

Professional Concerns Committee

Minutes for November 3, 2022

Hybrid Meeting (SU 109 and Zoom Conferencing Software), 3:15 pm

Members in Attendance: S. Alexander, K. Ankem, R. Brice, J. Elliot, K. Fuegen, R. Gall, B. Green, P. Hare, J. Herman, W. Herzog, K. Katkin, Y. Kim, A. Miller, N. Mihindikulasooriya, M. Nakamura, M. Providenti, H. Riffe, I. Saad, J. Washburn-Moses, M. Washington, M. Whitson

Guests in Attendance: J. Bloch, G. Hiles, J. Vest

Members Not in Attendance: W. Darnell, L. Manchise, H. Schellhas

1. Call to Order
 - a) The meeting was called to order at 3:18pm.
2. Approval of the minutes from the October 20
 - a) The minutes from the October 20, 2022 meeting were approved as distributed.
3. Chair's Report and Announcements
From Faculty Senate:
 - a) Senate President announcements:
Faculty Senate President is looking for faculty willing to serve on the Peer Review Advisory Committee, Peer Review Hearing Committee, and, potentially, the Financial Exigency Committee. Contact John Farrar if interested.
 - b) TEEC reminder
TEEC Chair reminded us there will be a new student evaluation tool in January. If you need to save your old evaluations, do it now while they are available. They will disappear in mid January.
 - c) President Vaidya, Board of Regents
During the **October faculty senate** meeting, President Vaidya stated that the Board of Regents will meet next week to 1) review and approve a revised budget for FY 23 (university seeking additional \$10 million from reserves), 2) review and approve a faculty separation plan, and 3) review and approve a reorganization plan (unrelated to academic commons). The Board will discuss in December whether to enable NKU to authorize charter schools. The Board ultimately decides, but the administration will inform them. Faculty Regent Michael Baranowski invited the faculty to send him feedback regarding charter schools.

He will share feedback with the Board.

d) Voluntary separation incentive plan (Lori Southwood)

This plan is still in draft form.

For eligible tenure-line faculty and administrators with faculty appointments.

Those in phased retirement are not eligible. PT faculty are not eligible. No age requirement or years of service requirement.

Separation dates: Faculty members may select May 31, 2023 (end of spring semester) or December 31, 2023 (end of fall semester). Lump sum payments will come one month following the separation date. Faculty will receive a lump sum of 80% of base salary (not to exceed \$100,000) and a lump sum of \$10,000 to use toward healthcare costs.

Application Deadline: January 6, 2023

Approvals will be based on the percentage of salary savings achieved and will be determined by the dean and provost. President makes final decision.

Faculty would send an application to their dean. Dean reviews and judges the amount of money saved. Dean forwards all applications to the provost. CFO and HR will also review applications and make recommendation that will go to the Provost. If a faculty member will need to be replaced, chances are the request will not be approved, because it will not result in savings. If NKU does not need to replace 75% of the salary, then the request is likely to be approved.

Information: town halls from mid-November until January 6.

Applicant will have 45 days to review offer and accept/decline. By mid-March, applicant would need to submit their resignation.

Questions and Criticisms from Senators:

Will this plan ultimately result in savings? Very highly paid faculty are not eligible.

Will this plan contribute to turmoil and disarray among the faculty? Will this kill morale?

Will faculty who apply but are denied going to be penalized in some way? Does the Dean have to know that you are considering leaving?

What will happen to the savings? It would seem to go back to the general fund. How will a faculty member learn which tier they are in (1, 2, or 3)? How much money can be saved if they leave? How can this be conveyed to the faculty?

e) Senate statement on repositioning plan (John Farrar)

The Senate discussed a statement drafted by John regarding shared faculty values and priorities for the NKU repositioning. The draft includes a statement about the importance of collegial governance, minimizing the impact on faculty positions, prioritizing student success, being mindful of the impact on DEI initiatives, the need for all units to share in the reductions, and the importance of revenue enhancement. It concludes with a statement that a full accounting of the cause of the budget fiasco must be reported to the faculty. Senators

provided feedback on the draft, but no action was taken. John plans to bring it back to the Senate for discussion and a vote in November.

