

Faculty Meeting Minutes March 11, 1998

President Pierce called the meeting to order at 4:07 p.m. Twenty-two voting members of the faculty were present.

Minutes of the March 3, 1998 faculty meeting were approved as published.

There were no announcements

President Pierce and Dean Cooney made no report. President Pierce asked Dean Cooney to continue to preside over discussion of proposed changes to the *Faculty Code*. After the most recent faculty meeting on March 3, 1998, two additional documents were distributed to faculty by the Code Revision Committee (CRC). The first was a two-page green sheet dated March 9, 1998 that contained four changes to Chapter III revisions originally proposed in the buff-colored document dated December 1, 1997. The other was a one-page white sheet dated March 11, 1998 distributed at today's meeting that contained two changes to Chapter III revisions originally proposed in the buff-colored document dated December 1, 1997.

We began by continuing discussion of proposed change #50, to Section 4,b(2)(c) and (d), reproduced here from the green sheet dated March 9, 1998:

At the time the file and departmental recommendation are forwarded to the dean and the Advancement Committee, the head officer, in writing shall provide the evaluee with:

- (a) *a list of those individuals participating in the department's deliberative process and those who submitted letters to the head officer;*
- (b) *a summary of the department's deliberations;*
- (c) *the departmental recommendation and a list of those individuals whose recommendations served as bases for the departmental recommendation;*
- (d) *and, when applicable, notification that the chair has made a minority recommendation.*

The head officer also shall provide a faculty member being considered for tenure, or an evaluatee who has chosen confidential letters (see Chapter III, Sections 4.a.(1) (d) and 7), with a summary of the letters submitted to the head officer.

Kris Bartanen explained that the new wording in this proposed change made it more consistent with change #48 previously discussed. Harry Velez Quinones asked if we would be discussing change #45 today. Bartanen responded no, that the proposed wording on the March 9, 1998 green sheet already reflects faculty discussion. She said that faculty may propose amendments in writing to the CRC.

Curt Mehlhaff asked why it is that the chair "is given power to be an entity unto himself or herself" with regard to making a minority recommendation. No one present had knowledge of the historical origins of the policy. The feeling was that changing it now was beyond the scope of the current effort to clarify the code.

Dean Cooney asked (CRC) members David Droge and John Riegsecker to continue leading us through the other proposed changes one by one.

We next considered proposed change #51, to Chapter III, Section 4,b(3):

Move existing language from Code Chapter III, Section 4, b to join existing language from Code Chapter III, Section 4, h.

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Delete: "upon notification by the dean" at * below
Insert: "non-confidential materials in"

*"Prior to the review of the Advancement Committee, the faculty member is responsible * for inventorying the contents of the evaluation file. The office of the dean shall notify the faculty member when the file is complete and ready for review. The faculty member shall have five (5) working days from the date of notification to review the non-confidential materials in the file."*

In the brief discussion that followed, no revisions were proposed.

We next considered proposed change #52, to Chapter III, Section 4,b(4), from the white sheet dated March 11, 1998:

Insert: "This written notification shall be included in the evaluatee's file. The Advancement Committee will inform the department, school, or program, or in the case of an open evaluation file those individuals whose letters have been challenged, that they may, if they desire, read the challenge and write a response. Notification of challenge and response are limited to one round."

John Riegsecker explained that the proposed wording is based on an interpretation of the code made in 1985 by the Professional Standards Committee (PSC).

Because proposed change #53 was withdrawn by the CRC, we moved next to consideration of proposed change #54, to Chapter III, Section 4,c(2):

Delete: "also" at * in existing Code Chapter III, Section 5, b.
Insert as underlined: *"The Committee shall * provide the evaluatee with the revised summary and the evaluatee shall have five working days after receipt of this summary to write a response, if desired."*

There was no discussion.

We next considered proposed change #55, to Chapter III, Section 4,c(3):

Add, as underlined, to existing Code Chapter III, Section 5, b: "The Committee shall provide the evaluatee with a summary of letters sent directly to the Advancement Committee. The evaluatee shall have five working days after receipt of this summary of letters to write a response, if desired. Letters sent directly to the Advancement Committee and received after the published due date of the file shall not be included in the file."

After a brief discussion of possible confusion over dates and deadlines, the consensus of the group was that the word "published" should be removed.

We next considered proposed change #56, to Chapter III, Section 4,c(4):

Substitute: "Before proceeding to a recommendation, the Advancement Committee through the Committee's careful review of the evaluation file shall determine whether the department, school, or program gave adequate consideration to the evaluatee. The evaluatee's file, when considered as a whole, must indicate that faculty involved in the departmental evaluation process had a sufficient degree of familiarity with the evaluatee's professional performance."

