

Professional Standards Committee
1 May 2009

Present: Bartanen, Christoph, Edgoose, Goldstein, Haltom, Tomlin, Wood

1. Minutes of 24 April 2009 accepted with minor corrections

2. Charge #2- definition of tenure-line (Code amendment & Buff document text)
(Edgoose and Wood led the discussion)

Charge #2 originated in an inquiry to the PSC whether a colleague denied tenure could participate in departmental meetings or could be excluded therefrom.

The PSC informally answered the inquiry as follows. The code is clear about inclusion in governance [including evaluations] – to wit, all faculty – and measures for creating ad hoc exceptions are explicit, so the question asked the PSC has been answered by the code: **Faculty colleagues who are unsuccessful in their bids for tenure maintain their rights and responsibilities as faculty members during the remainder of the evaluation year and during the terminal year of employment that follows..**

3. Charge #3- informal and formal challenges in a faculty evaluation- (Goldstein and Haltom led the discussion)

The PSC held over for next week or next year issues concerning timing and other potential conflicts between informal appeals of evaluations and formal appeals of evaluations. Goldstein and Haltom presented the PSC with a draft of issues and questions to be addressed. That draft is appended *infra*.

4. Charge #17- identifying improvements in the “Grievance within a Faculty Evaluation” process (George Tomlin led the discussion)

The PSC discussed insertions Faculty Code Ch. III, §4, f, 1 to the buff document or into Dean’s letter to deal with problems when an evaluation is halted to deal with allegations of ethical improprieties. The PSC will revisit this charge in its next meeting.

5. End-of-the-Year Report: multiple emendations were suggested and accepted by and from the chair.

Adjourned 2:42 p.m.

Respectfully submitted,

Bill Haltom

23 April 2009

TO: Professional Standards Committee
FROM: Barry Goldstein and Bill Haltom, Subcommittee
RE: Informal and Formal Challenges to Evaluations of Faculty

The subcommittee examined minutes and memoranda from 2007-2008 and *The Faculty Code* to uncover puzzles and questions about the processes by which evaluations are appealed either informally or formally. Our researches have raised so many issues of such complexity that we do not believe that the PSC can do its work responsibly in the short time remaining this academic year.

As the subcommittee and Committee review those issues, all should focus on what seems to be the central question: **Are informal challenges preliminary to formal challenges or alternatives to formal challenges?** Some colleagues read the code to “suggest” an informal first stage to challenging departmental¹ recommendations or procedures, to be followed by a formal second stage if the informal first stage does not satisfy the evaluatee. Others infer no such sequence and see two alternatives by which evaluatees might challenge evaluations by departments. Irrespective of what faculty may have intended, *The Faculty Code* does not resolve that central question.

Issues

Minutes and missives of the Professional Standards Committee [25 April 2009] disclosed many questions and conundrums:

1. May an informal and a formal appeal be lodged by a single evaluatee concerning the evaluation of a single file? *The Faculty Code* says evaluatees may pursue concerns “... (1) informally or (2) formally.” Should that “or” be read to be exclusive or inclusive?
2. If both informal and formal appeals regarding a departmental decision are permissible, is the informal appeal resolved first and the formal next; or might informal and formal appeals proceed simultaneously?
3. Are evaluatees permitted more than “one round” of appeals? [*The Faculty Code* explicitly permits informal or formal appeals after a department makes its collective recommendation; after the FAC has recommended, only the formal process is available; the decision of the president is subject to a third process beyond the immediate focus of the PSC.]

¹ Please note that informal appeals are available under *The Faculty Code* only at the first level of evaluation: departments, programs, schools, or specially devised evaluation committees. **For simplicity, hereafter in this memorandum, the subcommittee uses “department” or “departmental” to stand for various entities that make recommendations to the Faculty Advancement Committee.**

4. Does *The Faculty Code* limit the time for an informal appeal? [*The Faculty Code* Chapter III, § 4, b { p. 14, lines 11-30} furnishes no explicit deadline for evaluatee and head officer. After he or she has reviewed the file, the evaluatee has five working days in which to challenge the departmental decision-making informally.]
5. Do differences in the working days allotted for informal and formal appeals **presume** that informal appeals may resolve minor issues expeditiously and thereby obviate a formal hearing board or limit the issues to be taken to a formal hearing board? Do the faculty **intend** the informal appeal to encourage reconciliation of evaluatees and evaluators – perhaps a “cooling off” period – or to triage issues before a formal appeal or both or neither? Is “the **spirit**” of *The Faculty Code* to prefer informal appeals because they are simpler and involve fewer faculty and less time than formal appeals and hearing boards do?
6. What is the significance of a slight difference in the grounds stated for each sort of appeal? [Informal appeals must address issues of fairness and adequacy of file and/or of process, while formal appeals may concern fairness, adequacy, and completeness.]
7. Simultaneous informal and formal appeals would seem ill-advised because each could contradict or undermine the other. May/should the PSC do anything about that simultaneity?

The Informal Appeal – Textual Authorization

The Faculty Code on-line < <http://www2.ups.edu/dean/facgov/docs/faculty-code-jul2008.pdf>, accessed 15 April 2009> Chapter III, § 4, b OR p. 14, lines 11-30:

If after reviewing the file (non-confidential letters) or reviewing the file and receiving the head officer's summary of letters (confidential letters) the individual faculty member feels that he or she has been unfairly or inadequately evaluated by the department, school or program, that individual has the right to pursue those concerns (1) informally or (2) formally. (1) The evaluatee may pursue a challenge informally within five (5) working days of reviewing the file by notifying the head officer in writing of concerns about the departmental process and the contents of the file that are relevant to questions of fairness and adequacy. The head officer and the evaluatee shall attempt to resolve issues informally. A copy of the evaluatee's statement of concerns and a written statement on the results of the informal resolution process prepared by the head officer shall be forwarded to the Advancement Committee and included in the evaluatee's file. No informal resolution between the head officer and the evaluatee may remove materials from the file or set aside the provisions of this Code. (2) The evaluatee may pursue a challenge to the departmental evaluation formally by initiating an appeal as provided for in Section 6 of this chapter within ten (10) working days of reviewing the file. The appeal is limited to issues affecting fairness, completeness, and adequacy of consideration by the department in conducting the evaluation. If no challenge is raised informally or formally within the time limits specified, the Advancement Committee shall proceed with its deliberations.

The Formal Appeal – Textual Authorization

The Faculty Code on-line < <http://www2.ups.edu/dean/facgov/docs/faculty-code-jul2008.pdf>, accessed 15 April 2009> Chapter III, § 6, a, 2, a-b OR p. 19, lines 1-16:

(a) A formal appeal of the evaluation conducted by the department, school, or program is limited to issues affecting fairness, completeness, or adequacy of consideration by the department, school, or program in conducting the evaluation. The appeal must be initiated within ten (10) working days after the evaluatee has completed reviewing the evaluation file that the department, school, or program forwarded to the dean and the Advancement Committee (Chapter III, Section 4.b).

(b) A formal appeal of the evaluation conducted by the Advancement Committee is limited to questions of fairness, completeness, or adequacy of consideration by the Advancement Committee in conducting the evaluation. It may not raise questions about the evaluation at the departmental level unless the questions pertain to duties of the Advancement Committee specified in the code. The appeal must be initiated by the evaluatee within five (5) working days after receiving the Advancement Committee's recommendation (Chapter III, Section 4.c.(6)).