

Minutes of the Professional Standards Committee
February 26, 2007

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

Kirchner convened the meeting at 11:03a.m.

Bartanen announced that the Board of Trustees passed the amendment to Chapter V, Part D, Section 2 regarding early retirement that the faculty approved on October 30th, 2006.

Bartanen also announced that a member of the faculty requested guidance from the PSC on whether observing a class that meets only once a week for 150 minutes would be considered one or more than one visit. After brief discussion, the committee concluded that such an observation would constitute only one visit.

The minutes of February 19, 2007 were approved with revisions.

For the remainder of the meeting, the committee continued its discussion of revisions to Chapter III of the *Faculty Code*.

The committee began by reviewing revisions proposed and discussed in the February 19 meeting. These were all approved as recorded in the minutes from that meeting.

The committee next discussed the concern that if one member of a formed hearing board was not able to continue, the resulting four members could possibly deadlock and not be able to arrive at a majority decision as called for in the (proposed language) for Chapter III, Section 7, paragraph i. The committee discussed various options for addressing this concern, resulting in the following two options that will be considered further in a subsequent meeting:

Option One:

Revise Chapter III, Section 6, c., (6) to read:

In the event that any member of a hearing board is unable to complete service after the hearing board process has begun, a new hearing board will be formed, using the process outlined above.

Option Two:

Revise Chapter III, Section 7, paragraph i. to read:

Within ten (10) working days after completion of a hearing, the hearing board shall render its decision about whether violations of the code, as alleged by the appellant, have occurred. The decision of the majority of the hearing board and any dissent by a minority of the hearing board shall be transmitted in writing to the appellant, the respondent, and the dean. (In the case of a tie vote, the decision shall be in favor of the appellant.) The hearing board's majority decision, any minority dissents, and any exhibits received in the hearing, along with the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee, are added to the evaluation file.

The committee next turned to additional concerns and suggested revisions that had been suggested in e-mail exchanges during the week and all of the following were adopted:

Section 6 (Preamble)

The two added sentences are presumably for clarity. They put the “how” before the “what” of the appeal, however. Perhaps it would be even clearer with something like:

“An evaluatee (or ‘appellant’) may allege that there have been violations of the code during the evaluation process. A duly-constituted hearing board shall determine whether such violations have, in fact, occurred. Unless otherwise stated...[then as in existing language]”

Part a. (1)

“An evaluatee may initiate a formal appeal to a hearing board...” is awkward. No hearing board has yet been constituted when an appeal is initiated. To whom the appellant appeals in the proposed wording is only given in part a. (3). Perhaps the cleanest solution is simply by striking “...to a hearing board” and leaving the rest of the sentence intact.

Part a. (5) (e)

“The chairperson of the PSC and the chairperson of the hearing board may jointly grant an extension for submission of a response...” leaves it unclear whether both must concur in order for an extension to be granted. It would perhaps be clearer if worded

“An extension for submission of a response...may be granted...if a respondent or a dissenter demonstrates...within the ten (10) working day limit. The chairperson of the PSC and the chairperson of the hearing board must concur that the extension is warranted.”

Part c. (4) (b)

“...The order of challenge shall be determined by lot, with each side alternating.”

If I am reading the intent correctly, wouldn't it be clearer to state

“Who may challenge first shall be determined by lot, with each side alternating thereafter.”

Part c. (4) (c)

“The appellant and the respondent may then exercise no more than two challenges against the eight names remaining...”

Does this mean two challenges EACH or a TOTAL of two? If each, then

“...no more than two challenges each against the eight names...”

should clarify it.

Part d. (2), (3), and (4)

The list of individuals to be notified about the hearing board's determination seems redundant. In (2) the list is provided as the outcome after the determination of whether probable cause exists or not. In (3) it is provided as the outcome after the determination that probable cause does not exist. Together (2) and (3) are

clearer than the current code wording, which makes it sound as though if probable cause is found, no one is notified, and the process just proceeds to a hearing. Furthermore, clause (4) should precede clause (3), since (4) describes the provision that a minority of 2 on the hearing board may force a finding of probable cause, “trumping” a majority of 3 finding for no probable cause.

One possible solution would be to word (2) as

“...the hearing board shall determine...whether there exists probable cause for an appeal or not, and shall so notify the appellant,...[rest of list follows]”

Then (3) becomes

“If two (2) or more members of the hearing board...”

And (4) becomes

“If the hearing board determines that probable cause for an appeal does not exist, then the board’s written determination of no probable cause shall be included...” [as currently through the end of the clause], with the redundant list of individuals dropped.

The committee next turned to Chapter III, Section 6, a., (4), and determined that the following addition should be added:

Upon receipt, the chairperson of the Professional Standards Committee shall provide a copy of the list of alleged code violations to the department, school, or program (if the evaluatee is appealing its evaluation) or to the Advancement Committee (if the evaluatee is appealing its evaluation).

Finally, the committee discussed concerns with Chapter III, Section 6, a., (5), (a), regarding what should be done if the head officer is unable to serve. No conclusion was reached on this matter.

The meeting was adjourned at 12:04 p.m.

Respectfully submitted,

Karl Fields