

Faculty Assembly Meeting Minutes
Posvar Hall
April 29, 2014

| Topic/Discussion | Action |
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| Call to Order. President Spring called the meeting to order at 3:02 pm. | |
| Approval of the Minutes President Spring asked for approval of the minutes of the Faculty Assembly meeting of April 1, 2014. | Minutes approved as written. |
| Introduction of Items of New Business. President Spring asked if there were any new items of business to be brought forward. Jay Sukits would like to discuss a Business School Observation at the end of the meeting. | Jay Sukits has an item he would like to discuss |
| <p><u>Report of the President.</u></p> <p>I intend to be very brief for we have three important pieces of business for today's meeting:</p> <ul style="list-style-type: none"> • Interim report from the ad hoc committee on NTS faculty • A report from the Plant Utilization and Planning Committee • and a motion from TAFC <p>➤ Regarding changes to the Middle States criteria, Vice Provost Juan Manfredi is continuing to work on the matter, he welcomes your comments. He was prepared to come today and speak with us about them, but due to the many items on today's agenda, he has agreed to address Assembly at our next meeting.</p> <p>➤ The Policy on On-line speech, TAFC has taken the matter up and Barry Gold has agreed to Chair the subcommittee to look into that. The goal is to get together in May.</p> <p>➤ Commencement was delightful, three of our colleagues were recognized with Chancellor's Medals: Thomas Starzl, Bernard Fisher and Julius Younger. It was really a delight to see all three of them on the stage. I would like to thank Alex Labrinidis for making a suggestion to changes with the Ph.D. robing, particularly related to the Arts & Sciences. We passed it on to the administration and it appears that everyone thought it was a great idea and would look to implement it next year.</p> <p>➤ I would like to remind you that the University Senate and the Staff Association Council will be hosting a reception honoring the Chancellor on May 12 at 3:30 – 5 p.m. in the Commons Room of the Cathedral. I want to thank Provost Beeson for convening us and Jean Ferketish and Special Events for getting us organized.</p> | |

- Elections for standing committees are underway, please vote if you have not done so already. Faculty Assembly and Senate Officers concluded on April 19, but the Chair of the Elections Committee, Dr. Smitherman, has some concerns and has not yet certified the elections. I will invite Dr. Smitherman to say something if he chooses. Dr. Smitherman commented nothing to say at this time.

That concluded the President's report. No questions were asked.

Reports by and Announcements of Special and Standing Committees of the Senate

Ad hoc Committee to Investigate NTS Faculty Issues

Irene Frieze, Chair gave the following report.

The [recommendation report](#) was handed out. It's been a multi-year process of Senate Activity and fortunately we have had very strong collaboration with the administration, Carey Balaban is an active member of the committee and this is a continuing process. This report is based on an earlier report which was passed in 2012 by Faculty Assembly and Senate Council. After that report was approved and endorsed by the administration, I had numerous people contact me with other concerns about NTS faculty, so we decided we needed to do more on this issue.

An ad hoc committee was formed in early September, we were given the mission of talking primarily about FT and PT faculty and Senate Committees and how they might deal with NTS issues. Unfortunately, those are the two items we have not yet completed, but we are still working on it.

The committee is very diverse, both tenure stream and non-tenure stream faculty, administrators and a member from the ULS. We have been meeting regularly, we began reviewing the bylaws as well as guidelines for NTS. During those discussions a lot of issues have arisen, based on those discussions we have now agreed upon a list of initial recommendations that we would like your endorsement of.

#1) Issue of climate, many excellent changes have already been made by the University regarding NTS faculty, lots of changes, but we feel it's a continuing issue. Many NTS faculty are not given the respect that people feel they should have in a University community.

Maria Kovacs asked for an example: Frieze responded that they are not invited to meetings, they are not asked for input on curriculum issues.

Paul Munro wanted clarification that NTS does not mean adjuncts? Frieze confirmed that the focus has been on full time NTS faculty not adjuncts. Jane Cauley asked what the overall university proportion of TS vs NTS. Balaban responded that it depends by unit, but in the Health Sciences approximately 30% are tenure/tenure stream and in the other schools approximately 65%. Frank Wilson commented that overall 60% of the full time faculty are NTS and that 40%

are tenured or tenured stream, it varies by unit. This information is in the “Fact Book”. Beverly Gaddy asked for percentages for TS/NTS for part time faculty. That information is not publicly available.

