

FACULTY COUNCIL MEETING MINUTES: 7/6/09

MEMBERS ATTENDING: Trudy Larson (Chair), Jack Lazerson (Vice-Chair), Amy Ellwood, Christine Cremo, Marsha Kirgan, David Fiore, Gerald Ackerman, Dennis Uken, Gale Craviso, Dave Antonuccio, Terry Henner, Alison Netski, and Michael Nasiak

MEMBERS ABSENT (#)-indicates consecutive meetings missed: Brian Perrino(19), Greg Pari(15), Kenneth McIntyre(14), Sam Parks(10), Nidhi Mehta(2), Peggy Dupey

EX-OFFICIO ATTENDING: Dean Thienhaus, Jean Regan, Melissa Piasecki, Mimi Bar-on, Feride McAlpine

The meeting was called to order at 4:05 p.m. by Chair, Trudy Larson

Minutes from June 1st Faculty Council meeting were unanimously approved as submitted.

Updates from Dean Thienhaus included that we have closed out the last academic year and did not issue notices of non-reappointment; the Dean makes this point since there is no truth to the article that ran in the Reno Gazette Journal that 55 persons are being laid off from the School of Medicine. If there are further budget demands, he would hope that higher education will not be the prime object.

Regarding furloughs, it's fairly easy to understand what the university wants to do with faculty in other departments. The SOM is very different in this regard; however, regardless of funding source, non-tenured faculty will be asked to begin furloughs in FY 2011, giving up one day a month and being paid accordingly less. The problem, of course, is what about the clinicians; it is his understanding this is still under review.

Regarding the Department of Obstetrics and Gynecology, Las Vegas, is heavily dependent on its relationship with UMC. He doesn't want anyone to be surprised to learn that UMC have decided to open up its bid for OBGyn services in September. Our department can bid, but private practice groups can too. We are under the gun to do our best to put together a proposal that withstands scrutiny and is better than anyone else can provide. We have a leg up, in that the RFP includes educational support that must be included. We do have more experience than others, but there are great relationships there that may be hard to overcome. We can't go into this complacently; there is more to this since we have an RRC visit coming up in Nov/Dec; this is not the greatest time to have potential for contractual changes occur. Periodic updates will be given.

Dr. Lazerson asked if this is part of the tendency to look at how cost effective is it for an institution to fund a residency program? Dean Thienhaus stated that he has verbal assurances that UMC is committed to maintaining a residency program in OBGyn. Ms. McAlpine asked if they would be able to hire faculty. Dr. Lazerson stated that in Pediatrics they have contract physicians running the hospital in three major units that are not SOM faculty and added that the only reason we have input into UMC is that we're on the board with our residents. The Dean said we are trying to address this on a level up from administration and are trying to work with the county commission who is the governing board of the hospital, and Health Sciences people in the Chancellor's office. In Reno we have the department of Family Medicine which has spearheaded a working relationship with St. Mary's and the VA.

UNSOM Financial Update: Ms. Regan reported at the end of the FY it takes a little longer to gather the final data; however, the state should be closed by July 21st. As far as the Practice Plan is concerned, we don't have June results due to end of FY and we're currently being audited which won't wrap up until August. Final financials should come to us by the beginning of September.

Re MSAS, MSAN and ICS there will be some type of an overview given with tentative results. For 11 months ending May, the Practice Plan results were in the black. Currently UHS is \$203,000 in the black (approximately 111% better than this time last year). In Reno there were quite a few vacations in June that will reduce the revenue and we may wind up in the red. In Las Vegas revenue is down too; this is most likely due to economy and the taking of some vacations as well. Note that nothing is final until all audits are complete and adjustments are made. NFPRP (Mojave) had an excellent month of May which helped to put us in the black; hopefully the month of June will be the same. End result is we will be very close to break even and are very proud of that!

It was asked if residency turnover always seems to slow in July, is it the same in all departments and how do we plan for this. Ms. Regan responded that if it's planned for, the budget would reveal this and it is something

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that should be taken into account by the Chairs. She feels that this transition would always create some slowdown throughout the departments.

As far as the state is concerned, Ms. Regan reported that with the new state FY starting this week, they will be sending letters to each of the chairs and department heads with the final budgets. They did try to accommodate many of the southern departments who do not have State employees, but do State work. There is an MOU between the Practice Plan and the University where it allows us to do some invoicing back and forth. We've tried to streamline this in Las Vegas so they don't suffer cash flow wise; a process is in place.

We will keep some funds in reserve in case we're faced with a shortfall of revenue and if in January, we're looking good, we can use those dollars for other efforts. Every department stepped up to work within the state's constraints. Once monies are known from budgets, Ms. McAlpine will be issuing contracts.

