

Minutes of the Professional Standards Committee  
March 5, 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.

There were no announcements.

The minutes of February 26, 2007 were approved as presented.

The committee first took up the question about the faculty evaluation process having to do with colleagues sharing letters with the evaluatee.

PSC members felt that any faculty writing a letter can share that letter with the evaluatee. The Faculty Code is silent on this issue.

Chapter III, Section 4.b. of the Code provides for a five working day period, after the departmental evaluation, for the faculty member being evaluated to review the non-confidential materials in his or her file. There is then a period for informal (5 working days) and formal (10 working days) challenges regarding the departmental evaluation before the Advancement Committee begins its consideration of the file. Nothing prevents an evaluatee from requesting access to the file once the Committee has begun its work, though it may not be immediately available if being read by Committee members. Kirchner affirmed that the file is also available to a faculty member after the Advancement Committee has completed its work. Section 8 of the Code (p. 22) describes an evaluation file, except for any confidential letters, as open to the faculty member. The file is maintained in the Dean's Office, available only in accord with the provisions of Section 8, until the end of the next evaluation of that faculty member, at which point old files are sent to a secured area of the university archives.

PSC members felt there was a need to clarify the process of an open file, particularly, when access to colleague letters is convenient. It was noted that the committee could add this information to page 15 of the buff document on evaluation sent annually to faculty.

For the remainder of the meeting, the committee devoted itself to revisions to Chapter III of the *Faculty Code*.

1. Tie vote of a hearing board

The two options previously discussed were (1) to prevent there from ever having an even number of faculty on the hearing board (by seating a new hearing board if one member needed to stand down), and (2) by resolving a tie in favor of the appellant. Option 2 had the virtue, some felt, of being preferable to the faculty, who must accept these proposed changes. Option 1 had the virtue of simplicity.

Option 1, in the committee's view, would be more feasible to administer under the proposed revised process than under the process in the current Code. That is, Section 6, b., "Hearing Board Roster," would read:

A hearing board roster will be established annually by the Faculty Senate executive officers. The hearing board roster will consist of all tenured members of the faculty, subject to the following exclusions. The chairperson of the Faculty Senate, members of the Faculty Advancement Committee, and members of the Professional Standards Committee are excluded from the hearing board roster. Faculty members who are on leave are excluded from service on a hearing board.

With nearly all faculty on the hearing board roster each year, rather than a randomly selected subset of faculty, there would be much less of a chance of running out of eligible members should a whole new hearing board need to be constituted after one member drops out.

The committee discussed whether Option 1 would invite abuse, that is, by allowing pressure on a single hearing board member to drop out, in order to delay the process. Another scenario of potential abuse could be that a hearing board member not in favor of the appeal, seeing the vote going the other way, would drop out for the purpose of causing a repeat of the selection process, yielding perhaps a board less favorably disposed to the appellant's position.

The committee felt, however, that since both parties (appellant and respondent) have had the chance to vet hearing board members before their selection, there is a safeguard in place against members with known extreme views being seated on the board. Thus, Option 1, as amended below, was favored for Chapter III, Section 6, c., (6):

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

The committee also favored striking the words "majority" and "minority" in Section 7, second half of paragraph i., so as to read:

....The hearing board's decision, any 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.

2. The committee then returned to the question of how to proceed if the department head officer is not able to serve as the respondent, in a department level appeal. For example, what if the head officer were in a minority position in the departmental deliberation? Could she or he claim an "inability" to serve as respondent? The scenario was regarded as plausible, even if not universal. Thus the committee revised Section 6, a. (5), (a), second half of paragraph, to read

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If the head officer (or the person performing the functions of the head officer in the evaluation) is unable to so serve, then the other members of the department, school, or program will select a person to serve as the respondent.

3. The committee then discussed the intended meanings of “non-lawyer counsel” and “academic advisor” in the wording of the current Code (“academic colleague” in the wording of the proposed revision), in Section 7, a. No conclusions were drawn, except that the right of the appellant to counsel helps redress the inherent power imbalance in the hearing process.

Finally, the committee resolved to bring forward to the faculty at the March 20<sup>th</sup> general meeting these important but less controversial changes to the current Code language in Chapter III, Sections 6 and 7. As Kirchner will not be able to attend the March 20<sup>th</sup> meeting, Cannon agreed to introduce the changes for their first reading. The PSC meeting on March 19<sup>th</sup> would be used to tidy up the final proposal.

The meeting was adjourned at 12:10 p.m.

Respectfully submitted,

George Tomlin