

**Professional Concerns Committee
Minutes for Feb 02, 2017**

**SU 109
3:15 pm**

Members in Attendance: K. McErlane, S. Alexander, K. Schwarz, K. Ankem, K. Katkin, J. Farrar, S. Weiss, Y. Kim, H. Ericksen, B. Buckley, S. Nordheim, M. Torres, A. Miller, K. Fuegen, S. Neely, J. Hammons, J. Gilbert, T. Bonner, B. Zembrodt, S. Finke, B. Puente-Baldoceda, G. Newell

Members Not in Attendance: L. Wermeling, D. Dreese, A. Watkins, M. Carrell, B. Mittal, K. Sander,

Guests: Michael Bardgett, Robert Kempton, Samantha Langley

1. Call to Order, Adoption of Agenda – Agenda adopted
2. Approval of Minutes from PCC Meeting of Jan 19, 2017 – Minutes approved
3. Chair's Report and Announcements

President Mearns is leaving. Final date not set, but he may leave before the end of the present semester. An interim President will be appointed ASAP. The Board of Regents will seek to have a new President in place by Fall 2017, if possible. The Board will presently select a search firm, and will seek to recruit quickly from the pool of candidates who have been on the national market this year for college presidencies. K. Katkin asked the Regents whether the Board's last-minute disapproval of President Mearns' proposed tuition increase of 4% in May 2016 played a role in catalyzing the President's departure. Board of Regents Chair Richard Boehne said that it did not.

Before its January meeting, Faculty Senate held elections for officer positions for academic year 2017-18. Most were uncontested. K. Katkin was uncontested and will continue to serve as PCC Chair in 2017-18. The office of Senate Secretary was contested, and Laura Sullivan won. At the same election, the general faculty also approved proposed amendments to the Faculty Senate constitution. The Provost stated her agreement in principle with the proposed changes, but said that she did not currently control the funds necessary to pay for all the faculty reassign time called for by the approved amendments. The Provost will seek to obtain funding, and, after completing her review, plans to submit the amendments to the Board of Regents for final approval. Changes include the restructuring of some committees and adding a faculty advocate. A few more Senate officers may get reassigned time if funds allow. Faculty Senators are no longer required to be on a Senate Committee. Departments can send other faculty members to serve on Committees. Senate also discussed the gag order resolution. It will be voted on at Senate's next meeting in February.

4. Old Business

- **Discussion Item: Retired Faculty Participation on Sponsored Projects**

At PCC's meeting of Sept 1, 2016, PCC discussed what was then an administrative policy proposal entitled **Retired Faculty Participation on Sponsored Projects**. At the Sept 1 meeting, PCC did not make any recommendation but instead acquiesced to the proposed administrative policy, without comment. In January 2017, however, the Provost asked PCC to take action on this item, either to formally recommend the adoption of the policy, or to suggest amendments. In addition, several Faculty Senators also asked PCC to recommend amendments to this policy. Accordingly, the issue is now back before PCC.

Regents Prof. of Chemistry Emeritus, Robert Kempton, provided written comments and addressed the PCC in person. Prof. Kempton took emeritus status in 2010, at which time he had a research grant that expired in 2011. Prof. Kempton described detrimental changes in his federal income tax status when he was reclassified as an independent contractor while working on his grant after taking emeritus status. Prof. Kempton also explained why the present policy proposal would make it difficult or impossible for him to keep his research grants if it takes effect. Although the policy contemplates a full-time faculty member taking on a co-PI role to help retain an emeriti's grants, Prof. Kempton questioned whether this assumption is realistic in practice. If PI retires, how could someone else take over the PI role? And who would get the stipend?

Mark E. Bardgett, Regents Professor and Director of the Interdisciplinary Minor in Neuroscience, also provided written comments and addressed the PCC in person. Prof. Bardgett stated that he has had significant experience obtaining grants, and now coordinates a research infrastructure network. Grants bring in so much money, why wouldn't we let retired faculty participate in that? We don't have other faculty to take over. Reducing an emeritus faculty member to "independent contractor" status means that indirect costs would not go to University. Prof. Bardgett stated that he checked with colleagues at several other regional universities, and found none with a policy like this.

Dr. Samantha Langley, NKU Vice Provost for Graduate Education, Research, and Outreach, addressed the comments provided by Profs. Kempton and Bardgett. Dr. Langley stated that NKU does not have a policy on emeritus faculty participation in grant-funded research, and that federal authorities recommend that we should have a policy. The proposal would apply only to externally funded projects. It would not apply to external grants that are available only to retired or emeritus faculty members. Dr. Langley stated that faculty members who take emeritus status in the middle of an externally-funded grant should no longer serve as PI on their own grants, because the university is responsible for proper completion of the grant which the university can no longer assure if the PI is not a current employee. The emeritus prof could still serve as co-PI, and could still receive a stipend though this would have to be negotiated with co-PI. Retirees are responsible for taxes on a grant. Dr. Langley also stated that it is impossible to re-hire emeritus faculty members as "temporary employees" (rather than

“independent contractors”) because the US Department of Labor has strict rules specifying the difference between a “temporary employee” and a “contractor.”

S. Finke stated that the policy should distinguish between emeritus faculty and other retired faculty members. K. Katkin agreed, noting that emeritus faculty members retain their rank, status, and institutional affiliation with NKU under our Faculty Handbook, while retired faculty members do not. K. Katkin also stated that, in practice, the university has little more control over full-time tenured faculty members than over emeritus faculty members. In both cases, as a practical matter, the university must rely primarily on the integrity and good faith of faculty members who obtain research grants to avoid misconduct and mismanagement. In suggesting otherwise, the proposed policy unfairly disparages the faculty and discourages late-career faculty members from remaining research-active.

