Faculty Assembly Minutes 2700 Posvar Hall September 8, 2015

September 8, 2015	
Topic/Discussion	Action
Call to Order	The meeting
The meeting was called to order by President Frank Wilson.	commenced at 3:00 PM.
Approval of the Minutes President Wilson asked for approval of the minutes of the Faculty Assembly meeting of May 12, 2015.	The minutes were approved as written.
Introduction of Items of New Business	
 A question was raised related to the Monday 9/14 Strategic Planning Presentation. That is Rosh Hashanah. Could this be held again if faculty cannot attend the first session? (The information will be passed on to David DeJong.) Are there any updates on the travel policy from last time? (This can be an update for a future meeting.) 	Actions noted.
Report of Senate President, Frank Wilson	
President Wilson introduced himself and welcomed members of Faculty Assembly. He attended the Senate orientation which was led by past-President Michael Spring and noted it was well-done, with roughly 10 new faculty members attending. President Wilson recognized Lori Molinaro, Senate Director, for her help, and also the Executive Committee members, Vice-President Irene Frieze, Secretary Sue Skledar, and past-President Michael Spring. He took office on July 1 st , and noted that that the group has been helpful and good to work with since the start. Previous past-president Tom Smitherman also has been very helpful in the transition.	No questions or comments were raised for President Wilson.
It was noted that the meeting with Executive Committee has helped to outline the agenda for the year and review procedures, and President Wilson would like to push forward and push boundaries to continue to move forward and make progress. Even though there were some uncomfortable moments last year, we moved forward and will continue to do that. The Executive Committee divided up the Senate Committees to have liaisons. Over the summer, President Wilson noted that the Administration (Provost and Chancellor) reached out to him to discuss issues and they had good and open conversations. He feels comfortable in voicing his and the faculty's opinion. All of the interactions with the Chancellor, Provost, and Vice-Provosts have been open and collegial, in the spirit of shared governance. The Standing Committees are moving forward quickly and the first meeting of the academic year is set for most of the committees. New Chairs/Co-Chairs are in place. The new Research Committee has met for the first time. The issues we identified for them are being taken on, and all types of research on-campus will have a voice. We will get a formal report from the new committee soon. The Ad hoc Committee on NTS issues will be reporting next month on their first 2 years of work, and will present their final recommendations for moving forward. President Wilson also noted that he will be meeting with the Staff Association Council (SAC) to keep the good relationships going. President Wilson has been coordinating with the Regional Campus officers to use the video technology for our meetings and interactions. This will foster input and collaboration. He also noted that the Plenary Topic for this Spring 2016 (March 30, 2016) will be academic freedom. The	

idea came from work of the TAFC (Tenure and Academic Freedom Committee) related to new technology and social media, and how it relates to academic freedom. Seth Weinberg is the primary organizer for this event. By next meeting, we will have an update on progress for this event. Discussions so far have been good, and the Plenary will be part of an ongoing development this year and in the future.

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

Ad Hoc Committee on Annual Review and Salary

Professors Barry Gold and Maria Kovacs, Co-Chairs

The report was presented by Professors Gold and Kovacs. It is available on the Senate Website at http://www.univsenate.pitt.edu/. President Wilson thanked the committee members and noted that he is grateful for their work. Highlights of the report are below.

Dr. Gold reported that in response to a resolution by TAFC which was prompted by tenured faculty salary reductions, the Faculty Assembly created an Ad Hoc Committee in April 2014 to discuss this issue and create a series of recommendations. The Ad Hoc Committee asked for the Provost's help to get this work completed. She set up meetings with seven Deans across the University to find out what guidelines, by-laws or regulations exist at Pitt to handle tenured faculty salary reductions. It was noted that salary reduction for tenured faculty is an extremely rare occurrence, except for the School of Medicine (SOM). Across all the Schools that the Ad Hoc Committee/Provost interviews covered (excepting SOM), up to May, 2015 a total of four faculty have had their salary reduced across the past 20 years. Several schools reported that no faculty had been subject to salary cuts in recent memory; one school reported 2 faculty with the outcome in question, and two schools reported one faculty each having received salary cuts. However, SOM reported that as of May, 2015, 31 tenured faculty (out of a total of 440) had their salaries cut during the past 5 years. There are no standardized rules or guidelines for the amount of salary reduction. On the other hand, in SOM, the salary cut imposed on a tenured faculty member has been generally 20% of the faculty's salary (covering research activities), and in some instances, this cut was imposed more than once. Promotion is based on scholarship, teaching, and service. Salary reductions are based on percent of dollars of your salary the faculty member brings in in a given year. There are no standardized university-wide rules that guide decision making about a tenured faculty's salary in the case of unsatisfactory performance. In SOM, it appears that the primary criterion for salary cuts for tenured faculty has been the failure to procure extramural financial support for the percent of the salary that is being allocated to research (even in the presence of satisfactory scholarly activity). The grievance process also is not uniform and based on peer-review. A genuine remediation and appeal procedure also should be in place.