(a) The Advancement Committee shall consult with representatives from the department, school or program if:

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- *if the Committee is not assured that the department, school, or program gave adequate consideration of the faculty member involved;*
- *or if the committee feels that additional information is needed.*

(b) In any of these instances, the Advancement Committee shall raise its concerns regarding the department/school evaluation process and, when appropriate, suggest remedies in writing. The department/program may then respond. The Committee's concerns, suggested remedies (if any), and the department response shall be included in the faculty member's evaluation file.

(c) If, after consultation, the Committee and the department, school, or program continue to disagree about the adequacy of consideration given the evaluatee, all written materials related to the issue, including minority reports, shall be forwarded to the president at the completion of the Advancement Committee's evaluation, along with the Committee's recommendation, for consideration as part of the president's review of the file.

(d) In the case of a dispute under 4.b.(4) or 4.c.(4)(a) the Advancement Committee shall notify the evaluatee and the head officer when it has determined that adequate consideration has been given to the faculty member or that the best possible resolution has been reached.

For existing Code, Chapter III, Section 5, a: "The Advancement Committee shall review carefully the recommendations of that department, school, or program. If the Advancement Committee is not assured that the department, school, or program gave adequate consideration of the faculty member involved, or feels that additional information is needed, it shall consult with representative(s) of the department, school, or program. The Advancement Committee shall raise its concerns regarding the department/school evaluation process and remedies shall be suggested in writing. The department may then respond.

Much to David Droge's surprise, there was no discussion.

We considered proposed change #57, to Chapter III, Section 4,c(5):

Substitute: "Having determined that it has the materials and documentation necessary for making a fair and impartial evaluation, or at the conclusion of the dispute process in Section 4 above, the Advancement Committee shall proceed to a recommendation based on the evidence at hand. This recommendation shall reflect the independent judgment of the Committee. The committee's recommendation shall be based on the criteria for reappointment, tenure, and promotion, as called for in Chapter II, Section 3 and Chapter III, Section 3 and be made in light of department/school/program needs, criteria and standards and their consistency with university standards. The recommendation of the Advancement Committee shall be based upon the evaluatee's record of performance as measured against appropriate University and department/school standards for reappointment/tenure/promotion."

For (existing Code Chapter III, Section 5, c): When the Advancement Committee believes it has the materials and documentation necessary for making a fair and impartial evaluation, it shall proceed to a recommendation based on the evidence at hand. The committee's recommendation shall be based on the criteria for reappointment, tenure, and promotion, as called for in Chapter II, Part A, Section 5 (p.9), Part B, Section 3 (p.10), and Chapter IV, Section 4 (p.18) and be made in light of department/school/program needs, criteria and standards and their consistency with university standards. The recommendation of the Advancement Committee shall be based upon the candidate's record of performance as measured against appropriate University and

department/school standards for reappointment/tenure/promotion, and whether the faculty member has been given adequate consideration. That recommendation shall reflect the independent judgment of the Committee.

There was no discussion.

We considered proposed change #58, to Chapter III, Section 4,c(5)(a):

58. Chapter III, Section 4, c (5) (a): (page 14)

Substitute: "If the Advancement Committee's majority recommendation is contrary to that of the department, school, or program, department representative(s) shall be consulted formally. If the consultation leads to a unified position, no further action is necessary. If, after consultation, the Committee and the department, school, or program continue to disagree, all recommendations, including those of any minority, and all information gathered in Chapter III, Section 4 shall be forwarded to the president."

For (existing Code, Chapter III, Section 5, d: If the conclusions of the majority of the Advancement Committee are contrary to those of the department, school, or program, department representative(s) shall be consulted formally. If the consultation leads to a unified position, no further action is necessary. If, after consultation, the Committee and the department, school, or program continue to disagree, all recommendations, including minority reports, and all information gathered in Chapter III, Section 4 (p.11) shall be forwarded to the president.

Mehlhoff suggested that the language "department representative(s)" is not very specific. The consensus was that Mehlhoff was correct about this, and Bartanen promised that the CRC would "try to nail this down."

We considered proposed change #59, to Chapter III, Section 4,c(5)(b):

Substitute: "recommendation" for "opinion"

Add underlined language to existing Code, Chapter III, Section 5, e:

"If the Advancement Committee's majority recommendation is negative or if the Committee is evenly divided and cannot make a positive recommendation, the dean shall notify the evaluatee of the right to request a meeting with the Advancement Committee prior to the transmittal of the recommendation of the Advancement Committee to the president. The purpose of this meeting is to discuss the recommendation based upon the written record of the file."

There was no discussion.

We considered proposed change #60, to Chapter III, Section 4,c(6):

Add underlined language to existing Code, Chapter III, Section 5, f:

"The Advancement Committee shall then transmit to the president, the head officer, and the evaluatee a final recommendation. In addition, the president shall receive any minority recommendation(s) from the Advancement Committee and all information gathered in the evaluation process. Any minority recommendation(s) from the Advancement Committee should be shared in writing with the Committee before the Committee's recommendation goes forward to the president."

There was no discussion.

We next considered proposed change #61, to Chapter III, Section 4,d:

Add section heading: "Process of the evaluation after review by the Advancement Committee:"

There was no discussion.

