian. It was ultimately decided that the Chair would temporarily postpone any solicitation of possible parliamentarians. (Dembo, Piascik and Wood arrived during the discussion.)

The Chair announced that there was a proposal in the President's Commission on Women to change to the voting status of the student, staff and faculty ex officio members from "voting" to "non-voting." After a brief discussion, the Chair agreed to contact a couple of individuals to find out the rationale behind the proposed change. The Chair said he would share any information he received with SC members.

The Senate meeting normally planned for the second Monday of the month fell on the first day of spring break (March 12), but was postponed until the following Monday (March 19). The Chair asked SC members if a SC meeting would be held on March 19. The Chair agreed to Finkel's suggestion that the need for a March 12 meeting would be determined during the week before, by SC workload. It was subsequently determined that all those present would be in town on March 19.

The Chair said that at 4 pm, he wanted to begin discussions on agenda item number three, Clinical Title Series Follow-Up Discussion.

## 2. Initial Discussion on Proposed Changes to HR 4.1.1.1 (Deans, Provost, etc. as Faculty Members)

The Chair explained that the discussion had been postponed a couple of times. The Chair said that when faculty members are appointed to a position of department chair, dean or provost, for purposes of Human Resources (HR) they subsequently lose their designation as faculty members. Some other differences are associated with the change from faculty member to staff employee, such as the accumulation of sick leave and the eligibility to vote for the staff trustee, not the faculty trustee. The Chair invited Greissman to offer any additional information.

Greissman said that there would be two salient changes if the proposed language was approved. The definition of faculty would be such that it would be defined as those holding tenured faculty appointments and those who held an untenured faculty appointment with more than 50% effort on the Distribution of Effort form (DOE). Such a definition for HR purposes and a recognition of which faculty members for whom it would be inappropriate to be elected to the Senate, due to administrative faculty status, was taken into account when the proposed new language was developed. Greissman said that such faculty were already prohibited from serving as faculty trustee; faculty in positions of department chair, dean and above also could not serve. Individuals serving as director of graduate/undergraduate studies were not considered administrative faculty.

In response to Thelin, Greissman said that faculty who accepted administrative positions would, for all other purposes, be considered faculty during their administrative appointment. Thelin said that there would be numerous places in the *Senate Rules and Governing and Administrative Regulations* that would require changes. For example, UK regulations spelled out how faculty members underwent a biennial evaluation. Would the faculty member appointed to the position of dean then be evaluated by their department chair? Thelin added that educational policy emanated from the faculty; if a dean remained a faculty member, it would give such a dean the right to initiate educational policy. Thelin said the proposed changes would undermine long, hard-fought gains for the prerogative of the faculty. Greissman said that he had no immediate solution for the evaluation matter; it was an example of the issues that would need to be addressed. In response to Thelin's concerns about educational policy, Greissman opined that the faculty of the educational units were responsible for educational policy, not the dean. Educational policy required the input from the faculty of the unit.

Greissman added that any proposal could be rejected by the faculty. Thelin disagreed, saying that it opened the gates to a lot of slippage. Many faculty administrators talked about "returning to the faculty;" Thelin wondered how they could return if, indeed, they had never left. If a faculty member considered it an insult to be considered staff, that person should think things through before

accepting the position. Thelin recalled a situation in which an administrator with no timely teaching, writing or sponsored research experience was more or less pushed through their tenure and promotion committee. Thelin said such examples sullied what it meant to be a faculty member and were just the beginning of work to renegotiate and accommodate the changes to the definition of faculty members.

Wood said that the proposed language seemed to allow faculty administrators with a DOE of administration of 50% or more to serve in the Senate, which she approved of. She said temporary leaders of faculty groups, e.g. chairs, should not be excluded from service in the Senate. Greissman noted that the duties of department chair were very similar from department to department; many DOE percentages varied, with percentages ranging from 25% to 65% of the DOE as administrator. He acknowledged that a faculty administrator would need to be able to have a foot in both camps and be an advocate for the dean, as well as an emissary to the dean from the faculty.