<u>Summary:</u> The information obtained by this Committee, and the considerable variation in the use of salary cuts as punitive measures across the various Schools of the University of Pittsburgh, clearly suggest that both the evaluative criteria for unsatisfactory performance and the nature of punitive measures imposed on tenured faculty are School-specific. This also is supported by the variable prevalence rates of salary cuts across Schools. Further, with the exception of SOM, this Committee was unable to identify any set of rules or procedures (in print or digitally) which specify the conditions under which a tenured faculty may face a cut in salary. Additionally, given

Specific questions and discussion are noted after each report.

Vote on the report and its recommendation:

Abstentions: 3 "No" votes: 0

Remainder: Approved

the information that was shared with this Committee, it was impossible to determine whether the formal or informal rules are being applied uniformly across all cases that may exemplify the performance shortcomings in question in a given Department or Division. Guidelines and a remediation and appeal procedure should be created.

Recommendations: The recommendations of this Ad Hoc Committee are based on the premise that, because the granting of tenure is vested in the University (and not in individual Schools), it is prudent to have university-wide policies and procedures regarding major decisions that influence the welfare and functioning of **tenured faculty**. Academic freedom does not exist in a vacuum. Indeed, it could be argued that administrative responses that entail punitive measures affecting the financial well-being of faculty constitute a potential threat to academic freedom. Therefore, it behooves the University to establish minimum and uniform criteria across all Schools to justify salary reductions of tenured faculty. The specific recommendations were detailed in the handout provided and include the following (summarized):

- 1) Formulate broad guidelines at the level of the overall institution for "unsatisfactory" faculty performance, considering the balance of scholarship, teaching, and service. A standardized temporal window both with respect to the history of the unsatisfactory performance and remediation should be included. Failure to generate external funding for one's salary ought not to be the sole criterion for an overall "unsatisfactory" performance rating of tenured faculty.
- 2) The university-wide guidelines should include recommendations about ways to remediate unsatisfactory performance.
- 3) Specific Schools should be asked by the Office of the Provost to formulate their guidelines that reflect implementation of the University-wide broad guidelines. Such guidelines should be publically available.
- 4) The university-wide guidelines should include an "Appeal Procedure" outside the administrative chain that was involved in the adverse evaluation and salary decrease of the given faculty. Determination of whether the published criteria and procedures for a salary reduction have been met and applied uniformly within the School in question will be part of the appeal process.
- 5) The development of new policies and procedures should involve the participation of and feedback from Standing Committees of the University Senate, given that these committee members were selected by their peers to serve as part of shared governance.

Comments/Questions:

<u>Stoner</u>: Do contracts in the SOM indicate the metric for external funding?

<u>Kovacs</u>: In the original contract for faculty, this is not noted. A memorandum from the Dean came after original contracts and cuts of tenured faculty. The rigorous tenure process verifies that faculty has the wherewithal and credentials to be faculty at our university, and the memorandum does not align with that.

<u>Gold</u>: The memorandum from the SOM Dean suggested 75% of your research effort as the metric. This is not applied uniformly in the SOM. The 75% metric may not be a realistic goal for each faculty across all departments. The 20% reduction is not uniformly applied.

<u>Frank</u>: Decisions were made for fiscal reasons, with evaluation in teaching, research, service, and scholarship. Did the group spend time talking about the relation of research dollars and scholarship?

<u>Kovacs</u>: My personal opinion is that grant/research funding is one measure of scholarship, but is not the only appropriate index of measurement. Research is not funded anymore like it used to be.

<u>Gold</u>: Faculty have to bring in a percent of their salary dollars, not research dollars. That is a difference. Faculty could be completely funded for their research, but not meet the metric, and have their salary reduced.

<u>Weinberg</u>: Was there a language change in the policy that talked about a "floor" you could not go below related to faculty salary?

Kovacs: There was a policy from 1970's about yearly evaluation of faculty with specific criteria. There was a notation about salary reduction for inadequate performance, but it cannot go below the median of the faculty member's position. This is not related to what is happening recently with salary reduction. If a Dean publishes something new on their website, does this constitute a University policy? The answer is not clear. It can be perceived as a threat to the notion of tenure once salary reduction is carried out. Since this does exist, we feel that policies should be created and that they should be transparent, uniformly applied, and allow grievance. A temporal window for improvement should be established to give faculty opportunity to improve before salary reduction occurs. We recommend that the Provost could create a committee to develop broad guidelines for the university on these issues. This is possible.

