

Minutes of the Professional Standards Committee

April 18, 2008

PRESENT: Kris Bartanen, Sigrun Bodine, Julie Christoph, Julian Edgoose, Karl Fields, Barry Goldstein, Don Share, George Tomlin

Tomlin convened the meeting at 1:03 p.m.

Minutes from April 4 were approved as amended.

The PSC deliberated on charge 7, the definition of “Tenure-Line.” The Committee agreed that the current Code definition of Tenure-line is not as clear as it could be, and is potentially misleading. In its year-end report the PSC will request that the Senate charge next year’s PSC with the task of drafting a Code amendment or interpretation in order to clarify that definition. It was suggested that the PSC might also want to look at the eligibility for UEC funds of those who have been denied tenure.

The PSC turned to charge 3, the “lost Code Amendment” that was brought to the Committee’s attention by members of the Senate. A subcommittee of the PSC (Bodine and Share) prepared the following analysis with regard to this issue:

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1. Here is what the 1998 Code says in the passage in question (it describes situations in which the President does not have to take action in evaluations):

<p><u>Section 6 - Evaluation and Decision by the President</u></p>
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| <p>a. If the evaluation was not made for the purpose of altering the status of the evaluated faculty member's appointment, no presidential action shall be called for. In that event, the President shall take note of the evaluation report and accompanying information and shall return the same to the dean, to be included in the faculty member's file.</p> |
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2. In 1998 (we presume) the PSC interpreted that passage as follows:

<p>Interpretation of Chapter III, Section 6, Whether a Five-Year Evaluation of a Full Professor Entails “Altering the Status of the Evaluated Faculty Member’s Appointment” So As To Be Subject to Appeals Procedures:</p>

<p>In Chapter III, Section 6, Paragraph a, of the Faculty Code, “altering the status of the evaluated faculty member’s appointment” refers to the following cases: reappointment of an untenured faculty member (Chapter II, Part A, Section 5); promotion</p>
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(Chapter II, Part B); tenure (Chapter IV); or dismissal (Chapter V, Part A). The five year evaluations of tenured full professors do not involve reappointment, tenure or promotion. Hence the appeals procedures specified in Chapter III, Sections 6, 7, and 8, are not applicable. The only instance in which an evaluation of a tenured full professor entails “altering the status of the evaluated faculty member’s appointment” is an evaluation in which the Faculty Advancement Committee makes a “negative” recommendation (Chapter III, Section 5, Paragraph e) and the faculty member receives an “unsatisfactory evaluation” (Chapter V, Part A, Section E, Paragraph a), in which case the Code’s provisions for dismissal of a tenured faculty member may be invoked (Chapter IV, Section 7, Paragraph a; and Chapter V, Part A, Section 1, Section 2, Paragraph a, and Section 3, Paragraph a). In that instance, an appeals procedure is provided by Chapter V, Part A, Sections 3 and 4.

3. That same passage that was interpreted in 1998 appears exclusively on page 16 of the 2007 code, in Chapter III, Section 4, d (2).
4. The reasoning behind that interpretation would still appear to be valid. However, the interpretation makes numerous references to Code sections that are now in different locations, as follows:

1998 interpretation reference	Corresponding location in 2007 code
In Chapter III, Section 6, Paragraph a, of the Faculty Code, “altering the status of the evaluated faculty member’s appointment”	Chapter III, Section 4, d (2).
reappointment of an untenured faculty member (Chapter II, Part A, Section 5)	Chapter II, Section 5
promotion (Chapter II, Part B)	Chapter 4, Section 2
tenure (Chapter IV)	Chapter 4, Section I
dismissal (Chapter V, Part A)	Unchanged
appeals procedures specified in Chapter III, Sections 6, 7, and 8	Chapter III, Sections 6 and 7.
a “negative” recommendation (Chapter III, Section 5, Paragraph e)	Chapter III, Section 4, c, subsection 5 (b)
“unsatisfactory evaluation” (Chapter V, Part A, Section E, Paragraph a), [note: this should have been Chapter V, Part A, section 3, a]	Chapter V, Section 3, a (2)
Chapter IV, Section 7, Paragraph a	Does not exist anymore. Dismissal only in Chapter V (see ref. below)
and Chapter V, Part A, Section 1, Section 2, Paragraph a,	Unchanged
and Section 3, Paragraph a).	Unchanged
appeals procedure is provided by Chapter V, Part A, Sections 3 and 4	Chapter V, Part A, Sections 3 and 4