Wood said that, from experience, the position of Graduate School dean was a 12-month appointment. She wondered how the proposed language would affect colleges with appointments of less than 12 months. Greissman thought such appointments were not present due to practice, not by dictate.

Finkel opined that the proposed language introduced an immense amount of complexity; he thought a new status of administrator could be created, which would begin at the level of department chair and be recognized by HR. He said such a solution would avoid having to redefine faculty. Other issues, such as sick leave, could be addressable through administrative actions. He expressed unease with the creation of a new category of employee, but said it could be necessary.

Aken recounted an experience with an administrative faculty employee in the C category; she said that category of employee already existed and should be used. Thelin noted the large numbers of department chairs with a 49% DOE for administrative service; such faulty estimations of effort undercounted both administrators and faculty. Thelin opined that the evaluation process of deans by the provost set the tone of a divide between the two groups. He said faculty accepted that relationship but then were asked to extend the convenience and benefit of being faculty members to faculty in administrative positions who also benefited from being categorized as staff. Wood noted that it was additionally important with regard to the salary and differential funding pools.

Greissman thanked SC members for the good conversation. He said things discussed brought up issues he had not anticipated. Because the proposed changes to HR 4.1.1.1 emanated from Provost Subbaswamy, Greissman requested time to relay the discussion to the Provost and allow him the opportunity to attend a future meeting.

Dembo noted that there could be two unintended consequences of approving the proposed language. The academic ombud drew strength from being of the University Faculty. That position, however, included an office with dedicated personnel and funding; one could say the position was administrative, but it was designed to be a position filled by a member of the University Faculty, who should not be excluded from the Senate. He also noted that if a SC member was approached by their dean and asked to serve as a department chair in an interim status, it would be disruptive to require that SC member to step down during the temporary term. He urged a reliance on the integrity of the individual.

The Chair noted that the agenda item was not an action item, but was for discussion only. Greissman confirmed that he would relay information back to Provost Subbaswamy and communicate further with the Office of the Senate Council prior to any additional SC attention. Greissman agreed to Lesnaw's request for a clear rationale for the requested changes. The Chair thanked Greissman. (Greissman left the meeting.)

### 3. Clinical Title Series Faculty Follow-Up Discussion

The Chair shared that he acquiesced to a request that no votes or decisions would be made on the issue until Associate Provost for Faculty Affairs Heidi Anderson, who is shepherding the issue, could attend a SC meeting. (She was unable to attend the day's meeting due to travel.) The Chair introduced the chair of the Senate Advisory Committee on Privilege and Tenure (SACPT), Lee Blonder. Those present at the meeting introduced themselves.

The Chair referred SC members to the proposals from Thelin that were in the handout and suggested that the resolutions be discussed one at a time. He then invited Blonder to say a few words.

Guest Blonder thanked the Chair. She said that while the SACPT had not received any specific appeals for clinical title series (CTS) faculty, there had been cases of special title series (STS) and regular title series (RTS) faculty in which administrators and others involved, from various colleges, did not follow the *Administrative Regulations (AR)* that governed the criteria for tenure and promotion. Blonder said that if STS faculty were expected to perform RTS-type research, it caused a huge problem with the area committees that followed the *AR* strictures. She added that many faculty in the tenure and promotion process were not schooled in the regulations and were often junior and not in a position to look into which regulation should be followed for their particular case. Blonder ended by expressing how important it was for the regulations to be followed carefully. The Chair welcomed any additional input Blonder might have.

SC members and Blonder engaged in a lengthy discussion regarding how best to address the issue of CTS faculty. (Randall arrived and Grabau left during the discussion.)