Paul Munro asked a question specifically of the SOM, are faculty in the Medical School who are not tenured stream is there primary appointment through teaching and research? Balaban responded that NTS positions have a different definition of duties from the tenure stream and it could be a mix of any combination. The rule is it varies by unit.

#2) Each school or unit should have clear policy/guidelines on NTS faculty appointment, review and promotion on their website and readily available. Balaban pointed out that this is an ongoing effort.

Paul Munro asked who are we recommending this to? Frieze responded that we are hoping Faculty Assembly and Senate Council will endorse these items and they get implemented.

#3) Current practices, letters have to be clear and reflect changes in duties over the years. There should also be a statement of progress toward promotion, there should be a promotion track. Balaban commented that’s in process in many schools, the Provost’s Office does review.

Paul Munro, I know of a few cases when a NTS faculty member was promoted to Associate Professor. In those cases, the responsibilities were very different. I don’t know how having a clear policy would work. Frieze responded that we are asking that promotion track be outlined for each NTS faculty member. Clear expectations would be outlined for everyone. It wouldn’t be the same standard for everyone.

Scott Nelson, in the Chairs annual letter it appears that what’s being suggested is that in each case the chair provide a road map for promotion for all NTS faculty. You don’t think that is a considerable burden for the chair? Balaban responded that it would be an easy statement to add. If you take a look at the 1999 memorandum, this is just restating what is already there.

Jeen-Shang Lin: NTS promotion is individualized. Frieze, what we are proposing NTS must have possibilities for promotion. Shang Lin – it seems very messy, it’s completely different.

Seth Weinberg: Many schools right now have tracks in the non-tenure stream, it’s true in medicine, dental medicine and many other schools that we reviewed. Those tracks provide overall guidance, just like the t/s does. Marianne Novy, in A&S it is not an option for NTS faculty to be promoted to Associate Professor.

Michael Spring: What I’m hearing is good feedback. It occurs to me that each unit be upfront and public on what their policies are. It also introduces that there be a promotion track for NTS faculty. There is nothing now that states that is a policy.

#2 simply says the units have a responsibility to make those policies public within their unit. #3 pertains to annual reviews and who they pertain to.

Jay Sukits mentioned we perceived that when we heard comments from the Assembly, people were making assumptions of what a NTS faculty was. Every unit has different policies and conducts NTS reviews and promotion tracks differently. In the Business School we have full NTS professors, Associate NTS professors, Assistant Professors and Instructors. I think the other professional schools have similar situations as well. We need to have things available in their own unit, not across the board.

Bob Daley commented that an option may be to publish it on the “intra-net”, my.pitt.edu

Michael Goodhart: There appears to be a contradiction between #2 & #3, which is it? Individually tailored or several? Frieze, we never intended a universal policy, clearly it’s ambiguous and we will need to rephrase it somehow.

Nick Bircher: There are three levels of policy in which we need to think.

- 1) University level Policy – gives very broad guidelines on how to treat faculty fairly
- 2) Unit level policy – which allows distinctions in both tenure stream and non-tenure stream and those differ wildly school to school as well
- 3) Whether or not the department chair is abiding by the policy with-in their school. What happens when the dept. chair individualizes a plan for someone else where they have given an impossible set of goals.

Is there any such review in the Health Sciences?

Balaban, I believe it’s conducted by the Senior Vice Chancellor’s Office. Another point is that a dean also reviews the letters. You have a unit level responsibility, the dean is typically making the salary and promotion recommendations. You have two levels of a check, the chair is accountable to the dean and the chair and the dean have their reviews by the Office of the Provost.

#4) What type of specific information needs to be in these individual letters? What types of things need to be included for making up the guidelines? Often there is ambiguity in the titles. We do feel titles should be more standard across the university. There is no current clear path to emeritus status for NTS faculty.

Gaddy: University wide has fairly standard policies for tenure/tenure stream. This leaves too much to the units. I would prefer a university wide policy that was more standard for NTS as well. I think the discretion at the unit level is troubling.

Frieze: That’s an interesting suggestion, but not sure how that is possible since everyone has such different job duties.

Alex Vieira: In many units, there is very little guidance for NTS faculty and what

exactly are their duties. It is not clear what you are trying to address here.

Frieze: Duties often change, someone might start off teaching, but then becomes an administrator.