Independent Contractors vs. Letters of Appointment question came up. In Las Vegas there is a large number of volunteer adjunct faculty (25-30). They were told they would get LOA's but subsequently have heard they will not. How will RRC look at Independent Contractors? Ms. McAlpine said that Departments have not been asked to convert adjunct appointments to independent contractors, and the Issuance of Letters of Appointment will be up to each Department Chair.

Ms. Regan explained that a situation with the Pediatrics Dept. came across her desk (27 letters of appointment ranging from a .4 to .003 FTE). A .003 FTE (6.24 hours per year) equates to paying a community physician \$510/year; however, we pay \$15,000 in malpractice insurance. When looked into, we found that some had Letters of Appointment and some already had Independent Contracts so we weren't treating each community member the same. The Independent Contract cites the physician's malpractice insurance as the responsible insurance. Therefore having them as an LOA would mean the state's insurance was also being paid for, therefore we had double coverage. The same issue is in Reno with an affiliated hospital (Renown) where we utilize their physicians to teach.

After conferring with general consul, it was felt some physicians spend a short period of time with our residents in a teaching environment and should something happen, they have a malpractice policy of their own and the cap associated with our malpractice insurance would not apply. We were paying thousands of dollars (Pediatrics was almost \$400,000) for premiums that did not serve any purpose. We asked Barbara Bell, Dr. Gremse and Shelly Chapman to look into it. It was agreed the Independent Contractor method would be best because of the way the Independent Contract was written. This emerged due to Sunrise Hospital's need to bill Medicaid. It doesn't include volunteer faculty. Dr. Thienhaus added that the physicians are being paid for the value of their time, and are held to the same performance standards and education commitment.

Faculty Council Representation changes are due to be made in September. A list of those departments affected was sent out in email form; they are Phys. & Cell Bio., Psychiatry-Reno, Speech Path & Audiology (Dennis Uken has re-upped), Student Affairs and Surgery. Letters will be sent to all their chairs requesting new representatives; we will also remind chairs that their representatives actually need to attend meetings.

Dr. Lupan suggested that the Faculty Council Chair actually send a report to all the chairs with a copy to the Dean that specifically identifies the existing departmental representative along with their percentage of attendance, with a note at the bottom that if you value at all the participation of your faculty in committees, you should appoint a representative who will take this job seriously. It was also suggested that the term "governance" be used as this Council, plus the Dean, have the power to change the bylaws of the School. Ms. Bar-on also suggested that in addition to governance, we should add that institutional participation on committees should be, if it's not already, a requirement for Promotion and Tenure. This led to discussion on...

Tenure and the article from Science Magazine, "Tenure and the Future of the University", that Dr. Lazerson sent to Council. What happens when universities go to more part-time and non-tenure track faculty, is less and less involvement by their faculty in the institutions. Promotion criteria become less likely for those who are non-tenure track. Dr. Lazerson feels we need to explain to faculty, new and old, what Tenure is in this institution and what it actually means. Is it just academic freedom or does it create binding relationships as it does in other universities? Dr. Larson suggested that Provost Marc Johnson may also have some good information about this as well as they have done a two-year evaluation of non-traditional faculty. These

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findings are powerful in the sense of gender representation, concepts of promotion and payment, etc. Barb Scott participated on this task force and should have the facts and figures. Barb Scott will be invited to give a report to Council on this evaluation.

As tenure is eliminated, it is important for people to feel secure in what they write and teach and to know that academic freedom is really important. Dr. Larson said academic freedom is guaranteed in the UNSOM by-laws and the code; essentially, tenure allows for the ability to have notice of why you are being fired. There is a great tradition at this school with regard to academic freedom which is all the more reason to understand what tenure does and means in the UNSOM.

Committee Elections have almost been finalized. Dr. John Gosche, Professor and Chief of Pediatric Surgery in Las Vegas, has been elected as the representative of UNSOM to UNR's Promotion & Tenure Committee. The slate of UNSOM P&T Committee nominees has been sent to all faculty seeking their approval by July 10th (shy one member as we lacked someone who was qualified and willing to participate).

Emerging Faculty Issues:

Committee Service: Three years ago, we had to start effort reporting every quarter so efforts coincide with funding, i.e., state services, grants, etc. This makes it difficult for soft money faculty to do committee work as they are not funded for it. We have faculty in our Basic Sciences who are non-tenure who are totally funded on grant(s), except for a 5% leeway from NIH (2 hours weekly) and this covers other things as well, including the writing of grants, teaching, etc. We need to look at our by-laws to loosen up requirements for our P&T committee in order to have adequate representation. This may include eliminating the rule of one person per department, as some departments are very large and others are not. Also the minimum Associate Professor level brings down the availability of faculty.

