

***Inside Higher Education* recently carried stories that may point toward what's coming to higher education in Tennessee:**

- Does your institution provide **voting rights** in your faculty representative body for faculty on adjunct appointments? Read about recent efforts at the University of Missouri in Columbia to do just that: <http://www.insidehighered.com/news/2012/11/21/u-missouri-moves-toward-giving-adjuncts-voting-rights-faculty-governance>. To read what the AAUP is doing for contingent faculty, visit <http://www.aaup.org/AAUP/issues/contingent/>.

Will efforts in Florida "**price out the humanities**" in a new scheme to charge lower tuition for higher demand majors with direct links to the job market? This idea seems to be popular among some Republican governors. Could Tennessee be next? Read more at <http://www.insidehighered.com/news/2012/11/26/u-florida-history-professors-fight-differential-tuition>

Tennessee Conference Presents Claxton Award to Rich Rhoda

At the recent meeting of the Tennessee Conference at the University of the South, Conference President Coley McGinnis presented Dr. Richard G. Rhoda, Executive Director of the Tennessee Higher Education Commission and AAUP member, with the conference's [Philander P. Claxton Award](#). The following is the citation approved by the conference's executive committee to accompany the award:

The Tennessee Conference of the American Association of University Professors is pleased to name Dr. Richard G. Rhoda as a recipient of the Philander P. Claxton award for "exemplary service in the cause of higher education in Tennessee." Dr. Rhoda is the eleventh person to receive this honor since it was established in 1986.

Richard Rhoda has been a guiding force in Tennessee higher education for nearly forty years. Most of his tenure has been spent in administration, beginning with the Tennessee Board of Regents, where he served from 1973 to 1985 and then again from 1990 to 1995. There he helped to develop system-wide policies and information systems for the newly founded organization, eventually becoming the vice chancellor for administration. From 1985 to 1990 he served in various capacities in the administration of Tennessee State University as that institution dealt with the results of a successful desegregation lawsuit that rendered TSU the sole state university in the Nashville area. He also

taught undergraduate and graduate courses in 1995-1996 when he was assistant director at Vanderbilt University's newly created Peabody Center for Education Policy. He rejoined the faculty at Vanderbilt in 2007 and currently teaches doctoral courses on public finance and public policy of higher education. Since 1997 he has been the executive director of the Tennessee Higher Education Commission, a state body charged with coordinating and supporting the efforts of post-secondary institutions in the State of Tennessee and creating a master plan for the development of public higher education in Tennessee. As director he is a member of various boards and commissions that deal with state-wide education, including the Tennessee Board of Regents, the University of Tennessee Board of Trustees, the State Board of Education, and the Tennessee Student Assistance Corporation Board of Directors. He simultaneously serves as executive director of this latter organization.

His position as director of THEC also leads him to represent Tennessee on various regional and national educational groups, such as the Education Commission of the States and the Southern Regional Education Board.

The Tennessee Conference of AAUP has long appreciated and benefited from Dr. Rhoda's dedication to the ideals of open dialogue among all the partners in public higher education – students, faculty, administration, boards of directors, and legislators. This dedication has expressed itself in his willingness to regularly attend AAUP conference meetings, to update members on major changes and initiatives in higher education in Tennessee, and to participate in frank discussions on these policies and their implications. He has been sensitive and sympathetic to the issue of shared governance and has supported policies to insure that faculty can participate in a meaningful way in shaping the institutions at which they teach. Through his presence and his demeanor he has set an example for administrators at all levels of higher education.

Dr. Rhoda earned a Bachelor of Arts degree in History from Vanderbilt University (1972), a Master of Arts degree in Education from Peabody College (1974), and a Ph.D. in Higher Education Administration from Vanderbilt University (1985).

The Tennessee Conference thanks Dr. Rhoda for his support of AAUP principles and looks forward to continued work with him in the future.

"We urge that the administration refrain from further interference with the faculty's determination of its own leaders and representatives, in accordance with generally accepted principles of academic governance."