Balaban: Look at the [1999 memo](#), you will see that nothing is new here. These are things that we have already been doing or should be doing. These are recommendations for what seems to be lessons in being collegial to all of our faculty.

#5) Committees should have “appropriate” representation from NTS faculty members.

Lin: Why is it necessary for the word “appropriate”?

Frieze: We think it’s necessary for peer reviews and other NTS faculty better understand the requirements for NTS faculty than tenure stream faculty. I think a few people in this room today, don’t understand the job duties of NTS faculty. I wonder if you could fully represent them on a committee that is judging their promotion.

Withers: In the 1999 memo there is no language that suggests annual reviews; it says annual letters, which are two very different things.

Spring: Clare you are correct in the last line of Provost’s Maher’s memo it says:

...for faculty members in the non-tenure stream, annual letters should explain in clear and specific terms expectations for the coming year.

One of the things I think, that this committee is doing, is elevating NTS faculty into a process similar to the intended process of Provost’s Maher’s 1999 memo.

Balaban: That is how it is practiced.

Spring: There has never been any question in my mind or in Irene’s mind that we are together with the Senior Administration on where we want to move. That is often the case, the administration has been moving in various units at different speeds and at different levels over the last several years. The Senate looking at this issue does not suggest in any way, shape or form that we are concerned that nothing is being done. It is sometimes important that the Senate and in particular, Faculty Assembly, take an independent look and do an overview. I don’t think we would expect that a 1999 memo first articulating annual reviews could be perfect. I think Carey has suggested that in the past 15 years the Provost’s Office has adapted as they moved forward. The fact of the matter is NTS faculty are on contracts, they have appointment letters specifying what is expected of them. What the committee has articulated is a desire to charge the administration with a review of them.

Bircher: Speaking as an Associate NTS professor, my reappointment letter every

year comes from the Provost not the Dean from the SOM. It does not have anything about my annual review in it. In a technical sense it doesn't show up in the reappointment letter, it shows up in a much longer detailed document.

Balaban asked if Bircher receives a separate salary letter listing expected duties, Bircher confirmed that the salary letter is separate from the Provost's reappointment letter.

#6) Frieze we think Budget Policies should review NTS salaries across the University.

Frieze: let me just say that there are a lot of issues we not yet covered yet. We have not yet taken on P/T faculty issues.

Jane Cauley: Has the committee looked at what other universities are doing with their NTS faculty?

Frieze: We have looked at different schools, but the problem is the policies are not public and we can't find out the detailed information. Plus, things are so specific here, I'm not sure how much other schools would help.

Gaddy: The AAUP has come up with some recommendations regarding NTS faculty such as a path toward promotion. Maybe you could review to see if the committee is in line with the AAUP.

Spring: The number of NTS faculty are increasing at Pitt as well as other places, they are members of the Senate, they are our concern. I think this is a wonderful example of Pitt's dedication to shared governance. It's a slow and tiresome process.

Frieze: We clearly can't pass this today, but I'm not sure exactly where to go with this.

Weinberg: If you look at all the different departments, you will notice that it is very complex and how different it is across the different schools.

Spring: You have received good feedback and questions and that maybe examples would be helpful.

Daley: There seems to be difficulty in the discussion between #2 and #3, try to separate the two so people don't get them confused.

Plant Utilization and Planning Committee

Susanna Leers and Patricia Weiss, Co-Chairs

[Power point presentation](#)

Sustainability has been a big issue for PUP over the past few years. There was a

Sustainability Subcommittee of PUP, which was very active, with administrators, faculty, staff and students. Over time, the university accepted sustainable approaches as a good way to do business and there really wasn't a need for the separate subcommittee. Sustainability has now been absorbed into PUP.

The other thing that has happened this year is a campus sustainability working group, which met for the first time last week. It currently only has staff and faculty involvement, no students at this time, but we will continue to advocate for student involvement.

We meet monthly, we take field trips to campus sites twice a year, during our meetings we have a presentation from invited guests, an update from Facilities Management, other business raised by committee members.

The David Lawrence Hall renovation is currently underway. Posvar Hall is undergoing some major changes. CGS and its associated units are going to move from the Cathedral to the first floor of Posvar where the GSPIA library was formerly located. They will also be opening up some of the brick work. Clapp Hall renovation includes new labs, roof, windows and doors.

A real effort in obtaining LEED certification on all the projects is a priority. The Cathedral of Learning elevator project is a huge undertaking and will take several years, they are going to do the project in stages.

