

2006-2007 Report
Professional Standards Committee
April 23, 2007

Members of the PSC for 2006-2007 were Kris Bartanen, Sigrun Bodine, Doug Cannon, Julian Edgoose, Karl Fields, Grace Kirchner, Don Share, and George Tomlin. Share was on leave during the spring. He chaired the committee during the fall and Kirchner took over as chair in the spring.

Over the course of the academic year, the PSC addressed the following topics:

Student Evaluations. We weighed in on several matters related to student evaluations. The memo to faculty on the administration of evaluations, which can be found appended to the minutes of September 11, was revised to emphasize the faculty member's responsibility to insure that evaluation are scheduled and administered with sufficient time for student response and to caution faculty about scheduling evaluations during the last day of class. In response to a query, we opined that it was acceptable for chairs to have access to teaching evaluations prior to the submission of grades if given permission by either the evaluatee or the Academic Dean (with subsequent notification of the evaluatee). The Committee also determined that it was acceptable to have teaching evaluations collected by students in the case of off-campus clinical courses in Physical Therapy as long as two students sign off on a form verifying that all procedures have been followed.

Evaluation Guidelines Revisions to the Politics and Government Guidelines pertaining to the Professor of Environmental Decision-making and Policy were approved. Revisions to the School of Education Evaluation Guidelines pertaining to the Director of Student Teaching and the role of instructors in evaluations were approved. The newly created guidelines for African American Studies were approved. The Department of Foreign Language and Literature was given feedback on its proposed revisions. Consideration of revisions to the guidelines for Communication Studies is pending as of this writing.

Code Interpretation on Early Tenure. At the meeting of February 12th the PSC passed an interpretation of the Faculty Code, the culmination of a discussion that occurred over several meetings.

“The expected times of tenure and promotion are framed by the Faculty Code (Chapter IV, Section 1, e and Section 2, b). This expected time may be further specified in the candidate's appointment letter (what the Faculty Code calls the “initial contract”). Early promotion or tenure refers only to situations where faculty members choose to apply for promotion or tenure earlier than this expected time.

In cases of early promotion or tenure, the “sustained record of achievement of exceptional merit in all the categories by which a faculty member is evaluated.” (Faculty Code Interpretation of Chapter IV, Section 2, b (4), February 9, 1987) is

interpreted to indicate a standard above and beyond that normally required for promotion and tenure.”

Revisions to Ch. 3, Sections 6 and 7 of the Faculty Code. The PSC continued work on this set of revisions carried over from last academic year, which pertain primarily to the appeals process. It was determined that the revisions would have the greatest likelihood of passing if the controversial items were dropped. The PSC agreed to take that approach, but also crafted revisions to address some newly discovered problems, such as the potential for a tie vote in a hearing board. The attached document, which was circulated to the faculty prior to the first reading on April 17, summarizes the proposed revisions. The second reading and vote on the revision package is scheduled to occur on May 1.

Other Faculty Code/Evaluation Matters. The PSC provided responses to several queries.

1. It is permissible for the FAC to consult materials from the immediately prior evaluation if such materials are contained in the evaluatee’s ongoing file.
2. Evaluatees who have open files can access the letters in their files both during the period for formal and informal challenges and after the FAC has completed its work on the file.
3. The Dean’s practice of accepting “late” requests for streamlined reviews from faculty members is not in violation of the Code.
4. There is no Code requirement that departmental deliberations regarding an evaluatee be kept confidential, but departmental guidelines can so specify.

Summary of changes to the Code created by the proposed amendment to Ch. III, Sections 6 and 7, concerning procedures for appeals and hearings.
April 9, 2007

The Motion:

The Professional Standards Committee proposes an amendment to the Faculty Code to strike the current language in Chapter III, sections 6 and 7, and to substitute the language in the previously submitted document in its place.

Adoption of this amendment shall authorize the modification of the Code citations so as to bring those citations into conformity with changes in the Code occasioned by the adoption of this amendment.