5. Recommendations for PSC action:

- a. Insert the missing code amendment in its appropriate place (page 44 of the current Code) in order to preserve the historical record.
- b. Assuming that this interpretation was sent to the Senate and approved by the Trustees in 1998, the PSC should issue a new interpretation with the following wording:

Interpretation of the 1998 Interpretation of Chapter III, Section 6, Whether a Five-Year Evaluation of a Full Professor Entails “Altering the Status of the Evaluated Faculty Member’s Appointment” So As To Be Subject to Appeals Procedures. In order to reflect changes in the Code since the adoption of the 1998 interpretation, the original interpretation shall be reinterpreted to read as follows:

In Chapter III, Section 4, d(2) , of the Faculty Code, “altering the status of the evaluated faculty member’s appointment” refers to the following cases: reappointment of an untenured faculty member (Chapter II, Section 5); promotion (Chapter IV, Section II); tenure (Chapter IV, Section 1); or dismissal (Chapter V, Part A). The five year evaluations of tenured full professors do not involve reappointment, tenure or promotion. Hence the appeals procedures specified in Chapter III, Sections 6, 7, and 8, are not applicable. The only instance in which an evaluation of a tenured full professor entails “altering the status of the evaluated faculty member’s appointment” is an evaluation in which the Faculty Advancement Committee makes a “negative” recommendation (Chapter III, Section 4, Paragraph c, 5,b) and the faculty member receives an “unsatisfactory evaluation” (Chapter V, Part A, Section 3, a (2), in which case the Code’s provisions for dismissal of a tenured faculty member may be invoked (Chapter V, Part A, Section 1, Section 2, Paragraph a, and Section 3, Paragraph a). In that instance, an appeals procedure is provided by Chapter V, Part A, Section 4.

After some deliberation, the PSC agreed to adopt this interpretation. In addition, the PSC discussed the need to find a way to amend existing interpretations in order to make the Code and its interpretations easier to navigate. Bartanen reported that the university attorney had suggested amending the Code to create a process for amending existing interpretations. The PSC discussed the possibility of placing “active” interpretations within the text of the Code (via hyperlinks) while archiving “inactive” or superseded interpretations, possibly at the back of the Code. There was a discussion of the labor required to examine existing amendments in order to make sure that they contain up-to-date references, and the PSC discussed whether it should take on this cumbersome task, or whether administration staff should do so. The PSC agreed that its year-end report to the Senate should request that next year’s PSC address this issue.

The PSC then deliberated on charge #6. Is the Faculty Evaluation Criteria and Procedures document (the buff document) sufficiently clear when discussing the requirement that evaluation letters address “need” in evaluations? Christoph and

Edgoose presented their preliminary findings to the PSC, and the Committee then deliberated about the meaning of “need.” The PSC agreed that the current Code language (Chapter II, Section 3 d.) is clear regarding the meaning of need, and that departments might decide that the position occupied by an evaluatee is no longer needed by the department, program, or university. Concern was raised that the category of “need” not be expanded to include perceived individual weaknesses of a candidate that belong under other evaluation categories (and that do not concern the need for the position). In order to clarify that “need” refers to the *position* occupied by an evaluatee, and not the evaluatee, it was agreed to change the buff document wording on page 7, paragraph 1 as follows. To sentence now reading “Letters should be specific and should discuss the strengths and weaknesses of each candidate in the context of the goals and future needs of the department or school and the university” will be appended the words **“for the position.”**

Finally, the PSC considered charge #9, regarding streamlined reviews. Concerns were raised about participation in those reviews about who can participate (visit classes, review the file, and write a letter) and whether individuals other than the chair/director and the dean can trigger a full review. The PSC agreed that the streamlined process was intended to be inclusive, and should not exclude colleagues from class visits, review of the file, or submission of letters to the chair/director or dean. Letters submitted to the chair/director can be forwarded to the dean at her or his discretion. Only the candidate, dean or the chair/director can trigger a full evaluation. The PSC also wished to clarify that all streamlined evaluations have open files. The PSC will decide on a course of action at its next meeting.

The meeting was adjourned at 2:10 p.m.

Submitted respectfully,

Don Share