

**Report to the Faculty Senate
Professional Standards Committee
Academic Year 2004-2005
May 2, 2005**

The members of the Professional Standards Committee (hereafter PSC) are William Breitenbach (chair), Susannah Hannaford, Grace Kirchner, John Riegsecker, Sarah Moore, Keith Ward, Carolyn Weisz, and Kristine Bartanen (ex officio).

The PSC has met twenty-nine times and plans to meet at least once more before the end of the year. What follows is a summary of the most important work of the PSC in 2004-2005.

Code Amendment

Chapter II, sections 4 and 5: Reappointment and grounds for non-reappointment. (This amendment originated from the PSC in 2003-2004. It received its second reading and was adopted by the faculty on September 14, 2004. It was approved by the Board of Trustees at its meeting in October 2004. For the text of this amendment, see the minutes for the faculty meeting of September 14, 2004.)

Formal Interpretations of the Code

Revisions to the Code appendix that lists formal interpretations of the Code. (These revisions were necessitated by the amendments to the Code in 2002, which made many of the citations in the appendix inaccurate and some of the interpretations obsolete. The revisions were submitted to the Faculty Senate as formal interpretations of the Code on October 7, 2004; were published in the Senate minutes of November 1, 2004; and were approved by the Board of Trustees on February 17, 2005. Since that time we have discovered that at least one formal interpretation [approved by the Board of Trustees in May 1997] had not been added to the appendix after being approved. The PSC has taken steps to insure that no other formal interpretations are missing and that in the future the appendix will be regularly updated to reflect trustees' approval of formal interpretations of the Code.)

Interpretation of Chapter III, Section 2: Delaying a scheduled evaluation. (This formal interpretation gives the dean authority to grant a faculty member's request to delay an evaluation. It also establishes procedures to be followed in such cases. The formal interpretation was submitted to the Faculty Senate on November 18, 2004; was published in the Senate minutes of December 13, 2004; and was approved by the Board of Trustees on February 17, 2005.)

Interpretation of "working days." (This formal interpretation defines "working days," a phrase that appears many places in the Code. It also permits but does not require Code processes to go forward on non-working days, if all parties consent. The formal interpretation was submitted to the Faculty Senate on January 31, 2005; was published in the Senate minutes of January 31, 2005; and awaits approval by the Board of Trustees.)

Non-Formal Interpretations of the Code

The PSC has tried to be more open about publicizing its non-formal interpretations of the Code while at the same time maintaining the confidentiality it owes faculty colleagues in personnel matters, which inevitably occasion many of the inquiries that lead to non-formal interpretations. This year the PSC has consciously sought to make its minutes more detailed and transparent (see the discussion in the PSC minutes of September 30, 2004). The PSC also submitted to the Faculty Senate on October 21, 2004, a memorandum that explains the criteria used by the PSC in deciding whether an interpretation should take the form of a formal written interpretation or the form of a non-formal interpretation. This memorandum was published with the Faculty Senate minutes for November 1, 2004. The following list of non-formal interpretations reflects the PSC's ongoing effort to balance the competing demands of confidentiality and disclosure.

Non-formal interpretation of Chapter III, Section 4. a, and Chapter I, Part C, Section 3: Participation in evaluations by colleagues with inveterate hostility for one another. (At its meeting on September 23, 2004, the PSC responded to an inquiry from the dean about the options available in an evaluation when two departmental colleagues have a long-standing hostility. The PSC came to the following conclusion: The Faculty Code repeatedly states the importance of participation in colleagues' evaluations as part of our acceptance of self-governance as professionals. Moreover, the Code emphasizes the importance of participating with fairness and integrity during such evaluations. The Code in Chapter III, Section 4, a (3) (e), does permit variations in the department, school or program evaluation process. This provision might be used to excuse or recuse an individual from a colleague's evaluation. Implementation of this provision involves a formal process that must be "mutually agreed to by the evaluatee, head officer, the dean, and the Advancement Committee" in advance of the evaluation process. If no agreement can be reached, an individual has the option of filing a grievance.)

Non-formal interpretation of Chapter III, Section 2: Delaying a scheduled evaluation. (At its meeting on October 21, 2004, the PSC interpreted this section as giving the dean discretionary authority to review a faculty member's request to delay a scheduled evaluation and to approve the request if the dean determined that circumstances warranted approval. This non-formal interpretation arose as a response to a time-sensitive request by a faculty member. The PSC later issued a formal interpretation on this topic [see above]).

Non-formal interpretation of Chapter I, Part B, Section 1: Definition of tenure-line faculty. (In response to an inquiry by a department about the definition of "tenure-line faculty," the PSC at its meeting on November 23, 2004, issued a non-formal interpretation stating that "it is not a violation of the Code to consider as a tenure-line faculty member a person who was hired into a tenure-line position and is in the final year of a terminal contract." At this same meeting, the PSC noted that the Code's definition of "tenure-line faculty" is "ambiguous and confusing." The PSC proposes to bring the issue to the faculty at some future date in the form of a Code amendment or a formal Code interpretation.)