Ms. Regan added it is not just commitment to grants, but from the clinical aspect, they have to be in the clinic X number of hours. With respect to the P&T committee, she asked how much time it actually takes. Dr. Piasecki said that it depends on the number of applicants. Ms. Regan wanted to know if there is an average that could be rolled into a budget. According to Dr. Lupan, the number of hours actually spent in deliberation with the committee is probably less than 10 hours a year; however, depending on the number of applicants, time spent at home going over applications will vary greatly. Ms. Regan asked if we can develop a pool of funds to support these individuals. Dr. Lupan said for the same reason the school allows 5% for research faculty to be involved in other areas, there's no reason we can't do the same. The challenge will remain that nominees still need to be at Associate Professor level or greater. It was asked if this budget would be for all committees, or just P&T? Dr. Lupan thought it should be used for standing committees. Historically, part of state funds has gone to allow for effort in committee work. Best contact people for this would be Dr. Piasecki in Faculty Affairs & Development's and Feride McAlpine in H.R.

Dr. Lazerson voiced that he has a basic problem with this institutionally and feels this should be part of the faculty's endeavors. Dr. Fiore agrees that he doesn't like it, but said this is a sign of the times. Dr. Bar-on added that she can't believe there are other institutions across the country paying their faculty to participate on committees? Dr. Regan reiterated that we would not be "paying" faculty, but rather provide a source of funding, set up to offset salaries. Dr. Larson said she doesn't like the concept of paying for committee time, and that a lot depends on the chair and their job description as it ties in with the role statement and annual evaluation.

Mimi added that we are in the mindset now of a 'generation of entitlement'; they're not going to go back. They come in and punch the clock; they are use to having their prescribed time and once their time is spent, they go on with their lives.

Ms. McAlpine added that service is part of your job description; if we start paying for service related activities, it will be difficult to recruit members for search committees as they're not paid. This should be discussed thoroughly before making any decision. It was also suggested to clarify: 1) Funds to go to the department or Faculty member? 2) Whether or not it is part of their job description and whether their salary is protected or at least not hurt.

Dr. Antonuccio said we are living in a world where the two are mixed. When you have to generate your own salary, you look at what activities will keep you from doing that? He feels we need to fight for more tenure-

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track positions. It is up to the chair to let each faculty member know what is expected of them. Dr. Lazerson said people on professional income dollars in the Practice Plan are getting dollars cut. Dr. Fiore suggested that Dr. Larson take this subject to the Executive Faculty committee meeting. Ms. Regan said she's uncomfortable with saying you're "paying for service" as no one would actually be receiving additional pay.

It was mentioned this could all be tied into the compensation plan as well, including how the allocation of time and people would fit and how to deal with it because of the standing committees we need people on. Dr. Lupan reminded Council that because effort reporting is now federally mandated, we need to look for incentives such as salary replacement. Dollars can be requested from the University's "Indirect Costs" through an application process.

Executive Faculty: Dr. Larson reported that at the end of June Caroline Ford and John Packham presented trend analyses for exiting residents. A fair number of residents often come back to Nevada after their specialty training; send a request if you want to see this report.

LCME Update noted that Jennifer Kimmel has been meeting with individual departments about what's going to happen when the visitors come and what kinds of questions will be asked.

Furloughs: Classified staff is required to take one day per month. Ms. McAlpine said we have just asked the University to reconsider SOM Faculty; otherwise, we are scheduled to make 4.6% pay cut, next July (faculty has option to take 2.3% this year and 2.3% next year). This translates into one day per month and will be official effective 2011. This affects all salaries, state and soft funding. Tenured faculty will not receive a cut, but are asked to work fulltime plus 4.6% more. Jean added this is still being investigated by NSHE and the University; we should wait for the final ruling. Dr. Craviso mentioned that classified staff who are 100% grant funded are still required to take the one day off a month (12 days a year). Dr. Fiore has heard that faculty may be expected to work, even though they have been furloughed. Ms. Regan advised that faculty can elect to have their salary reduced by 4.6% or by each of the two years in the biennium to 2.3%, without a furlough, and then not worry about it. It was suggested to wait for clarification from this week's sessions about faculty furlough.

Emerging Faculty Issues:

Conflict of Interest Policy: Dr. Piasecki discussed that the minor clarifications Council requested have been incorporated into the revised policy document. It needs Council's review and approval; implementation, which is separate, will include translation on how it is to be used. David Antonuccio moved for approval of the Conflict of Interest Policy as submitted and Gerald Ackerman seconded the motion. The motion to approve the Conflict of Interest Policy passed unanimously. David Antonuccio noted that AMSA did review this policy and with implementation, they said we should get the passing grade we hope for.

Conflict of Interest-Implementation: Implementation is a new aspect for a newly formed committee. Due to LCME, there is an increased level of scrutiny for this and implementation will be separate from the policy as it translates it into action. The roll out will go in the implementation document.

Conflict of Commitment: Members of the Conflict of Interest Committee will now work on this new endeavor.

Old Business: Discussed under Committee Service

New Business: None

The meeting was adjourned at 5:25pm

Minutes prepared and submitted by Carol Mitchell