DISCUSSION:

- Because of the short time between the announcement of the faculty separation plan and the BoR vote, could any organized faculty body take a vote before the BoR meeting? Could Senate or PCC express a view on this?
- A vote is probably not possible. Senate President has asked the Executive Committee to meet with the President and Provost prior to the BoR meeting. The separation plan is already on the BoR agenda. However, the plan is a “draft” plan.
- The problem is that this is a plan to permanently end any of these tenure track lines. If a buyout is accepted, a criterion is that that position does not need to be replaced leaving one less tenured line. This is a way to reduce the number of tenured faculty without a plan to replace them later.
- Is this a way to replace high earning professors with assistant professors?
- In most cases, if a full professor is replaced by an assistant, the assistant would get more than 75% of the salary – that wouldn’t be approved under this plan. The plan would be to replace with NTT, adjunct, or eliminate the position.
- J. Vest: Tenured lines where enrollment has dropped would not be replaced. Savings on a newer professor versus a tenured professor would be considered. The Provost has said that this process will “create a significant dent in” the number of tenure/ tenure track professors and we will need to rebuild that in areas of higher student demand.
- Lack of faith in the administration’s intention toward “rebuilding” tenure lines was expressed.
- Can we get a statement in writing to the faculty that when enrollment in an area increases, there will be new tenure-track lines.
- Even if this were in writing, it’s very conditional. Enrollments will not increase in departments with these cuts. The cuts will damage the ability to offer some majors so how could enrollments increase?
- Why would students come here if we are cutting programs? Described as a “death spiral.”
- This is already the situation in World Languages and Literature, very few tenure lines. Most faculty are NTT and adjunct. Other departments could be moving this direction.
- Why will high schools students decide to attend NKU when there are no faculty in their area?

ACTION:

Continue discussion later in this meeting under agenda item 5.

4. Voting item: Shall a person not be permitted to serve at any level in the RPT process if their spouse, domestic partner, or family member is submitting a dossier for reappointment, promotion, or tenure?

BACKGROUND:

An addition is being proposed for section 3.2 of the Handbook: "Family members, spouses, or domestic partners of faculty under review may not participate at any level in the RPT process, including as a committee member. If a faculty member is ineligible to serve after being selected to serve on a departmental or school committee, the chair or school director will select a replacement. If a chair **[or school director]** is ineligible to serve, the dean of the faculty member's college shall appoint a replacement. If a dean is ineligible to serve, the provost shall appoint a replacement. If the provost is ineligible to serve, the president shall appoint a replacement."

DISCUSSION:

- Sounds good.
- Amendment: add "or school director" to "if a chair is ineligible..."
- This could mean a different composition of the RPT committee in a given year if someone needs to recuse for a spouse or partner.

VOTE:

- Do you approve of the proposed change as amended?
- Motion passed unanimously by voice vote.

5. Discussion: How shall the Faculty Senate respond to the budget crisis?

BACKGROUND:

The Senate President's statement on repositioning refers to the statement on Collegial Governance at NKU. What should the role of Senate and PCC be in this process?

DISCUSSION:

- Faculty bodies have input by taking votes. Faculty bodies need to make recommendations that we know are not welcomed by administrators. Administrators can cherry pick ideas from listening sessions. Faculty bodies create a record by voting on recommendations even if they are not accepted by the administration. The recommendation of the Senate needs to address 1) big cuts to intercollegiate athletics, 2) stop commercial partnerships like Academic Partnerships (AP) and 3) stop significant tuition discounting. Mismanagement in undergraduate scholarship funds amounted to \$8M of the current deficit. Now there is free access to some online classes – the CFO at Senate reported this will "only" cost the university \$2M while in a \$19M deficit. PCC and Senate need to say these are unacceptable.
- Particular concern expressed about the role of the deans: The Provost has said decisions about class sizes will be made by deans, school directors, and chairs. How many Gen Ed courses will be offered will be a dean decision. A lot is dependent on a

dean's willingness to engage in the collegial governance process. It is known that not all deans are equally willing to engage in the collegial governance process. What happens to faculty where deans are not transparent about decision making? What can faculty bodies do to ensure transparency?

-- Where do PCC agendas originate? Answer: Sometimes agenda items start in Senate or Executive Committee and come down to PCC. Sometimes agenda items originate in PCC and go up to Senate.

-- In the Senate Constitution, PCC and Senate have the same jurisdiction. However, PCC recommendations go to Senate. Senate recommendations go to the administration.