Non-formal interpretation of Chapter III, sections 4. b (1) (c) and 4. b (2) (d): Head officer's minority recommendation in evaluations. (In response to an inquiry by a faculty member, the PSC at its meeting on January 28, 2004, interpreted these sections to mean that a head officer must submit a minority recommendation to the Faculty Advancement Committee if he or she votes in the minority when the department, school, or program reaches its recommendation in an evaluation of a faculty member. At its meeting on February 4, 2005, the PSC concluded that this interpretation should be a non-formal rather than formal interpretation. However, the PSC did

agree that it would be useful to mention this interpretation in the annual statement of “Faculty Evaluation Criteria and Procedures” [often referred to as the “buff document”].)

Non-formal interpretation of Chapter III, section 5. b, c, and d: Colleagues’ letters in streamlined five-year evaluations of full professors. (At its meeting on February 18, 2005, the PSC responded to an inquiry from a head officer about whether a head officer must include colleagues’ letters and/or summaries of colleagues’ letters when such letters are submitted to a head officer who is conducting a so-called streamlined five-year review of a full professor. The PSC concluded that the Code does not require the head officer to include such letters and/or summaries of the letters in the evaluation file when the file moves forward to the dean and the Advancement Committee. The decision to do so or not do so is at the discretion of the head officer. However, the PSC also noted that the faculty might wish to review this question in the future.)

Inquiries, Advice, and Applications of Existing Code Provisions or Interpretations

The following items arose in response to inquiries about the Code. The sense of the PSC is that in responding to these inquiries, it was not issuing new interpretations but rather applying the provisions of the Code and existing Code interpretations to particular situations. The PSC acknowledges, however, that the line between non-formal interpretations on the one hand and advice and applications on the other hand is a blurry one. So, in the interest of openness, the PSC is providing this list of its Code-related actions.

Evaluation letters from outside the university that are received after the deadline. (At its meeting on October 14, 2004, the PSC received an inquiry from the dean asking if a letter sent directly to the dean’s office by someone outside the university should be included in an evaluation file if it does not arrive ten days prior to the due date for submitting the file to the dean’s office. The PSC came to the following conclusion: Since the PSC’s interpretation of Chapter III, sections 4 a (1) and 4 a (1) (c), which appears on page 17 of the 2004-05 edition of “Faculty Evaluation Criteria & Procedures,” requires that outside letters be forwarded to the head officer, and that letters sent to the head officer should be received at least ten working days before the file is due at the Academic Vice President’s Office, the PSC voted that such a letter should not be included in the evaluation file.)

Request for a summary of a grievance hearing. (At its meeting on October 14, 2004, the PSC received a request from a participant in a grievance for a copy of the summary of the grievance hearing, as described in Chapter VI, Section 4. c (9). The PSC declined to provide a copy of the summary, noting that the summary is part of the final report, which the PSC is instructed to send to the president. Accordingly, the PSC asked the participant to direct the request for a summary to the president.)

Adequate classroom visitation. (At its meeting on October 7, 2004, the PSC received an inquiry from the dean about what constitutes adequate classroom visitation as called for in Chapter III, sections 4. a (1) (b) and 4. c (4). In particular, the PSC was asked the provenance of the frequently cited standard that a minimum of two visits by two faculty members is needed to constitute adequate classroom visitation. After some investigation, the PSC found the origin of this standard in a formal written interpretation of Chapter III, Section 4. a (1) (b), and in a memorandum sent by the PSC to the Mathematics Department on October 23, 1998, explaining this formal written interpretation. Accordingly, at its meeting on November 4, 2004, the current PSC decided not to issue another formal or non-formal interpretation, but rather to reaffirm the

existing interpretation and to include its reaffirmation in the next revision of the “Faculty Evaluation Criteria and Procedures” [the buff document].

The following is the PSC’s reaffirmation of the existing interpretation: The PSC reaffirms its past memoranda that adequate visitation would require more than one visit by more than one faculty member (i.e., *at least* two visits by two faculty members). The PSC also notes that the head officer is charged with evaluating the number and type of class visitations and determining the degree to which this pattern provides the basis for “adequate consideration.” In turn, the Faculty Advancement Committee judges whether or not this pattern is indeed adequate (Chapter III, Section 4 c [4]). Thus, although two class visits made by two faculty members from a given department or program may constitute a *minimum* number of required visits, this pattern might not necessarily amount to *adequate* consideration. The final determination of adequacy rests with the head officer and the Faculty Advancement Committee.)

Evaluation cycle and salary steps for Instructors. (At its meeting on January 28, 2005, the PSC received two inquiries from the dean concerning the effects of a change in the compensation arrangements for Instructors. In response to the first inquiry, the PSC concluded at this meeting that the dean has authority to coordinate the timing of the evaluation cycle to avoid evaluations in back-to-back years. In response to the second question, the PSC ultimately concluded that steps in the Instructors’ salary scale do not involve changes in status as defined by the Code and hence are the prerogative of the dean. See the PSC minutes for February 4 and 25, 2005.)

