

## **Faculty Senate Minutes February 6, 2006**

**Senators:** Barry Anton (Chair), Kris Bartanen, Nancy Bristow, Derek Buescher, Bill Haltom, John Hanson, Chelsea Howes, Alex Israel, Jean Kim, John Lear, Keith Maxwell, Eric Orlin, Barbara Racine, David Sousa, Peter Wimberger

**Guests:** Randy Bentson, Lipika Choudhury, Rachel Decker, Robin Foster, Kent Hooper, Katey King, Hans Ostrom, Florence Sandler, Evan Tucker, Amy Young, Chad Wilson

### **Order**

Senate Chair Anton called the meeting to order at approximately 4:30pm

### **Minutes**

M/S/P Minutes of January 23, 2006 were approved without changes.

### **Announcements**

Representatives from the Conspiracy of Hope announced an annual event regarding service, unity and community within the UPS, Tacoma, and Pierce County communities to begin February 10 and end February 18<sup>th</sup>.

### **Old Business**

Members Nancy Bristow, Robin Foster (Chair), and Hans Ostrom of “The Faculty Senate’s Ad Hoc Committee on Evaluation” introduced their Final Report. Chair Anton thanked the members of the Ad Hoc committee for the time, efforts, and service to the university in serving on the committee.

Senator/Committee Member Bristow detailed the process, outlined in pages 1-3 of the report and called attention to the Appendices A and B noting the Appendix B was discussed at a previous meeting (18 April 2005).

Professor Foster explained the context of the report highlighting p. 2. Professor Foster noted that the report focuses on issues of concern despite the fact much of the review/evaluation process works well.

Professor Ostrom suggested the Senate review the recommendations, discuss those recommendations and proceed from there.

### **Discussion:**

Senator Maxwell asked if the members of the Ad Hoc committee were comfortable with

the processes leading to the findings and if individuals the committee interviewed were representative of the University. Senator/Committee Member Bristow responded that the committee tried to provide a representative slice of the faculty (explained on p. 3 of the report). Prof. Foster added the committee intentionally interviewed faculty who had not made it through the evaluation process because they sought to discover what went wrong in the processes and that this would provide the most informative avenue of discovery to take.

Chair Anton noted the Senate needs to determine 1. the distribution of the report and 2. how to proceed through the discussion of the document.

M/S/P: Accept recommendation number 1 of the Ad Hoc Committee to forward the report to all members of the faculty and the President with an appropriate introduction from the Senate.

### **Questions to the Committee**

Senator Lear asked if we should delay the substantive discussion of the recommendations to create a venue for full faculty to discuss the report.

### Issues of Confidentiality and Data Collection

Senator Maxwell asked why departmental information (notably that outlined on p. 3 and that provided for Appendix A) could not be gathered without compromising confidentiality. Senator Bartanen responded that the request for data for Appendix A, if provided on a yearly or departmental basis, would reveal specific cases, and that the data was provided in five year increments. Senator Sousa noted this was an odd area for confidentiality given that the University announces each year who is up for tenure evaluation and who receives tenure. Professor Foster noted that the committee was not asked to look into departmental information and did not have time for developing a mechanism to look at departments separately. Senator Wimberger noted he thought proceedings were confidential but not the decisions. Vice President Bartanen noted individual decisions are not announced because not all departures are denials and some faculty members do not want the information public.

### Department Level Issues

Senator Sousa noted a concern about the departmental level which may not be dealt with by system wide reforms advocated by the committee. He was not sure if changing the tenure process would solve departmental issues. Senator/Committee Member Bristow noted the committee was not charged with focusing on departments. Instead the focus was on how to make a healthier process. She continued that the system is the issue and the need to discover if the *Faculty Code* needs to be improved was paramount to remedying future issues.

### Gender

Senator Lear noted the report (p. 6, finding 5) and asked for clarification on the relationship between gender and attrition with particular relevance to the issue of contract non-renewal. Professor Foster noted that historically there seemed to be a greater

proportion of women who left for reasons other than contract non-renewal whereas more men left because of contracts not being renewed. The recommendation is to probe the issue of why women leave and if this is a signal of a campus environmental problem. Foster noted there was no evidence in the committee's findings relevant to what the campus can control, although the issue of childcare was mentioned. Senator Lear asked if there was a relationship between gender attrition and departments. Senator Sousa inquired to know how UPS compares to other institutions with respect to attrition and gender.

### Open Files

Senator Wimberger asked if the committee discussed the new open file option for tenure review and how this relates to "departmental meltdown." Foster noted the committee did not interview people who had experienced the open file since it is a new option for tenure evaluations. Ostrom commented that people expect the FAC to "catch" issues and the open file option might expose issues in a timelier fashion than the closed file option.

### Fear

Senator Wimberger noted the section on an atmosphere of fear (p. 7, finding 6) and asked the committee if they have a sense of comparison regarding fear at UPS versus other institutions. Foster responded the committee interviewed two people who would not return to campus nor approach campus and that she does not wish to see fear as the norm. Ostrom commented that some junior faculty in departments perceived as "healthy" are fearful because of cases from other departments. Bristow noted that something in one department can impact the campus culture as a whole. Foster noted that findings about fear were included because the issue came to their attention, but the committee did not ask interviewees questions about fear nor did they fully investigate it. Senator Bartanen noted that the report is an important document and reflects significant hard work. She continued to comment that the issues of fear and gender are examples of where the report lacks comparative analysis with other institutions. She noted that the campus has a "rhetoric of fear" and this report should be framed within that rhetoric—as to how it may ameliorate or produce fear. Quoting from Richard Chait's book, The Questions of Tenure, Vice President Bartanen noted that fear may not be unique to UPS. Additionally, she commented that the issues of a faculty member's departure from UPS need to be understood in comparison and in context of events on campus and across campuses. Senator Haltom shared that his memory recollects not having fear during the tenure process because of the opacity of the process and that the issue should be looked at more. Senator Orlin noted that the level of fear may not be departmentally specific and commented on the AY 2004-2005 discussion of open files in tenure evaluation process that some untenured faculty had privately commented on their unease with speaking publicly at full faculty meetings.