Bircher: I strongly encourage the Assembly to vote for adoption of this report and its recommendations. It is essential to have a university- wide policy for salary reduction for the faculty, to protect tenured faculty.

<u>Munro</u>: The recommendation for specific criteria for salary reduction seems problematic. There are degrees of unsatisfactory; it is not a binary function. <u>Gold</u>: It is similar to Promotion and Tenure. Criteria are vague, but most people know it when they see it. The annual evaluation should address performance issues and remediation. In some cases, faculty have had salary cut when they have not had a grant in two years. Sometimes it takes longer than two years to get grant funding.

Kovacs: The specific criteria should be set within the school. For example, publishing research and publishing papers in high-impact journals is a criteria in some schools. In other schools, it may be publishing textbooks. These criteria would be different between schools. The departments should establish what is expected and not just use one criteria to justify salary reduction. Promotion is not one single item, nor is tenure. Munro: If someone within a department differs from another in terms of what they bring in, would they be treated differently?

<u>Gold</u>: The problem is that the SOM gets a certain salary and the 75% is easily marked. If you are at 74%, you are at risk. There should be credit for teaching, and the quantity of scholarship. This hijacks our mission if this is the only criteria.

<u>Kearns</u>: Has the committee had conversation about salary increases? Some schools have an evaluation committee (peer) to review this. It is the Dean's discretion to take that information and allocate accordingly. Could this be part of the appeals process? <u>Gold</u>: The University by-laws note that salary raises are not something that a grievance can be filed about, and is not within TAFC function, unless it is part of an overall discrimination pattern.

Kearns: Can we look at this policy then?

Munro: Do you mean uniform specific criteria?

<u>Gold</u>: There is no actual policy at this time. We are talking about 20% of your total salary reduced, and this has a profound impact on the faculty member.

Bircher: The committee did not consider salary increases as part of the focus.

<u>Swanson</u>: It seems the report is about the wrong thing. Is it about punitive actions or salary? There should be recommendations about both, not just one. The CAS has parts

of bringing in grant money (a formula), and it is very clear. What do the hire letters say in the SOM?

<u>Gold</u>: Grant money is not part of your base salary in most of the schools. There is no information about this in the hire letter. There is not information about what happens if you get salary dollars later – do you get your salary back? The CAS is different; your base salary is set and your grant money is a bonus. The base salary in your offer letter at the University at the SOM is being cut; this is different.

<u>Goodhart</u>: The crucial aspect of this is the extent to which tenure can be undermined by repeated salary reduction that may force a faculty member to leave the University. This is not about salary; it is about whether tenure is secure and transparent. Someone's ability to remain in their position can be challenged by their department.

Norris: This absolutely undermines the concept of academic freedom. It is not as clear as salary support by 75%, as this is presently not being applied uniformly. This is concerning. To take a tenured faculty member in the SOM who has not reached the 75% (which is most of them most likely) and to distill that to one criterion, although they are teaching significantly, and not apply it evenly, it becomes a potential to curtail academic freedom. This is not a SOM-only issue. It applies to all faculty, not just SOM, and not just tenured.

<u>Truilzi</u>: Another impact is that this can affect your decision-making as to how you spend your time as a professor. Salary support for NIH T-35 training grants for the Director is very small (~5% of your time), and does not cover the 75% marker. The T-35 grants are very important, but professors may be unwilling to be on these grants based on the small funding support. This cannot be a line item alone.

<u>Frieze</u>: I would like to suggest a friendly amendment: we should reinforce that this applies to tenured faculty in the actual numbered recommendations. Also, did you consider tenure-stream faculty?

<u>Gold</u>: It states "tenure" in the title. This does not apply to tenure-stream at this time. <u>Frieze</u>: Can you add language in the numbered recommendations? Especially under #1. <u>Munro</u>: It also says it on other pages.

<u>Weinberg</u>: Irene is worried about the recommendations being taken out of context. <u>Kovacs</u>: The original charge was to deal with and represent tenured faculty, who are and were the ones that filed the grievances. It could eventually be applied to tenure-stream.

<u>Frieze</u>: Were there salary reductions for tenure-stream faculty when you talked to the Deans?

<u>Gold</u>: The cases were so rare even for tenured faculty: thousands of annual reviews with five salary reductions across all seven schools across all of those years. This is a rare event and those that happened seemed due to legitimate reasons.