After further discussion, Profs. Bardgett and Kempton agreed to submit written proposed draft amendments to Dr. Langley that would resolve their concerns. K. Katkin stated that he hoped that this exchange would produce a mutually agreeable revised proposal which PCC would be happy to support. K. Katkin concluded that this item will be put in abeyance from PCC’s Agenda until such time as Profs. Bardgett and Kempton bring it back, ideally with the support of Dr. Langley.

- Voting Item: **RPT Issues: Biennial Review** (1 attachment)

The PCC resumed its discussion of the frequency of RPT review, which we discussed at our previous two meetings. Today’s discussion focused on the scope and availability of informal interim off-year review. The Provost stated her willingness to promulgate a policy that would allow departments to provide for such review in their guidelines, if PCC so recommended. The PCC discussed the desirability of such a policy, and ultimately concluded that it would cause more problems than it would solve. Accordingly, the PCC voted not to recommend the adoption of an administrative policy that would recognize the availability of informal off-year interim RPY review. Instead, such informal off-year review would take place as part of the mentoring process rather than the RPT process, and would not be explicitly recognized in any written RPT policy.

The PCC also discussed whether tenure-track faculty members currently in the RPT pipeline would be allowed to opt to continue with annual RPT review rather than switching to biennial. The Provost offered to issue a form to all tenure-track faculty members asking them to state their preference: (1) continue under the annual review process up through the 6th-year tenure review; or (2) switch to the biennial review schedule (we would need to specify mandatory review years for each faculty member choosing this option). These decisions would then be communicated to Chairs and Deans and placed in the faculty member’s official file. The PCC unanimously favored the Provost’s proposal and VOTED to accept it. The PCC requested that the Provost memorialize this proposal in writing to be distributed to Faculty Senate.

The PCC then VOTED to recommend that the NKU Faculty Handbook be amended as follows to effect the change from annual review to biennial review:

Proposed Amendments to Implement Biennial Review

To implement biennial review, the one-year terms in Sections 2.2 and 2.3.2 would need to be changed to two-year terms, and the language in Section 2.5 would need to be amended to clarify that a person who does not receive tenure by their sixth year shall receive a terminal contract in her seventh year, rather than in her seventh contract. (Because non-tenure-track instructors and part-time faculty members are not subject to RPT, Sections 2.3.1 and 2.4 would not need to be amended). Thus, to implement biennial RPT review, the following amendments to the 2016 Faculty Handbook would be needed:

- (1) On Faculty Handbook Page 24, Section 2.2, the phrase “one year” is replaced by the phrase “two years,” and the phrase “at the end of that academic year” is replaced by the phrase “at the end of the following academic year.”
- (2) On Faculty Handbook Page 24, Section 2.3.2, the phrase “one-year terms” is replaced by the phrase “two-year terms,” and the phrase “shall be a terminal contract” is replaced by the phrase “shall be a one-year terminal contract.”
- (3) On Faculty Handbook Page 25, Section 2.5, the phrase “the seventh contract shall be a terminal contract” is replaced by the phrase “the contract for the seventh year shall be a one-year terminal contract.”

If these amendments were made, the language quoted above would then read as follows:

2.2. INITIAL APPOINTMENT—PROBATIONARY

Ordinarily an initial appointment will be for ~~one-year~~ two years for all ranks. If a person is appointed to the faculty during an academic year, the term of his/her contract will end at the end of ~~that~~ the following academic year.

2.3. REAPPOINTMENT—PROBATIONARY

2.3.1. INSTRUCTOR

An instructor who is reappointed shall receive a one-year contract, which may be renewed. No person shall hold the rank of instructor for more than seven years. If an instructor does not qualify for promotion before the end of his/her sixth year in rank, including any University-recognized credit for prior service, the contract for the seventh year shall be a terminal contract (see Section 2.5, Probationary Contracts). Non-tenure-track, renewable faculty holding the rank of instructor before the adoption of this Handbook (1994) may be reappointed at this rank beyond the seven year limit.

2.3.2. ASSISTANT PROFESSOR

Reappointments of an assistant professor will be for ~~one-year~~ two-year terms, provided, however, that the total time in probationary appointments, including university-recognized credit for prior service, does not exceed seven years. If an assistant professor does not receive tenure before the end of the sixth year of probationary appointments, including university-recognized credit for prior service, the contract for the

seventh year shall be a one-year terminal contract (see Section 2.5, Probationary Contracts).

2.4. PART-TIME FACULTY

The term of employment for part-time (non-tenure-track or non-tenured) faculty shall not exceed one academic year.

2.5. PROBATIONARY CONTRACTS

Faculty who have probationary contracts do not have tenure. Reappointment to a probationary contract is conditioned upon successful performance and recommendation for reappointment as specified at Sections 3, Evaluation; 4, Reappointment; 5, Promotion; 6, Tenure, and 7, Appointment, Promotion and Tenure for Librarians. A person may not hold a probationary appointment for more than seven years, including university-recognized credit for prior service. If a person does not receive tenure before the end of the sixth year of probationary contracts, including university-recognized credit for prior service, ~~the seventh contract~~ the contract for the seventh year shall be a one-year terminal contract.

This recommendation will be forwarded to Faculty Senate for further action.

5. New Business

- Discussion Item: **Statement of Solidarity – We Are NKU**
Will be edited and brought back to the next meeting.

6. Adjournment – adjourned at 5 PM