-- What is the process to create the Academic Commons committee? The process is opaque. The Provost has asked for interested people to email him. In the past, there has been favoritism in the selection of members for these sorts of committees.

-- J. Vest: The composition of the committee has not yet been discussed. The selection will probably not happen soon. There has not been a lot of communication about this so far.

-- In the chat: "Timeline for Academic Commons:

<https://inside.nku.edu/adminfinance/update/academic-commons.html>"

-- In the chat: "The front page for repositioning specifically lists Thursday, November 10 as the start of Academic Commons workgroups

<https://inside.nku.edu/adminfinance/update.html>"

-- There were 2 unanimous faculty votes regarding AP, yet we are stuck with AP.

Decisions that went against the will of the faculty have hurt the university's reputation. What can we do?

-- It is important to say the unpopular things. The will of the faculty won't always be followed. But it is important to document the position of the faculty.

-- The formal structure of collegial governance says that when a faculty body makes a recommendation within the jurisdiction of the faculty, the President owes the faculty a response. The President doesn't have to do what the faculty says but he has to explain why not. In the Senate Constitution, the President can ask the Senate to re-vote an item. If the Senate re-votes and stands by the original recommendation, the President has to forward Senate's position to the BoR even if he disagrees. A recent example is the research misconduct policy: The President wanted the policy changed, the Senate recommended to not make the change, and both positions went to the BoR. A decade ago, the Senate recommended against going into Division 1 athletics. At that time, the President gave an explanation to Senate but did not forward the recommendation to the BoR. The faculty are the university. It is not a good position for the administration to act against the votes of the full faculty. There is value in taking a position and taking a vote, especially when the faculty are right.

-- What about accountability at the dean level, not the President? Answer: The Senate could make a recommendation about the correct allocation of power between the deans and the faculty to the President. The power the deans comes from the President.

-- The Provost has told deans to find things to cut. A&S was told to cut \$2M+ in FY24 without using salary savings. The faculty need to be involved in how those cuts are made in all departments. Faculty positions will go away, class sizes will increase. Will

- these decisions be unilateral or will faculty have input into what should be cut?
- There seems to be consensus we should recommend something quickly: protect student choice (class offerings, time), protect faculty, cut elsewhere.
 - We could add a statement to the Senate President's draft on repositioning: that deans should adopt transparency and good faith consultation as stated in the Statement Collegial Governance moving forward with the cuts.
 - Could we request the Provost require transparency from deans?
 - In the chat: "I like focusing on our priorities (and things to cut) rather than just transparency. Presumably Deans, etc. have heard the administrations priorities, so ours should get a formalized statement too."
 - Also the AP contract ends Jan 2024. The contract could be renegotiated without faculty input. We should say we will not renegotiate to extend past the end of this contract.
 - J. Vest: the first AP course was in 2018, the contract is for 8 years but the revenue share continues until all of those courses are taught out. It could be up to 12 years to complete the contract.
 - The AP renegotiation will begin in 2023. PCC/Senate should make a statement.
 - Regarding AP, we get 8% of our tuition revenue from 1/3 of our students. These are AP students and 50% the tuition revenue goes to AP. Some other schools get even less than 50%. This is an unpopular plan with the Provost.
 - The CFO told Senate on 10/31/22 that because of the discounting in Master's degree programs, entirely online, offered by AP, there is a large number of students who enroll in courses and pay \$0 tuition but we still have to pay a faculty member to teach, and then AP takes in cash 50% of the tuition that would have been paid.
 - Define "transparency."
 - The Repositioning draft needs some editing. Senators were asked to take this to their faculty for input.

ACTION:

- K. Fuegen will draft a statement reflecting these ideas and priorities and bring it to PCC for discussion.
- K. Fuegen will have the Repositioning draft document written by the Faculty Senate President sent to PCC members.

6. Discussion item: In combined departments with fewer than five tenure-line faculty in a given discipline, shall RPT candidates be permitted to request that faculty members outside the department be permitted to serve on the committee?

BACKGROUND:

In combined departments, there may be a tenure line faculty member who is the only faculty member in a specific discipline. In the RPT process, these faculty will be evaluated by faculty within their department but outside their discipline. The Handbook currently requires a committee of 5 faculty members at least one rank higher. If there is an insufficient number for the committee, faculty from another department can be

invited. If there are enough faculty in the department, there is no option that a faculty member from outside the department can be invited to serve.