B. Robert Kreiser, Associate Secretary, AAUP, to Dr. Portia Shields (TSU) and Dr. John Morgan (TBR), October 18, 2012.

Click the link to read the [full letter](#).

**The Tennessee Conference of the
American Association of University Professors**

invites its members and guests to the fall conference meeting hosted by the AAUP
chapter at

**the University of the South in Sewanee, Tennessee
Saturday, October 13, 2012**

Schedule:

social time as members arrive

10 a.m.: **Dr. Rich Rhoda**, AAUP member and executive director of the Tennessee Higher Education Commission, will speak about the Complete College Tennessee Act, Year 2: Progress and Problems.

Immediately followed by presentation of the conference's [Philander P. Claxton Award](#)

10:45 a.m.: Panel discussion

Threats to shared governance in Tennessee higher education

Dr. Jane Davis, chair of the Tennessee State University faculty senate

Dr. Tom Schacht, president of Tennessee University Faculty Senates (TUFS)

Dr. Larry Gerber, chair of the AAUP Committee on College and University Governance and professor of history, Auburn University

Lunch (provided)

Business meeting

Location: The meeting will be held in Snowden Hall, Room 102, on the Sewanee campus. For a campus map, click [here](#).

For other directions or questions about the University of the South, please contact [Ken Smith](#).

For questions about the meeting or the Tennessee conference, please contact [Coley McGinnis](#).

Conference president in the news:

"Colleges push to keep students moving ahead" (excerpt)

Among those less happy have been some members of the **American Association of University Professors**, who fear that desperate pushes to award degrees and avoid funding losses could devalue Tennessee diplomas.

"It's well publicized that countless Tennessee students show up at colleges and universities ill-prepared for those classes, said **state AAUP President Coley McGinnis**, a retired Tennessee State University political science professor. But **adjunct professors** from across the state have told him their deans look at students' grades at the end of the semester and, if those grades are too low, pressure the adjuncts to change them.

"You have ways even tenured faculty can be pressured — no promotions, not assigned to classes you want to teach, not given the hours you want," McGinnis said. "When students are allowed to progress when they don't have the skills and knowledge to go out and compete, to go out and be doctors and lawyers and teachers, they're going to find themselves at a significant disadvantage."

Read the full *Tennessean* story [here](#).

A Study in Contrasts at Two Historically Black Colleges and Universities in Tennessee

While Tennessee State University's President Battles with the University's Faculty . . .

(read a recent article in the [Chronicle of Higher Education](#))

. . . the President of LeMoyne-Owen College in Memphis Has Worked with Faculty to Create a Climate of Shared Governance and to Bring the College, in the words of the Memphis *Commercial Appeal*, "Back from the Brink."

Read the [recent article](#) and note the photo includes former AAUP Tennessee Conference President Delphia Harris. President Watson told a meeting of the AAUP several years ago that he stands out among his HBCU presidential colleagues for his devotion to shared government and AAUP principles.

The conference thanks him and wishes LeMoyne-Owen congratulations during its 150th year.

Tennessee State University Faculty Senate Chair Arrested at Meeting with TSU President

As reported in [The Tennessean](#) and other media outlets earlier this week, Dr. Jane Davis was arrested for alleged disorderly conduct during an irregular meeting of faculty and TSU administrators.

AAUP chapter leader Prof. Phil Ganter has provided the following summary of events leading up to the current controversy, emphasizing *"that it is my product, not the chapter's. The chapter wishes to withhold its comments until more facts can be checked. I sent this to the membership and have modified the comments based on the several responses I received, but this is my statement alone."*

The complete text of Professor Ganter's report follows. We will keep you informed about the governance crisis and AAUP's national and state actions as they develop.

Recent events at TSU have given cause for concern about the state of both academic freedom and shared governance at that institution. This summer, a member of the executive committee of the Faculty Senate (which acts for the Senate during the summer months, see the Faculty Constitution, online at the TSU Faculty Senate website, for the composition of the committee), contacted senate members about the awarding of "I" grades in two freshman-level courses which had been modified to provide remediation for students identified as in need of math remediation. The courses had been modified as part of TSU's response to changes in TBR's A-100 guidelines. The response to the changes in the guidelines were the responsibility of a committee set up by the administration headed by John Cade, once the registrar for TSU but now a Vice-Provost.

