

Minutes of the Professional Standards Committee

February 12, 2007

PRESENT: Kris Bartanen, Sigrun Bodine, Doug Cannon, Julian Edgoose, Karl Fields, Grace Kirchner, George Tomlin

Kirchner convened the meeting at 11:05 a.m.

1. Announcements/New Business. None reported.

2. Minutes from January 29 and February 5. Both were approved. It was agreed that the minute taker should bring one extra set of minutes to the meeting.

3. Early Tenure Code interpretation. The following draft of a formal interpretation of the Code had been discussed in the prior meeting.

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.

A motion was made to pass this proposed Code interpretation. **MSP unanimous.**

4. Charges from the Faculty Senate. The following three items from the Ad Hoc Committee on Evaluation report (released 22 January 2006) were forwarded by the Senate chair for our review:

3. "The committee recommends that the Faculty Senate consider what should be done if, hypothetically, the Professional Standards Committee is perceived to have violated the Faculty Code. What mechanism is there, or what productive mechanism might be created, whereby a concern about such a violation can be adequately addressed, and addressed in a way that protects the integrity of the Code, the integrity of the evaluation and hearing processes, and the normal functioning of the PSC? Obviously, one of the PSC's purposes is to insure that the faculty adheres to the Faculty Code, but what is supposed to be done if the PSC itself is perceived to have violated the Code?"
11. "The committee recommends that the Faculty Senate explore the possibility of dividing the PSC into two independently functioning committees[,] one that handles interpretations of the Faculty Code and the standards of evaluation and another that handles appeals and grievances."
12. "With regard to our finding concerning insufficient separation of the grievance process from the evaluation process, the committee recommends that the Faculty Senate consider the following two sets of questions:
 - A. "To what extent does the grievance process at the University ensure not only the proper and fair hearing and adjudication of grievances but also the protection of the person(s) lodging the grievance (whether informal or formal)? That is, to what extent is there an adequate buffer between the grievance process and the evaluation process? What safeguards exist to prevent colleagues from using the evaluation process as a means of retribution for a legitimate grievance process (regardless of the outcome of the process)?"

These following issues were raised as being at stake in this discussion:

- There had been concerns on campus that there was no channel of appeal if the PSC or a hearing board was seen as having acted out of keeping with the Code.
- This raised issues of PSC workload as well as a separation of powers with, in particular, a focus on the role of faculty who both interpret and apply the Code and of the Dean in both PSC and FAC deliberations.
- It was agreed that these questions raise serious and complex constitutional and indeed legal issues. Can a faculty member appeal to the Board of Trustees? Is legal action the next stage of appeal?

Discussion of possible responses included the following concerns and thoughts:

- What does the Senate want us to do? Give commentary? Recommendations? Proposals? With what as a priority?
- Don Share had submitted some personal suggestions for a higher court of appeals consisting of prior PSC chairs. It was agreed that we should revisit those suggestions.

The PSC chair was asked to contact the Senate to clarify the PSC's task.

As a further issue, it was noted how many faculty members do not have a working understanding of the Faculty Code, and that the selections for committees like the PSC might be seen in their educational light as means for bringing newly tenured faculty into a fuller understanding of governance.

5. Status of Chapter III Revisions. Continuing our discussion of the prior week, it was agreed that the PSC might try to revive those parts of the Chapter III Code revisions that had general approval in last year's faculty meetings, while leaving the few controversial issues as they appear currently in the *Faculty Code*. These reforms would improve the functioning of the evaluation processes. It was agreed that discussions would proceed with faculty members to ensure that the package of reforms created that would receive wide approval.

The meeting was adjourned at 11:53am.

Submitted Respectfully,

Julian Edgoose