Paul Munro: David Lawrence Hall project will be very disruptive, the two main lecture halls will be gutted and will be out of commission for a year. In the interim classes will be moved to Alumni and Bellefield Halls. Neither of those rooms have arms on the desks. It will be a challenge for a year, but it will be wonderful once it's completed.

Tenure and Academic Freedom Committee

Barry Gold and Maria Kovacs, Co-Chairs

Barry Gold mentioned that the [T AFC resolution](#) was voted on by the nine elected T AFC members and was unanimous in favor of this resolution. The driving force is that T AFC has been approached by a number of faculty who are getting their salaries reduced. The process by which this is taking place is quite obscure. Where the policy comes from and how these reductions are being decided. When you look through University policy what you find is a lot of verbiage on how to give salary raises, there is virtually nothing on salary reductions.

We thought that a 20% reduction to salary is an assault to the tenured faculty. We thought it was worthwhile to put together a committee to figure out how this is being doing and possibly suggest some guidelines. It would be university wide.

Maria Kovacs commented that the discussion dovetails into the 1999 Maher memo. That memo is 15 years old, it's time to do a university wide evaluation. We

are focusing on tenured faculty issues, for that is who has contacted TAFC. The treatment of tenured faculty is a little more straight forward and we are discussing if the treatment of tenured faculty should be uniformed across the university.

Munro: What school or schools are you referencing?

Kovacs: The School of Medicine and we have heard of other possible schools.

McKinney: There is no criteria that exists and no due process

Balaban: Has the committee asked to meet with the administrators of the schools in question?

Kovacs: No, we don't yet have a committee, the proposal is for an ad hoc committee

Gold: Our committee right now is not in a position to meet with all of the Deans, and Provosts within the university, but we are asking to put together a committee that would do that

Weiss: What does the phrase constructive discharge mean?

Bircher: It is to make someone's life so miserable that they leave, it is a legal term

Smitherman: Concerned with "legalese" in #6, 7 & 8. In the sense of shared governance, I find it hard to support the resolution as it is written. Constructive discharge is a legal term.

Gold: Is having your salary reduced 20% two years in a row considered constructive discharge?

Smitherman: Constructive discharge is a legal term, it is easy to say, but hard to prove. It is used in numbers 6 & 7. In the next paragraph, we use wording... to allow a targeted individual to be evaluated in an arbitrary, capricious, and unfair manner; that also is stated as an established fact that also gets into legalese. I'm concerned that we try to be an organization of shared governance and I think that most reasonable people reading paragraphs 6, 7 & 8 would say that we as Faculty Assembly are accusing our senior administrators of breaking the law. Have we reached that point? I'm not prepared to do that.

Instead of using "several" we should use two. Lastly, it states filed grievance with TAFC, the faculty file a grievance with the Provost and ask for assistance from TAFC.

Gaddy: Tom, would you say that constructive discharge of tenured faculty is antithetical to the fundamental protections afforded by tenure?

Smitherman: that's a judgment call. I will remove my objection to paragraph 7.

Daley: I'm struck by all the whereas comments, whereas is supposed to be a statement of fact. You are basing a resolution on all those statements of fact. In terms of capriciousness, if a unit had a policy that if you didn't bring in funds you would get a 20% salary reduction, then that is not capricious. I support the thought that this issue should be looked into, perhaps by an ad hoc committee, but I really find the resolution itself rather striking.

Gold: The important part, which seems to be missing is the lack of policies that are in place it would allow an arbitrary, capricious or unfair act to take place. Without any clear policy, a department chair or dean could decide on a whim to cut someone's salary.

McKinney: This has definitely happened in the past, there is no criteria, the dean does it without any fair warning.

Balaban: Schools have appeal policies for salary decisions. If you take a look at our grievance policy, such as demonstrate capricious application for any violation of law, would qualify for our grievance policy.

Gold: It's hard to prove if something was done capriciously or outside of policy since there really is no policy on salary reduction. We have no clear university policy on significant salary reductions for tenured faculty. That does put a tremendous amount of power into the hands of a dean or a chair, to target out specific individuals for a variety of different reasons and I think that is something that needs to be addressed here at the University of Pittsburgh if tenure is going to mean anything in the future.