The issue that concerned the math faculty member was the changing of "I" grades awarded in the Fall, 2011 semester before the end of the Spring, 2012 semester. The math faculty member worried that the changes had been done without the signature of the math chair, without the knowledge of the course instructors in some cases, and by a procedure clearly outside of the university policy for the removal of "I" grades, which is found in the undergraduate catalog (available online at the TSU website). In addition, he worried that the changes had affected the performance of TSU with respect to the Complete College Tennessee Act (CCTn). Specifically, he was concerned that they had increased the number of freshman who had earned 24 or more credit hours in the first two semesters of college.

As the number of grades changed (over 200) was larger than the difference between the number of students earning 24 hours in 2011 and 2012, the potential for altering TSU performance seemed real. The faculty member had written to the chancellor about this matter and had received a response that, he felt, did not take his complaint seriously. As he was a member of the senate executive

committee and it was already summer, he asked the senate chair to look into the matter.

The senate chair took the complaint seriously. She brought it to the executive committee, scheduled meetings with the Provost, and attempted to gather relevant information. Eventually, she contacted the TBR, the Governor's office, and the print media and informed them of her concerns about the changing of the grades. Subsequently, the matter was the subject of a hearing by a subcommittee of the Tennessee State Senate Committee on Higher Education. Rather than relate the complex set of events comprising this issue, I would direct interested persons to view the video of the senate hearing at the link provided:

<http://wapp.capitol.tn.gov/apps/videwrapper/default.aspx?CommID=178>

At the time of this writing, the subcommittee has not yet published its report.

The TSU AAUP chapter was only indirectly involved with the matter up until this point. For years, the chapter had distributed its twice-yearly newsletter to all TSU faculty by simply sending it to the VPAA, then to the Provost when that position was created, who would distribute it as any other email sent to all faculty members. Then, in the fall of 2011, the administration refused to send out the newsletter, claiming that it was not TSU business and, therefore, TSU could not use state resources to distribute it. The chapter compiled a list of faculty email addresses and distributed the newsletter without using the state's resources. Dr. Davis, the faculty senate chair, also has no means of communicating directly with faculty without submitting the communications to the administration and, fearing censorship, asked if the AAUP chapter would distribute some communications intended to keep the TSU faculty up to date during the summer using our distribution list. This was done with the provision that the emails be explicitly credited to the senate chair and not to AAUP.

On August 16, TSU held the 2012 Fall Semester Faculty Institute; traditionally a full faculty meeting called by the university president, as required by the TSU faculty constitution (which governs both the full faculty and the faculty senate – online at the TSU Faculty Senate website). This was not, however, the traditional meeting. The faculty senate was not part of the planning and the agenda did not have the required item for faculty senate business. At the Institute, the President called for the ouster of the faculty senate chair and the executive committee, claiming that the "I" grade issue had enraged her and had "gone outside of the TSU family". She stated that this had harmed the unity of TSU. The only appearance by a faculty member was by the chair of the sociology, social work, and urban professions department, who read a prepared statement supporting the President. Neither Dr. Davis nor any other dissenting voice was heard. At least twice during her presentation, the University President stated, "This is not over." in emphatic tones. I attended the meeting

and, at first, I felt that the President was referring to the ramifying consequences of "going outside of the family". After its repetition, I felt threatened by the statement. Subsequent events seem to favor the second impression.