One option: change eligibility requirements where faculty outside the university can be requested. Change language to “outside the university *or department*.”

DISCUSSION:

- How would we vet members from outside the university? Is there a process?
- From Handbook 3.2.4: “Upon agreement of RPT committee members, the department chair or school director, the appropriate dean, and the applicant, faculty external to the University and of suitable rank and tenure may serve as an additional member on the committee.”
- There is no vetting. However, this is implicit in the agreement of all the named parties.
- This language is good.
- In 3.2.3 we could add “The candidate in those particular departments and schools, the candidate, with the approval of the committee, may request that faculty members outside of the department who share the candidate’s discipline can serve on the committee.”
- It is important to carry over the language from 3.2.4 that all of those parties have to be in agreement (We need to make sure candidates cannot cherry pick a committee).
- Different university’s have different criteria – should members from other university’s have a vote? What is the difference between being a committee member from outside the university and an external reviewer?
- A faculty mentor can be from another department.
- External reviewers are common.
- External reviewers do not participate in committee deliberations. They write a letter that becomes part of the dossier.

ACTION:

- K. Fuegen will draft language to address this issue in Handbook sections 3.2.3 and 3.2.4 to permit applicants to request that there be a committee member from outside their department on their RPT committee and that the department chair, dean, and RPT committee would have to agree to that membership. This will be brought back to PCC for discussion and vote.

7. Adjournment (4:33pm)

Submitted,
M. Providenti, Secretary

3. EVALUATION FOR REAPPOINTMENT, PROMOTION, AND TENURE (RPT)

According to the Statement on Collegial Governance at NKU (see Appendix C), “[u]nder the collegial system, decision-making authority is delegated or assigned to the collegial group most expert in or responsible for the particular area in which the decision is made.” Further, “[g]enerally speaking, faculty bodies have primary responsibility for recommendations in matters directly related to academics, including ... faculty status....” Specifically, faculty bodies are given the responsibility over “academic personnel decisions,” which includes reappointment, promotion, and tenure.

3.1. CRITERIA

In making evaluations required for reappointment, promotion, and tenure, three major categories of professional responsibility are to be used. These categories, in order of importance, are teaching effectiveness; scholarship and creative activity; and service to the University, the discipline/profession and the community.

All academic units must have specific guidelines concerning expectations for reappointment, promotion, and tenure (RPT), what materials may be considered in each review category, what constitutes appropriate documentation, and how materials will be evaluated. All guidelines must be approved by a majority of the tenured/tenure-track faculty within the affected unit(s), the chair or school director, the dean, and the provost. Upon final approval by the provost, all faculty within the affected units(s) must be notified and guidelines must be made available. All new faculty will be given a copy of these guidelines at the time of their hiring.

In colleges where there is no department or school, the dean will function as department chair in all processes described in Section 3 unless specified otherwise in a college document approved by the Board of Regents or the provost.

3.1.1. Teaching

Teaching includes all work that is intended primarily to enhance student learning. Assessment of teaching effectiveness should take into account documented student learning, contact hours, preparations, service learning, delivery method, and/or number of students.

3.1.2. Scholarship and Creative Activity

Scholarship and creative activity includes all work that is related to the applicant’s academic discipline or current role at the University. To qualify as scholarship or creative activity, the activity should require a high level of discipline-related or interdisciplinary expertise, and meet the standards of the discipline for scholarly and creative activity. NKU values transdisciplinary scholarship, scholarship of teaching, and scholarship of engagement in addition to traditional scholarship and creative activity.

3.1.3. Service to the University, the Discipline/Profession, and/or the Community

Service includes all work that contributes to the effective operation, governance, and advancement of programs, departments, schools, colleges, the University, one’s discipline, and/or the community. Service also includes public engagement activities.

3.2. PROCEDURES FOR DECISIONS ON REAPPOINTMENT, PROMOTION, AND

TENURE

As stated in Kentucky law, all persons involved in evaluation of personnel shall consider all information received and all deliberations as confidential unless disclosure is required by law. For purposes of communication of written recommendations, electronic versions of the documents are acceptable replacements. Consultations between faculty members and the Faculty Advocate regarding evaluation shall remain confidential, unless the faculty member agrees to waive confidentiality (see Constitution of the Faculty Senate, Article VII, Section L; <https://inside.nku.edu/facultysenate/constitution.html>).