Overview of Substantive Changes:

- (1) Language concerning the function of a hearing board is brought forward from later text (namely, section 7.e) to the preamble of s. 6.
- (2) The respondent on behalf of the department, school, or program, is designated and responsibilities of the respondent are clarified.
- (3) The time-line for a response is adjusted.
- (4) The hearing board roster is expanded to include the full faculty less exemptions for conflict of interest and absence of consent. The chance of a tied hearing board is reduced.
- (5) A repair is made to the current confused language about the path taken by the file after an appeal is concluded.

Background:

Since the implementation of major revisions to the Code in 2002, many questions have been raised regarding the hearing board/appeals process that is described in Ch. III, sections 6 and 7. Most of these questions reflect logical differences between levels of appeals (department/school/program versus Advancement Committee) that were not considered when the two separate levels were created.

Rather than develop a complex set of piecemeal amendments and interpretations, the 2005-06 PSC, with some input from the Faculty Senate, proposed a comprehensive revision of Ch. III, sections 6 and 7. The first reading of the amendment occurred at the Faculty Meeting on October 24, 2005. Amendments to the amendment were proposed, discussed, and voted on at subsequent meetings (12/6/05, 1/31/06, 3/6/06), but the revision as a whole was never acted upon. **This new revision attempts to capture the sentiment of those prior meetings by sidestepping those issues that seemed controversial in favor of correcting the problems that still exist in these sections.** Left unchanged are (1) the clause concerning confidentiality of the proceedings of a hearing board; (2) the authority and continued existence of a hearing board after

it has made its report; and (3) the question whether under the prevailing procedure (which provides for formal appeals at two levels) the process begins anew after a successful appeal, thereby permitting multiple appeals at the same level.

Substantive Changes by Sections:

Section 6.a. has been reorganized to clarify differences between appeals at the two levels. Changes in content attempt to clarify grounds for appeals at the two levels (i.e., the department/school/program or the FAC), to define the identity of respondents at each level, and to specify processes by which respondents and dissenters formulate and transmit information. The revision also calls for the PSC chair, rather than the appellant, to deliver the list of alleged violations.

Section 6.b. includes changes to allow for a larger hearing board roster now that there can be appeals at two stages in the evaluation process. Also new is the exclusion of PSC members from the hearing board roster.

Section 6.c. includes more detail and some logistical changes to clarify processes used to form hearing boards and to allow for selection of three rather than one alternate. The section also bars individuals from serving on hearing boards at both levels for the same appellant. Additionally, the new language codifies the current practice of having the PSC chair or designate attend the first hearing board meeting. New language specifies that a new board is selected to conduct the hearing if any member resigns.

Section 6.d. has been revised to codify the current practice that the appellant and respondent are not present during the hearing board's discussion of probable cause. The changes also specify the appropriate recipients of reports regarding probable cause at each level and indicate that all appeal materials, including a hearing board decision regarding absence of probable cause, should be included in the file before it moves on. The new language also indicates that the chairpersons of the Faculty Senate and Professional Standards should be notified regarding the decision about probable cause, so that someone in an official capacity is kept apprised of the status of the process. The correct pathway for an evaluation file at each level is specified.

Section 7 attempts to clarify the format of the hearing and the sequence and purpose of hearing board activities following a hearing, to specify who may and may not attend the hearing, and to describe processes through which dissenting opinions may be transmitted.

Sections 7. j. and k. specify parallel processes at the different levels if the hearing board finds that the code has been violated. Specifically, for appeals at the department, school, or program level, the hearing board has the option of either forwarding the file on to the FAC, or referring the matter back to the department, school, or program for correction of deficiencies. For appeals of FAC evaluations, the hearing board has the option of either forwarding the file on to the President, or referring the matter back to the FAC for correction of deficiencies.

Sections 7. l. specifies the correct pathway for an evaluation file at each level.

Section 7.m. clarifies which written materials from an appeal are added to the file and transmitted to the dean for retention. A new statement also indicates that the chairpersons of the Faculty Senate and PSC should be notified when the hearing board completes its work.