The University President then announced that a Qualtronic poll had been set up (the link to the poll appeared on attendee's smart phones before the Institute broke for lunch). The poll had three questions on it: one asking if the respondent wanted to retain the senate chair, one asking if they wanted to retain the executive committee, and a third asking if they thought that the Senate should be reapportioned to account for the recent reorganization of the university. The results of the poll were later reported and 150 of over 400 faculty had responded. Only 31% wished to retain the chair, 40% wished to retain the executive committee, and 81% wanted reapportionment. I want to add a note on this last question, which received the most positive response. It might shed some light on the state of shared governance at TSU and it is an issue I can report on directly. I was a member of the senate last year. Twice, once at the start of the fall semester and in April, the faculty senate did the reapportionment called for in the poll based on figures supplied by the administration. All faculty senators had the results of the reapportionment and all Deans had been notified in April of senate vacancies in their units. Yet, the President chose to make this an issue. When she later called a senate meeting, she did not have correct data.

On Monday, August 20, the President called a senate meeting in her conference room. However, as she did not possess the reapportionment document and was unaware of the elections of new senators, the invitation list asked some ex-senators to attend and missed some current senators. There was at least one campus security officer (TSU security officers have some metro police powers) at the door. Shortly after the meeting began, Dr. Davis was handed a letter stating that the President would no longer recognize her as faculty senate chair. When Dr. Davis spoke to object to this letter, claiming that there was no provision in the constitution for the President to call a senate meeting and that the President had broken the whistleblower's law at the Faculty Institute, the security officers entered, handcuffed Dr. Davis, and booked her for disorderly conduct. She will have to appear in Metro Davidson County court. There are conflicting reports of the events after Dr. Davis was removed. Some claim that the President then required each person present to vote on whether or not to remove Dr. Davis as chair. All reports agree that a vote occurred but the nature of the vote is not clear. At least two attendees felt threatened by the President during her poll of those in the room, while a third reported no such vote. The senate chair-elect then called a senate meeting to order and held a meeting in which she was elected chair and the executive committee was retained.

On Tuesday, the TSU AAUP chapter held a meeting. There, the chapter decided to draft a statement that clearly outlined the issues concerning AAUP core principles. It soon became clear that key facts were in question and that these facts were needed before conclusions could be drawn about some issues. However, no member felt that the attempt to oust Dr. Davis had been done in a manner consistent with the faculty senate constitution, a document that is official policy, that no condemnation of a faculty member is proper at a faculty meeting, that the breach of acceptable conduct on the President's part was further exacerbated by the lack of opportunity for the faculty member to reply, and that no faculty member should be arrested for speaking in their own defense. We have grave doubts as to the legitimacy of the meeting. The President has the constitutional power to call a senate meeting but all faculty have the right to attend all senate meetings. The meeting was not advertised to all faculty (not explicitly required but a logical necessity for a special meeting if the spirit of the constitution is to be satisfied) and Dr. Ray Richardson of the Math Department sought to attend the meeting and was excluded by the President. Thus, the meeting was out of order and any action taken during the President's meeting was also out of order.

As the work of the TSU AAUP chapter is not completed, the specific findings about violations of academic freedom and shared governance are not yet ready and what I have tried to do here is to report as many of the facts as I can to the state conference.

Submitted by Phil Ganter,
2011-2012 President, TSU AAUP chapter
11:49 a.m., Thursday, August 23, 2012

Link to the TSU Faculty Senate web site: <http://www.tnstate.edu/facultysenate/>

643 ----->389

Tennessee Conference total membership from July 2002 to July 2012

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Have you worried less or more about tenure since 2002?

Is there more academic freedom now than then?

Have your working conditions improved or declined since 2002?

Has your institution hired more faculty off the tenure track or on the tenure track since 2002?

If things aren't better now, why is our membership dropping?

When was the last time you asked a colleague to join the AAUP?

If you believe in strength in numbers, our numbers don't lie.

[Invite a friend](#), before it's too late.

Share your ideas on the Tennessee Conference Facebook page through the "connect with us" Facebook icon on this page.

CHAPTER SPOTLIGHT: UNIVERSITY OF TENNESSEE--KNOXVILLE

Each month we will spotlight an AAUP chapter in Tennessee. For June, it's UTK.