Spring: The underlying concept here is to undertake a review of the review procedure across the university. Referenced on several occasions is the 1999 policy which set things up. May I have a show of hands of how many people feel such a review would be a good thing to take? Here's is what I would suggest, I believe this is an important matter and that we need to get this right. We are not going to resolve this matter this year, the ad hoc committee isn't going to meet and conclude this academic year. My sense, is that FA feels this is a good thing to do, that even friendly supporters have questions on some of the wording.

Frieze: is the intent to review the entire university or just the School of Medicine?

Kovacs: We are concerned with tenured faculty across the entire university. We would like to have a better sense of how these evaluations are applied university wide.

Joe Costantino: I personally and I think that several people in this room are very much in favor of setting up this committee to accomplish the task which is outlined here, but I would not vote for it in the current format and style that it is in right now.

Daley: The focus should not be the whole salary review it should be whenever there is a reduction in current salary.

Munro: Limit the whereas's and focus on the first resolution, reviewing salary reduction policies.

Gaddy: Is it possible to put forth a separate motion that we create an ad hoc committee, but vote on the resolved through part 1.

Balaban: The jurisdiction of the Senate is to university wide issues, there are certain implementation issues that are governance processes by individual schools.

Smitherman: If you want to do something today, I would suggest for Maria to withdraw her resolution and quickly coin a resolution from the Faculty Assembly. I think amending this on the fly will be a mistake.

Spring: We have a motion to amend on the floor

Gold: I don't think this makes sense

Goodhart: I support what TAFC is doing, but I am against the proposed amendment. I would suggest withdrawing the motion, create a new one and come back in June to Faculty Assembly

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| <p>Alex Labrinidis: Will your committee be meeting before the June Faculty Assembly meeting and be able to review this within the committee?</p> <p>Gold: I'm not sure what is offensive in this document. There is a lot of fact in here. We don't want to go back, bring it here again, I don't know what is so objectionable. If you cut out #2 and #3, there is no sense to have a committee in the first place. I think we can easily just stick with what we have and try and vote for what is currently written.</p> <p>Scott Nelson: I think people feel the language is accusatory and just because something is fact doesn't mean that things do not need to be presented in a diplomatic way to convince the audience. I'm not in favor of amending it, but I would suggest minimal re-working of this.</p> <p>Balaban: I would like to urge the committee to sit down with the administrators involved and discuss the issues.</p> <p>Gaddy: I fully support every word you have here and my intent was not to diminish anything that you have written. I withdraw my amendment</p> <p>Spring: Called the vote on the TAFC resolution as it was written. 20 in favor, 10 opposed, 2 abstentions, motion passed.</p> <p>Spring: Thank you all for staying. I do think it is important as we form this committee that we have two senses: 1) there is support for this review and 2) that we may have chosen in putting the motion together some terminology that some may view as confrontational or less than pleasant. I know that nobody wants that.</p> | <p>20 in favor, 10 opposed, 2 abstentions, motion passed.</p> |
| <p><u>Unfinished Business and/or New Business</u></p> <p>Sukits will discuss his observation at the June 3 meeting</p> | <p>None</p> |
| <p><u>Adjournment.</u></p> <p>Meeting was adjourned at 5:02 PM</p> | <p>Meeting adjourned</p> |

Members attending:

Aggelou, Alexander, Beck, Bircher, Cauley, Clark, Costantino, Daley, Flynn, Fort, Frieze, Fusco, Gaddy, Gleason, Gold, Goodhart, Groark, Hughes, Kear, Kovacs, Labrinidis, Leers, Lin, Lunsford, Lyon, McKinney, Molinaro, Morel, Munro, Nelson, Novy, Poloyac, Ramsey, Skledar, Smith, Smitherman, Song, Spring, Sukits, Vieira, Weinberg, Weiss, Wilson, Withers

Members not attending:

Alarcon, Ansell, Atai, Chase, Chiarulli, Clermont, de Montmollin, Gibson, Hravnak, Irrgang, Jones, Karp, Lewicka, Majumdar, McLaughlin, Miller, Mulcahy, Neft, Nisnevich, Savinov, Savun, Shafiq, Smolinski, Tisherman, White

*Excused attendance:

Baker, Buchanich, Burkoff, Butterworth, Caldwell, Cohen, Erickson, Frank, Jackson Foster, Mauk, Riccelli, Tananis, Withiam

Others attending:

Balaban, Fedele Oltmanns

* Notified Senate Office