A variety of aspects were addressed by individual members:

- In order to better identify the width and breadth of the problem, SC members could benefit from a report of the numbers of CTS faculty, per college, with DOE and funding source information.
- It would be beneficial to review all the title series together instead of only looking at the CTS in isolation.
- SC members need to know what exactly was broken (expectations of CTS, funding sources, removing the cap, the rule altogether, etc.) to begin fixing it.
- There were abuses of CTS faculty other than or in addition to a college being over the 25% cap, including a high DOE assignment in administrative, research or other non-clinical duties, and faculty consultation issues.
- Only removing the 25% cap would still leave some colleges in violation of CTS regulations because their CTS faculty members are funded in ways that are a violation of *AR II-1.0-1* (Appointment and Promotion).
- The definition of CTS faculty was stretched to the degree that some colleges' utilization of CTS faculty was completely at variance with what the historical definition/intent was.
- The creation of a new title series might not solve the problem of misplaced CTS faculty.
- While the cap was violated in a couple of medical and non-medical colleges, without the current numbers of practicing physicians there would be decreased service through UK HealthCare. CTS faculty were needed to provide experiential education in various health-related colleges.
- What other series could be used for the faculty in the CTS who did not fit the official definition of CTS? For those faculty members without much in the way of teaching or research responsibilities, but with no true clinical duties, they would have to be, theoretically, employed as staff employees with an adjunct faculty appointment. It would be an abuse of those folks, but their duties did not fit the CTS definition. To help understand how to fix the problem SC members needed to know why faculty who did not reflect the definition of CTS were being placed in those lines.
- With such a wide variety of administration percentages of DOE, some explanation or standard must be adhered to for CTS faculty.

- Requiring that all CTS funding come from income generated by the faculty/department could standardize the definition of the CTS, but would leave out colleges such as the College of Pharmacy, which needed its CTS faculty but could not solely fund their CTS faculty through generated income.
- Any solution would need to recognize that CTS faculty who are almost entirely involved with patient care (yet funded through more than income accounts) should not be eligible for tenure.
- Faculty who did not “fit” into other lines were put in the CTS, a closer fit, but that resulted in situations in which the CTS faculty member did not have the same duties and responsibilities as other CTS faculty. This created a situation in which some CTS faculty would never be able to meet the criteria for promotion, since their duties did not lie within the expectations for CTS faculty.
- The current *AR* stated that funding for CTS faculty should come from external sources. How could the issue of CTS faculty, funded partially through general fund dollars, be addressed?
- A grandfather clause could be used to clarify intent.
- CTS faculty were appointed through discussions between the college dean and the Executive Vice President for Health Affairs and did not rise to the level of Board of Trustees approval. That also put CTS faculty into a different category.
- A new series could be created, but care would need to be taken regarding the source(s) of funding for faculty in that new line.
- Although an individual CTS faculty member might not be able to support his or her own salary and benefit costs, one could argue that being an integral part of UK HealthCare was comparable to supporting oneself.
- The criteria for promotion for CTS faculty was, partially, based on an individual having earned regional recognition as a clinician, treated patients and having a reputation for treating patients. The reputation must be based on clinical duties.

Understanding that the Provost expected some type of resolution to the issue of CTS faculty during the spring 2007 semester, SC members asked the Chair to request specific information to help with the discussion on CTS faculty. The Chair was asked to find out: how many CTS faculty there were; the DOE for each CTS faculty member; the sources of funding (type of account) for each CTS faculty

member; the CTS faculty members' ranks and years of service; and the actual number of CTS faculty needed to meet the 25% cap. All of this information should be broken down individually (not gross data) and listed by college. Once the information was received and disseminated to SC members, the Provost would be invited to a SC meeting to discuss the issue.

The meeting was adjourned at 5:00 pm.

Respectfully submitted by Kaveh Tagavi,  
Senate Council Chair

SC Members Present: Aken, Dembo, Finkel, Grabau, Harley, Lesnaw, Piascik, Tagavi, Thelin, Wood and Yanarella.

Provost Liaison Present: Greissman.

Non-SC Member Present: Lee Blonder.

Prepared by Sheila Brothers on February 28, 2007.