[From Mary McAlpin, President, AAUP chapter at UTK:](#)

The University of Tennessee, Knoxville chapter of the AAUP ended the academic year with a visit from Coley McGinnis, President and Director of Government Relations for the Tennessee Conference. May 7th was a busy day for Coley; after lunch with some chapter Executive Committee members, he met with two top UTK administrators, went on to give a short speech to the Faculty Senate, and then capped the day off with a talk to the membership of our AAUP chapter and also the members of the UTK. Association of Women Faculty. This last event, held in the McClung Museum and featuring a wine and appetizer reception, was well attended and the question-and-answer period was lively. The topic Coley emphasized throughout the day was the importance of faculty unity in hard times, and we thank him for visiting our campus and for helping to convince the faculty here of the need to join and support associations such as the AAUP.

[From Josie McQuail, Conference Vice President for Public Institutions:](#)

POST-TENURE REVIEWS AT UTK

At UTK, shortly after the Board of Trustees proposed a Post-tenure Review Process in 1998, the Faculty Senate commented:

The Trustees say that the award of tenure acknowledges "a reasonable

presumption of the faculty member's professional excellence, and the likelihood that excellence will contribute substantially over a considerable period of time ... to the institution (Tenure.D). It is inconsistent to "presume" excellence and then every year to distinguish performances as outstanding, very good, good, needs improvement, and unsatisfactory. For purposes of post-tenure review, a simpler policy would have two categories, satisfactory and unsatisfactory. A "satisfactory" rating would be understood as confirming the stated presumption of excellence; by assigning an "unsatisfactory" rating, the department head would be assuming for the institution the burden of proving that the presumption does not hold in a given case. . . . Such a system would have the advantages of being consistent with the language of the Trustees' policy, being easier to administer, and--given that the evaluations will be made public--being less harmful to collegiality and to faculty-student relations. . . . The Trustees' policy, as amended by the task force, counts annual performance reviews as evidence in a cumulative review; and though the Trustees' policy does not say so explicitly, the annual performance reviews would apparently be evidence considered by a Review Committee, at a TUAPA hearing or a tribunal hearing, and by the several levels of administrative review in a dismissal case. The Trustees' policy acknowledges a presumption of the faculty member's excellence and a burden on the part of the institution to prove otherwise, but that burden could be met in part by the use of annual reviews as evidence. Two consequences would follow. First, the annual review would become a summative process despite the intention of most parties that it be formative. Second, faculty would--and should be encouraged to--regard sub-satisfactory ratings as initial steps in a possible dismissal proceeding and so should consider all appropriate responses. If annual reviews are to be introduced as evidence in later proceedings, it is important that the annual reviews meet a high standard for accuracy and fairness. That standard is "burden of proof." If a department head decides to rank the performance of a tenured faculty member as "needs improvement" or as "unsatisfactory," the department head must assume for the institution the burden of proving that the presumption of excellence conferred by the award of tenure should be overthrown. (<http://web.utk.edu/~senate/FacAff.html>)

As Faculty Senate President, Dr. Strange found himself defending tenured faculty members who were being subjected to the dismissal process after chairs and deans had found their performance "unsatisfactory." Dr. Strange stated that these "unsatisfactory" ratings often seemed the result of "personality conflicts" rather than to be based on objective criteria regarding actual performance of the faculty meeting. He reported that unfortunately, too many faculty subject to dismissal waited until late in the process to seek help, and

for many of them, resignation in the face of administrative pressure seemed to be the best expedient in the end.

The state conference of the AAUP and individual chapters should be aware of this process, and the abuses to which the rating of faculty in annual reviews are subject to: not only the negative, but the positive reviews which result in merit pay increases which many times may not be fairly applied to all faculty -- for instance, when a chair has a sexual relationship with someone she or he supervises, or when other types of favoritism or discrimination are at work.

In speaking to Dr. Homer Kemp, outgoing Acting Chair of English and Communications here at TTU, I was informed that TTU also is under a mandate from the Board of Regents to use Annual Faculty Reviews in this manner, but at TTU the review process has not resulted in any dismissals of tenured faculty to this date, as far as I know. Still, all faculty members should be aware that their annual reviews, far from being only a formality, will have an effect on their careers and will be used as the basis for merit pay increases and even, when consistently extremely low, as the basis for dismissal.