We next considered proposed change #62, to Chapter III, Section 4,d(1):

Substitute: "a" for "the"

Substitute: "competence" for "excellence"

Add: "--or in the case of a tenure decision, upon report of a favorable decision by the Board of Trustees--"

"Since a primary function of the evaluation process is to develop and maintain a high degree of professional competence in the individual faculty member, timely and accurate feedback is essential. Within one month of receiving the report of the evaluation from the Advancement Committee--or in the case of a tenure decision, upon report of a favorable decision by the Board of Trustees--the head officer shall review with each evaluatee the results of the evaluation and agree upon goals and objectives for the coming three or five years, in light of the standards and needs of the department, school, or program and the university."

There was no discussion.

We next considered proposed change #63, to Chapter III, Section 4,d(2):

Insert: "ongoing evaluation" and "(see Section 7 below)" into existing Code, Chapter III, Section 6, a)

"If the evaluation was not made for the purpose of altering the status of the evaluated faculty member's appointment, no presidential action shall be called for. In that event, the President shall take note of the evaluation and accompanying information and shall return the same to the dean, to be included in the faculty member's ongoing evaluation file (see Section 7 below)."

There was no discussion.

We next considered proposed change #64, to Chapter III, Section 4,e:

Substitute: "If the particular case requires a recommendation on promotion or tenure, the president shall review the file forwarded by the Advancement Committee and formulate an independent judgment."

For (existing Code, Chapter III, Section 6, b): "If the particular case requires a recommendation on promotion, or tenure . . ."

There was no discussion.

We next considered proposed change #65, to Chapter III, Section 4,e(1):

Substitute: "If the president believes that there is inadequate information upon which to base the recommendation or has questions concerning the prior consideration of the file, the president may

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return the file to the Advancement Committee. The president shall raise any questions in writing and the Advancement Committee will respond in writing. The president's questions and the Advancement Committee's response shall be included in the faculty member's evaluation file."

For (existing Code, Chapter III, Section 6, b): ". . . and if the president believes that there is inadequate information upon which to base the recommendation, the president may return the file to the Advancement Committee with the request that additional materials be secured."

President Pierce described a dilemma she could imagine occurring: currently an appeal can take place only after the evaluatee feels the code has been violated, a sentiment the evaluatee cannot act upon until after the President has received and acted on the file . But the President might herself feel that the code has been violated, and there is no way to seek remedy at that point. President Pierce agreed that moving the opportunity for appeal to a point prior to the file going to the President would constitute a substantial change to the code, best left to phase II of our code considerations.

We next considered proposed change #66, to Chapter III, Section 4,e(2):

Delete: "Otherwise" as the first word in the following language from existing Code, Chapter III, Section 6, b:

"The president shall notify the evaluatee of the recommendation the president intends to submit to the Board of Trustees. Within five working days of notification, the evaluatee may request a conference with the president."

There was no discussion.

We next considered proposed change #67, to Chapter III, Section 4,e(3):

Move the phrase "after meeting with the president" from * marked (existing Code, Chapter III, Section 6, c):

*"If, after meeting with the president, the evaluatee believes that the provisions of this code have been violated *, the evaluatee must inform the president, in writing, within five (5) working days, of the intent to initiate the appeals procedure. Upon receipt of such notification, the president shall hold in abeyance a recommendation to the Board of Trustees until the conclusion of the appeals procedure.*

There was no discussion.

Because we were ready to consider changes to a new section of Chapter III, Dean Cooney offered President Pierce the opportunity to resume presiding. She asked Dean Cooney to continue to chair the meeting.

We next considered proposed change #68, to Chapter III, Section 5:

Substitute section title: "Procedure for an Appeal" for "Section 7 - Appeals Procedure"
Add subsection title: "Initiation of an Appeal"

There was no discussion.

We next considered proposed change #69, to Chapter III, Section 5,a(1):

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Move and insert existing Code, Chapter 3, Section 6, d (no change in language).

“The evaluatee must submit a list specifying alleged violations of the code to the chairperson of the Professional Standards Committee within ten (10) working days of the notification of the president of the intention to appeal.”

There was no discussion.

We next considered proposed change #70, to Chapter III, Section 5,a(2):

Add: “At the time the list of alleged violations is submitted to the chairperson of the Professional Standards Committee, the evaluatee must provide a copy of the list of alleged violations to the department, school, or program; the Advancement Committee; and the president, as appropriate to the violations specified.”

Then ensued a confused discussion about deadlines, “clocks ticking,” and the consequences of being out of town and not receiving mail in a timely fashion. Members of the CRC indicated they planned to present a visual aid to help explain the various timelines, but that the visual aid was not yet ready because the CRC did not envision we would progress as far as change #70 today.

Bruce Lind suggested this might be a good reason to adjourn, and we did, at 5:19 p.m.

Respectfully submitted,

John M. Finney
Secretary of the Faculty.