Disposition of the report of a hearing board for an appeal at the departmental level. (At its meeting on March 25, 2005, the PSC received an inquiry from the dean about Chapter III, Section 4. b and Section 6. d (3). The issue was how a hearing board reports a finding that probable cause for an appeal at the departmental level does not exist. The current Code language, which was applicable when all hearing board decisions went to the president and the Board of Trustees, is inconsistent with newer Code language, which allows appeals at the departmental level before the evaluation file has gone to the Faculty Advancement Committee. The PSC decided that Chapter III, Section 4. a (3) (e), which permits variations in evaluation procedures by agreement of the evaluatee, head officer, dean, and Faculty Advancement Committee, could be used to handle this problem until such time as the Code can be amended.)

Other Code-Related Business

The PSC spent a good portion of the spring semester discussing in systematic fashion Chapter III, Sections 6 and 7, of the Code. These sections, which cover respectively the procedure for an appeal and the procedure for a hearing, were not adequately revised when the faculty and trustees amended the Code in 2002 to introduce a new opportunity for appeals at the departmental level of evaluation. In addition, questions have arisen about the function and the responsibilities of hearing boards. Rather than issue a series of piecemeal interpretations and proposed amendments, the PSC decided to draft a revision of these sections that could be brought to the faculty next year as a starting point for the faculty’s discussion of possible amendments to the Code. The PSC wants to emphasize that it is not the PSC but the faculty (with the concurrence of the Board of Trustees) that must ultimately decide what they want these sections of the Code to say. The PSC offers the draft as an invitation to faculty discussion, a discussion that should also draw on concurrent work being done by the Faculty Senate and the Senate’s Ad Hoc Committee on Evaluation, Tenure, and Related Topics. A copy of the PSC’s draft is appended to this report.

Administrative Business

Approval of the annual memorandum sent to all faculty members describing the guidelines for administration of student evaluations (September 2, 2004)

Approval of revised evaluation guidelines for the School of Occupational Therapy and Physical Therapy (October 21, 2004)

Approval of evaluation guidelines for the Program in International Political Economy (January 21, 2005)

Approval of revised evaluation guidelines for the Department of Comparative Sociology (March 4, 2005)

Confidential Matters

The PSC responded to an inquiry about professional ethics.

The chair of the PSC and the chair of the Faculty Senate formed a hearing board.

Miscellaneous Business

At the request of a faculty member, the chair of the PSC drafted a memorandum to the Faculty Advancement Committee expressing the faculty member's wish that the FAC might consider adopting clearer guidelines and a more formal process for recusing FAC members in cases that involve an apparent conflict of interest. See the PSC minutes for the meetings of February 25 and April 1, 2004.

Remaining Business for 2004-2005

The PSC would like to wrap up the following agenda items before disbanding at the end of the semester.

Approval of revised evaluation guidelines for the Department of Art.

Approval of evaluation guidelines for the Program in Environmental Studies.

Revision of the "Faculty Evaluation Criteria and Procedures" [the buff document] for 2005-2006.

Response to questions 1, 2, 3, 4, 5, 6, and 8a in Part A of the Faculty Senate's "working document" for the discussion of evaluation and governance.

Response to a request for an interpretation of Code provisions relating to departmental procedures in revising departmental evaluation guidelines.

Charges for Next Year's Committee

Continue efforts to facilitate faculty discussion of amendments to Chapter III, Sections 6 and 7, on procedures for appeals and procedures for hearings.

“Housekeeping amendments” to the Code to correct typos and inaccurate internal Code citations.

Revision of the formal Code interpretation of Chapter III, Section 6, in the old Code (“Whether a five-year evaluation of a full professor entails ‘altering the status of the evaluated faculty member’s appointment’ so as to be subject to appeals procedures”). This formal interpretation was approved in 1997, but was inadvertently omitted from the appendix of formal Code interpretations and consequently was not revised this year along with the other formal interpretations. The internal Code citations in this formal interpretation need to be updated.

Clarification of the definition of “tenure-line faculty” by a Code amendment or formal interpretation.

Consideration of amending the Code to replace “days” with “working days.”

Consideration of revising formal Code interpretations to include “partners” in places where “spouses” are mentioned.

Examination of Chapter III, Section 4. b (4), with reference to the relationship between the informal and the formal challenges that an evaluatee may make to an evaluation conducted by a department, school, or program.

Examination of Chapter III, Section 5, to consider questions that have arisen about the so-called streamlined five-year evaluations of full professors (for example, questions about classroom visitation and about the participation of departmental colleagues in these evaluations).

Consideration of how departments, schools, and programs in their statements of evaluation guidelines handle the assessment of an evaluatee’s teaching in non-departmental courses.

The completion of any unfinished business carried over from 2004-2005. (See the list of “Remaining Business for 2004-2005” above.)

Respectfully submitted,

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