Spring: The group was congratulated for their efforts, and past-President Spring endorsed it. Temporal windows, grievance process, transparent and public guidelines, and balanced evaluations make sense. Item 1 (1st paragraph) – ends with each school deciding relative weights, with a task to specific faculty. This is not balanced. Each time the document tries to be careful (last sentence, paragraph 3), there is a caveat that confuses the issue. In general, the document recommendations make sense; there are some caveats that could be improved. Change "should be" in some areas to make it a stronger set of recommendations. The recommendations are at times, overly careful, but everything you have suggested is reasonable.

<u>Kovacs</u>: I received much indirect insinuations that the Provost's office was ambivalent about this. This is not correct. She was very engaged and interested in this and was willing and open to have this committee. She met with us within weeks. Her personal

contacts with the Deans helped us to do our work. I am confident that she is going to be	
supportive of this initiative.	
Kearns: Were the 5 faculty who has salary reductions across the university all from the SOM?	
Gold: No. There were 31 in the SOM who had salary reductions in the last five years; the	
5 total were from other schools across the university.	
Wilson: Let us vote on this recommendation.	
Unfinished Business and/or New Business	
IRB Advisory Committee for Social and Behavioral Research	
Professor Irene Frieze, Chair	Questions and
The report was presented by Professor Irene Frieze. It is available on the Senate	discussion are noted
Website at http://www.univsenate.pitt.edu/ .	below.
This group was originally set up in 2004 due to faculty concerns brought to Faculty	Below.
Assembly. Many changes in the IRB procedures for exempt and expedited (unfunded)	
research were created. Irene Frieze, the Senate liaison, was elected chair and has	
served in this role since then. Chris Ryan was a wonderful liaison to the faculty. Since	
2004, the committee as served as a liaison between faculty and the IRB Office to help in	
identifying and solving faculty concerns. When Chris left, concerns were raised in his	
absence about who would be the contact. The Provost and George Huber responded	
and asked that the Advisory Committee be reactivated. Assembly members should let	
Irene know if you are interested in serving, or if you have concerns with the IRB process.	
She will be again be chairing this Advisory Committee. Members who have agreed to	
serve were part of the report (at the link above). The IRB office is interested in	
communicating directly with the faculty, so there will be an Oct 14, 2015 meeting with	
the IRB staff to get acquainted. Melissa Miklos (412-383-1145) the IRB Associate Director of Education, is now available to faculty to make suggestions, voice concerns,	
and ask any IRB related questions.	
and ask any more related questions.	
Weinberg: Should we limit this to Social and Behavioral Research?	
<u>Frieze</u> : Yes, at this time we'd like to limit it to the Social and Behavioral Research.	
Weinberg: Under Chris Ryan, this process got a lot better. There are some concerns that	
are being expressed.	
<u>Frieze</u> : There was a committee in the health sciences as well originally. I am not sure if	
that is still meeting. The new Research Committee perhaps should look into this.	No discussion
Announcements After the first Senate Council meeting (Wed 9/16), there is a Chancellor's Reception. All	No discussion.
Faculty Assembly are invited to this. The reception is on Wednesday, September 16, in	
the Chancellor's Office, 107 CL, beginning at 4pm.	
Adjournment	Adjournment at 4:11pm.
Meeting was adjourned at 4:11pm	, rajournment at 4.11pm.

Documents from the meeting are available at the University Senate website: http://www.univsenate.pitt.edu/faculty-assembly

Respectfully Submitted,

Susan Skledar, RPh, MPH, FASHP

Senate Secretary

Associate Professor, School of Pharmacy, Department of Pharmacy and Therapeutics

Members attending:

Alarcon, Bircher, Buchanich, Bratman, Clark, Cohen, Cole, Costantino, Czerwinski, Dahm, Dewar, Donihi, Fort, Frank, Frieze, Gold, Goodhart, Groark, Hartman, Horvath, Jacob, Kanthak, Kaufman, Kaynar, Kear, Kearns, Kovacs, Leers, Miller, Molinaro, Morel, Muenzer, Munro, L. Nelson, Norris, Olanyk, Poloyac, Ramsey, Rea, Rigotti, Rohrer, Savinov, Savoia, Schmidhofer, Skledar, Spring, Stoner, Sukits, Swanson, Toto, Triulzi, Velankar, Vieira, Weinberg, Wilson, Withers

Members not attending:

Falcione, Fusco, Helbig, Hravnak, Irrgang, J. Lin, Mauk, McLaughlin, Mulcahy, Smolinski, Tananis, Weiss

*Excused attendance:

Ataai, Beck, Corrall, Flynn, Gaddy, Guterman, Jones, Labrinidis, C. Lin, Loughlin, Marra, Mulvaney, Novy, Scott, Yarger

Others attending/guests:

Barlow, de Vallejo, Fedele, Kirsch

*Notified Senate Office