### Department Meltdown

Senator Maxwell inquired with respect to "departmental meltdown" as a practical matter that might come up during the FACs review of a file under the construct of "adequate consideration." Senator Haltom noted, as a former member of the FAC, that the job is

significant work and that what appears in front of the FAC is data from which it is difficult to ascertain “dysfunctionality” with respect to departmental deliberation.

Later in the meeting Senator Wimburger noted that the FAC may not be the right place to look at departmental meltdown because, at the time of the review, it is too late and it may be difficult for the FAC to go back to the department to remedy the issues. Senator Orlin asked if there were structural changes needed that could provide the FAC with more leeway to provide remedies. Professor Ostrom commented that it is very difficult for the FAC to try and “smoke a department out” and noted that if a department wants to get rid of a faculty member there is not a lot the FAC can do. Professor Foster added that the committee found no real strong evidence of wrongs within the FAC and that the appeals process changes included in the *Faculty Code* amendment under consideration by the faculty should now alleviate much of these problems.

Senator Bartanen commented that we need to be careful not to overgeneralize that situations always involve the department as perpetrator and evaluatee as victim and that we not overcharacterize the FAC as helpless. She also noted that stories of instances where the FAC sends files back to the department don’t usually get told because this often remedies issues of concern.

#### Committee Recommendations/Departmental Criteria

Senator/Committee member Bristow commented she was concerned about the amount of work the FAC carries and that consideration should be given to whether the current unit release for FAC duties is sufficient and whether the unit release could be increased. On cue, Senator Lear prodded the committee to reveal if there were particular sets of recommendations they thought would make the most difference. Senator/Committee Member Bristow pointed to recommendation 6 (p. 11-12) recommending greater education of junior faculty in the tenure and evaluation process. Professor Foster pointed to recommendations 7 and 9 (p. 12) that suggest training of head officers and potential third party observers of the deliberation/Ombudsperson. Professor Ostrom pointed to recommendations 3 and 4 (p. 11) that call for increased Faculty Senate oversight over the FAC and the PSC and specifically to opening channels of communication between the chairs of each body. Later in the meeting Professor Foster noted that the committee reviewed departmental evaluation criteria and found disjunctures between the standards of the FAC and departmental criteria that often did not help the FAC in their deliberation. She recommended departments improve evaluation criteria with particular attention to service and professional development.

On the concept of the Ombudsperson Senator Lear inquired if this person would simply give advice or if they might be empowered. Professor Foster noted the committee left the role of the Ombudsperson open and that some departments include faculty members from other departments in the evaluation process as a matter of course. The committee suggested that external participants might bring perspective to identify problems or offer support.

#### Confidence/Unit Release/Hearing Board

Senator Sousa inquired regarding finding 8 (p. 2) about the level of faculty confidence in the FAC. Professor Ostrom commented that even tenured colleagues who felt supported by and were very active in the university seemed to lack confidence in the FAC because the FAC cannot turn around a departmental decision gone awry because of an unfair process. Senator Sousa commented that the increase unit release might both increase attention which the FAC could devote to files and potential procedural concerns while also increasing the pool of applicants standing for election to the FAC. Senator/Committee member Bristow that the issue of junior faculty education will also help to explain/demystify the process. Professor Ostrom commented that with pending code changes hearing boards may be convened at each step of the evaluation process. This may alter the perception of procedural concerns.

### Compensation

Vice President Bartanen offered a clarification with regard to finding 9 (p. 8) regarding compensation for separation. She noted that a separation and release agreement is a standard employment practice used by the university in very limited instances to support an individual's transition to other employment. Such incidences are not routine, but rather extraordinary circumstances and should not be characterized as part of the evaluation process. When used, a separation agreement often occurs at the request of the faculty member. The administration works closely with legal counsel and these are not causes of legal liability to the university. Agreements are always entered into voluntarily and have confidentiality agreements as part of normal practice. Professor Foster noted that faculty members have much misinformation about the issue of "terms of compensation." Regarding confidentiality, Professor Ostrom noted the case of "Joseph Luna, et al. Plaintiffs, v. Household Finance Corporation III, et al. Defendants of the US District Court for the Western District of Washington, Seattle Division" filed and decided on November 4, 2002. This case deals with confidentiality in arbitration riders.

### Role of FAC and clarification of personal/profession characteristics

Senator Haltom, with disparaging comments about certain Super Bowl officials, noted the FAC does its best job but it cannot be always aware of all matters. When a department does its job and makes a convincing case the FAC simply details the case. Senator Haltom continued with three more points: 1) Regarding confidentiality, little of what the FAC does is known and as such FAC decision-making may lead to both false negatives (tenure denial when tenure ought to be granted) and false positives (tenure imprudently recommended) and that such false positives should be of concern. 2) Senate might wish to foment a "sense of the faculty" to detail the history of the "personal/professional characteristics" which is no longer a part of the *Faculty Code* criteria for evaluation but used to be (see Ad Hoc Report p. 22, question 5). Despite the elimination of these criteria, Senator Haltom believes they sneak into the evaluation process on occasion. 3) There were cases in which "teaching" or "professional growth" were reconstituted by the FAC to warrant a predetermined recommendation.

The Faculty Senate reiterated its gratitude toward the members of the Ad Hoc Committee on Evaluation for their service to the University.

The Faculty Senate adjourned at approximately 5:55.