Chronicle of Higher Education covers annual meeting presentation by two Tennessee Conference vice presidents

Josie McQuail (VP for Public Institutions) and Scott McMillan (VP for Community Colleges) spoke at the Annual Meeting of the AAUP recently. Their paper received coverage in the *Chronicle*:

June 13, 2012

Plan Offers Better Pay, Job Stability, and a Career Path for Contingent Faculty

*By Audrey Williams June
Washington*

A plan that would provide job stability, a clear path of advancement, and better pay for faculty who work off the tenure track—roughly 70 percent of

*the professoriate nationwide—was the talk of a session on Wednesday at the annual meeting of the American Association of University Professors. The proposal, modeled partly on standards in **Middle Tennessee State University's English department**, calls for contingent faculty to progress through four phases of employment. Their career progression would not culminate in tenure. But, the plan says, the path would allow the instructors to gain what it calls "reviewable permanence" in their jobs, as well as a means to professional development.*

Read the [full story](#).

Legislative Wrap Up, by H. Coleman McGinnis, President and Government Relations Officer

The second session of the 107th General Assembly was largely uneventful for higher education. The bright side was the budget that provided for the first time in several years a moderate salary increase and funds for badly needed capital improvements on some campuses. There one bill that we found worth supporting was a proposal sponsored by the Senate Education Chair, Delores Gresham, to create an ombudsperson for higher ed in the Comptroller's Office. The initiative came out of some discussions among legislative leaders that focused on the problem of grade inflation. (That an emphasis on graduation and retention rates might create pressures to pass more students was brought up but not addressed in any meaningful way during the passage of the Complete College Tennessee Act.)

It is clear that the group most vulnerable to this kind of pressure is the adjunct/contingent faculty. Given that the pressure would be coming largely from department heads, deans and chief academic officers, many of these faculty would have no meaningful opportunity to resist or appeal any punitive actions taken as a result. Though by definition an ombudsperson has no authority to actually reverse an administrative action, he/she can act as a mediator. In addition, having a central office that receives and evaluates such issues would allow us to build a database that would reinforce the considerable anecdotal evidence of pressures that already exists.

The bill was amended in the Senate to provide for the appointment of two auditors in the Comptroller's Office who would have expertise in higher education finance. As Senator Gresham's legislative assistant explained to

me, "Universities are excellent places to hide money." The Conference has been arguing for years that the proportion of higher ed monies for administration had been increasing at the expense of instruction, and thus we supported the CCTA section requiring the Comptroller's Office to audit the implementation of the act. This audit has turned out to have a narrower focus than we had hoped, and this proposal seemed to show a desire by the legislature to dig more deeply into how universities spend money (enabling us to show, for example, that "savings" claimed for the merging or elimination of academic programs in response to recent budgetary cuts were mostly illusory).

While the bill passed the education committees in both houses, the addition of the two audit positions increased the fiscal note from \$100,000 to a half million dollars, and as a result it was caught up in the last-minute rush of proposals in the finance committees and died when the session ended. I think this is a proposal worth pursuing and plan to spend time before the next General Assembly working with supporters to see if we can get it on a faster track. (Unfortunately, between now and November, all most of the legislators are thinking about are the upcoming elections!)

The AAUP is losing a friend in higher education administration with the resignation of TBR Academic Vice Chancellor Paula Short. Though we haven't always agreed with her, she has been an advocate for shared governance and the role of faculty in academic decisions. She responded on two occasions to our efforts to improve the lot of adjunct/contingent faculty. The first attempt, unfortunately, got caught up by the economic crisis just as the Board was about to consider it. Currently the Board's Task Force on Adjunct and Contingent Faculty that she set up is completing its work over the summer, and we look forward to receiving its recommendations. Dr. Short has always been willing to talk to us and take the AAUP's positions seriously. We wish her luck.