Call to Order

The meeting was called to order by the president, Dr. Elizabeth Fitzpatrick, at 12:07 PM on April 5, 2010, in the Coleman building, Room A101.

Attendance

The following members were present:

Louisa Balazs, MD, PhD, Maggie DeBon, PhD, Denis DiAngelo, PhD, Allen S. Edmonson, MD, Elizabeth Fitzpatrick, PhD, Bob Foehring, PhD, E. Haavi Morreim, JD, PhD, William R. Morris, MD, Linda K. Myers, MD, A.P. Naren, PhD, Renate Rosenthal, PhD, Claudette Shephard, MD, Laura Sprabery, MD, Thad Wilson, PhD, Parker Suttle, PhD

The following guest(s) was (were) present:

J. Lacey Smith, MD; Polly Hofmann, PhD

Approval of minutes

The minutes of the previous meeting were approved as written. Minutes had previously been distributed by electronic means.

Business

Dr. Fitzpatrick began her first meeting as DFAC president by indicating that, although she had not yet fully set the priorities she would like to emphasize during the coming year, one focus will be to encourage the DFAC to help identify and address issues that affect research, such as grant administration, communication challenges, and the like.

Dr. Polly Hofmann, Associate Dean for Faculty Affairs, then distributed copies of a draft document with a request for DFAC suggestions. It concerned a limited but important set of procedures described in the Faculty Handbook, namely, the termination of a tenured faculty member's appointment due to adequate cause—defined in 7.2* as either [a] "Unsatisfactory Performance in Teaching, Research, or Service" or [b] "Misconduct." This avenue for terminating tenure is distinct from a more familiar process, the "Cumulative Performance Review" found in 4.14.4*, in which a faculty member whose annual review is "unsatisfactory" for two of any five consecutive years may be placed in career remediation that may or may not ultimately salvage that faculty member's tenure.

Because the procedures described in 7.2* and 7.3* involve a more rapid termination of a tenured appointment, Section 7* describes various procedures that must be honored before such a termination can occur. In one of these procedural requirements, a department Chair wishing to
remove a tenured faculty member for adequate cause must solicit the recommendation of tenured faculty in that department. This is described in 7.3.1(1)(a)\*.

*(Faculty Handbook numbers may change when revised version is finalized and becomes available online. For current version see https://academic.uthsc.edu/faculty/facultysenate.php?module_id=38&pnum=33)*

The purpose of the draft Dr. Hofmann distributed is to specify in more detail the procedures that should be followed when a department chair convenes the required meeting of tenured faculty, to discuss and recommend whether tenure for the faculty member in question should be terminated. The draft sets out what sorts of information must be exchanged, on what timetable, how the department's tenured faculty are to be notified and in what time-frames they are to meet, and similar matters.

DFAC discussion focused on several issues.

One observation was that it would be important to distinguish more precisely the kind of "unsatisfactory" performance that will simply constitute a negative mark in one's annual review, per Section 4, versus the kind of unsatisfactory performance that can trigger the considerably more shortened procedures of Section 7. Although this concern was acknowledged as important, it may need to be addressed by refinements of the Faculty Handbook itself rather than the much more limited procedural supplementation considered here.

A second concern was that the identified time-frames appeared too short, at least for some situations. On one hand, where there has already been a special committee to investigate, e.g., financial fraud or scientific misconduct, then there may be no need for lengthy time-frames in which to arrange for the department's tenured faculty to meet, to notify the faculty member and invite his/her written submissions, and the like. On the other hand, where the misconduct has not been preceded by such a tribunal, and where instead the faculty member hears for the first time that the chair is contemplating a termination of his tenure, then that faculty member will need intervals longer than 10 days in which to gather information and make his/her case. A minimum of 30 days was suggested for such instances.

A third suggestion was that the faculty member should at least be invited to participate in the beginning of the meeting, to be able to answer questions about the written materials s/he has provided. There appeared to be fairly general agreement that some sort of opportunity might be desirable, particularly if the chair has the option of making a comparable appearance.

Finally, the question of quorum and voting conditions arose. The option presented in the draft proposed that a simple majority of a 50% quorum of eligible tenured faculty would suffice for a vote. Comments suggested that some faculty who might want to participate but who have irrevocably conflicting commitments should perhaps be afforded some other means of voting, such as a vote in advance or perhaps a live phone-in ballot.

Dr. Hofmann indicated that she would take these suggestions into account and that perhaps the next DFAC meeting might begin with a brief further discussion of a revised version.

**Next Meeting**
The next meeting of the committee will be held on May 3, 2010, at 12:00 Noon in the Coleman building, Room A101.

Adjournment

There being no further business, the meeting was adjourned at 12:55 PM.

Respectfully submitted,

E. Haavi Morreim, JD, PhD
Secretary