Family members, spouses, or domestic partners of faculty under review may not participate at any level in the RPT process, including as a committee member. If a faculty member is ineligible to serve after being selected to serve on a departmental or school committee, the chair or school director will select a replacement. If a chair is ineligible to serve, the dean of the faculty member's college shall appoint a replacement. If a dean is ineligible to serve, the provost shall appoint a replacement. If the provost is ineligible to serve, the president shall appoint a replacement.

8. PERFORMANCE REVIEW

8.1. PURPOSE AND APPLICABILITY

The purpose of the annual performance review is to assess the quality of faculty performance during that year and to measure attainment of the goals and objectives set for the year. This process applies to full-time, tenure-track faculty and to full-time, non-tenure-track renewable (NTTR) faculty (see Section 1.3 regarding applicability to renewable faculty).

8.2. CRITERIA

The criteria for evaluation set forth in Section 3.1 "Criteria" and in the departmental/school, college, and Steely Library RPT guidelines shall be the criteria upon which a performance review is based. Any judgment, by a chair or director, that the overall performance of a tenured faculty member is unsatisfactory for the review period will be based upon and consistent with the statement of expectations for adequate performance approved by the faculty member's department/school or program.

8.3. PROCEDURES

Performance reviews occur during the spring semester. The period evaluated is the prior January 1 through December 31 calendar year.

The chair or director, in consultation with the department/school or program faculty, will set the date for each faculty member's performance review. The performance review should be completed no later than April 1 and no earlier than one week after receipt by all faculty in a department/school or program of fall semester student evaluations. Prior to that date the faculty member will prepare a written statement of performance, including a statement of goals and objectives for the coming year. The chair or director will meet with the faculty member to discuss the performance, assess attainment of goals and objectives, and set goals and objectives for the coming year. The chair or director will be responsible for preparing a document summarizing the performance evaluation, goals and objectives assessment, and goals and objectives set for

the coming year. Both parties will sign the document to verify that the review has occurred. If differences of opinion exist, they shall make every effort to resolve them. If the content of the summary is unsatisfactory to the faculty member, the faculty member is responsible for providing a written addendum stating the difference(s) of opinion. All performance review documents, including the faculty member's original written performance statement, shall become a part of the faculty member's personnel file maintained in the department/school or program; a copy must be given to the faculty member, to the dean, and to the provost.

The faculty member may use the copy of the performance evaluation to support applications for reappointment, promotion, tenure, or any combination of them, or in grievance procedures. Otherwise, the chair or director, dean, and provost must keep the contents confidential. In the event that a post-tenure review is triggered, the faculty member's annual performance review materials from the two most recent reviews, including the chair's/director's own evaluation letters, will be made accessible to the post-tenure review (P-TR) committee and can be used in evaluating that individual's performance and must remain confidential. Consultations between faculty members and the Faculty Advocate regarding performance review shall remain confidential, unless the faculty member agrees to waive confidentiality (see Constitution of the Faculty Senate, Article VII, Section L; <https://inside.nku.edu/facultysenate/constitution.html>).

If circumstances change during the year, the faculty member and chair or director may agree to amend the goals and objectives for that year. In colleges where there is no department or school, the dean will function as department chair in these processes.

8.4. APPEAL PROCEDURES

A faculty member convinced that misvaluation is damaging their professional status or advancement may pursue one of the complaint processes as set forth in Section 14 "Grievances".

14. GRIEVANCES

14.1. DEFINITION

For the purposes of this Handbook, there are two categories of grievances:

- Major issues concerning a faculty member's professional appointment that are heard by the peer review committees (Section 14.2 "Peer Review Process"), and
- All others (see Section 14.3 "Complaint Process").

14.2. PEER REVIEW PROCESS

The Peer Review Process is confidential except as agreed to by the grievant faculty member and the University, through its appointed representatives, or as provided herein, or as may be required in a court of law. The Faculty Advocate may assist faculty in resolving complaints and concerns. Consultations between faculty members and the Faculty Advocate regarding grievances shall remain confidential, unless the faculty member agrees to waive confidentiality (see Constitution of the Faculty Senate, Article VII, Section L; <https://inside.nku.edu/facultysenate/constitution.html>).