

Minutes of the Professional Standards Committee, Nov. 13, 2014

Present: Kris Bartanen, Geoffrey Block, Betsy Kirkpatrick, Tiffany MacBain (chair), Andreas Madlung, Mark Reinitz, and Amy Spivey

MacBain called the meeting to order at 8:34 a.m.

1. **M/S/P** to approve the minutes of November 6, 2014.
2. The committee continued work updating the interpretations of the Faculty Code that are listed in the Appendix to the Faculty Code. The following items were discussed on October 30, 2014, and November 6, 2014, but remained for further discussion today.
  - A. Interpretation of Chapter III, Section 8. Access to letters in open evaluation files (See page 47, lines 28-34, of the Appendix to the Faculty Code.)

The committee agreed on Oct. 30 that the language in this interpretation seemed to be technologically obsolete, since we now have the easy ability to photograph documents using cellular phones, etc., and the committee affirmed this again. Discussion continued about the possible original motivation for this interpretation. Particularly, the committee discussed whether the interpretation was designed to protect the writers of evaluation letters from unauthorized dissemination of their letters or to protect the administrative assistant in the Academic Vice President's office from the expectation that he or she would photocopy letters for evaluatees. Dean Bartanen noted that there is no record in the PSC minutes from 6 May 1993, when this interpretation was written, of what principle the PSC wanted to affirm via the interpretation (e.g., to protect the letter-writer).

The committee noted that this interpretation regards Chapter III, Section 8, Item d, of the Faculty Code. From the language there, the committee agreed that it seems like the file could be viewed by anyone with the permission of the evaluatee, so it seemed that the interpretation was not issued to protect the colleague letters from outside eyes. One member of the committee suggested that the issue might have arisen because a faculty member's file was disassembled for copying and something got lost. This suggested that perhaps the issue was that faculty evaluation files need to stay intact and not get rearranged or taken apart.

The committee expressed some discomfort at the fact that the current policy and practice does not prevent evaluatees from photographing colleague letters and sharing them on social media, for example. For example, Chapter III, Section 8, Item d of the Faculty Code does not rule out this scenario. However, this interpretation does seem to imply that the letters should be treated with discretion in order to protect the letter-writers. The committee agreed that the current ability of the evaluatee to copy colleague letters by hand while viewing the file was essentially the same as the high-technology version of photographing the letters, so the technology used to copy the letter verbatim is irrelevant.

One member of the committee pointed out that the situation with an open file versus a closed file for faculty evaluation is analogous to students waiving their right to see letters of

recommendation for graduate school. In that vein, the point was made that the evaluatee shouldn't own the file. It's part of their work portfolio, but they don't own it. Another member of the committee commented that viewing the letters and making notes is similar to what happens when one visits a library to view materials owned by the library. Notes can usually be taken, but photographs are prohibited.

The case where someone might want to challenge the letter or content of a letter is one example of an evaluatee wanting to copy part of the file as part of an appeal. The informal challenge process to the departmental evaluation, outlined in Chapter III, provides the means to address a concern about letter content.

One member of the committee pointed out that the second sentence of the interpretation (line 33 of page 47 of the Appendix) suggests that it is inappropriate for the evaluatee to have a full copy of the letter unless they get it from the letter-writer themselves. They suggested that if the committee agreed with that, then we should add some clarifying language, perhaps after going back to the Faculty Code and the "buff document" and reviewing them before making any changes.

**M/S/P** to change the wording of the interpretation to the following:

"Interpretation of Chapter III, Section 8. Access to Letters in Open Evaluation Files

In case of an open file, the faculty member being evaluated has access to letters in the evaluation file and may take notes while reviewing the file. If the faculty member desires copies of the letters, the faculty member must seek copies from the writers."

B. Discussion of Faculty Code Appendix, page 48, line 30 (Unified Interpretation of Chapter III, Sections 4, a(1) and 4, a(1)(c). Letters of Evaluation from Persons Outside the Department.)

Discussion on this item had been postponed previously to allow Dean Bartanen to ask Human Resources and university counsel about the legal position regarding the use of letters received via fax or email with electronic signatures instead of signed, paper letters. Discussion of this item was postponed further as the committee waits for more information.

C. MacBain noted that Michael Benitez, Dean of Diversity and Inclusion, has agreed to review (in consultation with Human Resources) the interpretations and sections of the Faculty Code we asked him to review, as they relate to Title IX, as discussed on November 6.

III. Discussion of interpretation of Chapter I, Part C, Section 2, a. Guidelines for the Use of Course Assistants (particularly the section entitled "Role of Professional Standards Committee" on page 41, line 42 of the Appendix to the Faculty Code)

New language for this section, beginning with line 42, was proposed by chair MacBain, as follows:

"Thus each department employing course assistants should submit to the Professional Standards Committee a document that explains the duties, responsibilities, and supervision of course assistants. The PSC will review departmental statements for agreement with the guidelines. Upon obtaining committee approval, the department may then employ course assistants in accordance

with the departmental document and need not submit that document again for PSC review until the guidelines in the Code or the departmental document are revised.”

The motivation for the change was to remove the ambiguous phrase “which should be regularly reviewed by the PSC,” currently in line 44 on page 41.

One committee member commented that next year, the PSC needs to review all of the departmental statements about course assistants to make sure that they are in compliance with the guidelines. There was a question about whether the new draft wording of this interpretation is okay, given that the PSC hasn’t yet reviewed all of the guidelines for course assistants.

There was some discussion about getting all of the course assistant guidelines from departments and reviewing them. Another option could be to send a form to every department chair with a deadline to return it, with a check-box about whether they have reviewed their course assistant guidelines to make sure they are in compliance with the changes in the Faculty Code and that if they are not, that they submit new revised versions of their course assistant guidelines.

The committee agreed to resume this discussion next time.

Adjourned 9:20 a.m..

Respectfully submitted,  
Amy Spivey