

FACULTY CAUCUS MINUTES

November 5, 2003

(*Approved*)

Call to Order

Senator Crothers called the Faculty Caucus to order.

Approval of Faculty Caucus Minutes of October 22, 2003

Motion: By Senator Fowles, seconded by Senator Wylie, to approve the Faculty Caucus Minutes of October 22, 2003. The minutes were unanimously approved.

10.21.03.01 ASPT Post Tenure Review Appeal Process – University Review Committee Draft

Senator Crothers: We have before us the response from the University Review Committee to a concern we sent to it sometime ago regarding post-tenure review processes. They have brought forward this report to us for our consideration. The University Review Committee reports to the Faculty Caucus; any changes to the ASPT document would then have to subsequently be forwarded from the Caucus to the Senate, so in this function, we are acting as an internal committee of the Senate.

Professor Teresa Palmer, University Review Committee Chairperson: The charge to the URC was to address concerns about the lack of an appeal process with the five-year post tenure review. That did seem to be a violation of due process and fairness. We found that it was necessary to make some changes in the calendar to put forth a process that could be finished before the end of the spring semester. We also tried to clarify what we believed was the intent of the post-tenure review in the hopes that that would minimize the need for an appeal process to be used.

Senator Barone: The department chairpersons met earlier today to discuss this. This is the first time we have heard that the URC was working on an appeal process. I spoke to my dean today and she also has not seen it. I am a little concerned that a document that has such impact has not been circulated. The chairs registered two concerns. Currently, the performance evaluation appeal is limited to the summative recommendation. However, this appeal process allows faculty to appeal anything. So, if in a post-tenure review there was a remark that the committee would encourage faculty members to offer new courses, they could appeal that. It does not limit in anyway what can be appealed and we see that as very problematic. Secondly, on page 1, the first sentence in bold as well as item 5 on page 2, "Post-tenure review responses written by the DFSC shall not be inconsistent with annual evaluations" is also problematic." What if the problem has only arisen in the recent years and was not evident in previous evaluations? I suggest deleting that sentence.

Professor Palmer: Your statement that only the summative performance review is appealable is inaccurate. There is currently no appeal process of the five-year post tenure review in any part.

Senator Barone: I understand, but I was talking about making this consistent with the performance evaluation appeal, which is on page 35.

Prof. Palmer: There are some differences in this particular process in that it is not only talking about the performance, but also calls for setting up a plan of remediation. When problems do exist, that plan will be evaluated annually and there is actually the potential for losing one's position. So, all parts of it need to be appealable. Regarding your question about "shall not be inconsistent...", in that a problem may only be evident in recent evaluations--our concern was that faculty members might have a radical change imposed upon them for

which there has been no preparation and which would be evaluated in 12 months with the potential of losing tenure. We wanted to protect faculty under such circumstances.

Senator Kurtz: This proposal should be circulated to the campus community to solicit and receive further feedback. As a member of the former ASPT Reform Committee, that committee did not in any sense want the post-tenure review to be a summative appraisal; we were adamant that it be formative only. By setting up an elaborate appeal process, you are turning this into a summative procedure with potentially grave consequences. That is one reason I would like this in front of the faculty so that that will have a chance to think about it and talk about it. One of the things that we tried to do was to take the teeth out of post tenure review and you seem to be putting them in.

Senator Crothers: They were charged with this because the perception was that the “teeth” were being used whether or not they were there procedurally.

Senator Razaki: A formative evaluation was the Reform Committee’s intent, but that is not what has happened. We have to anticipate the worst-case scenario and protect faculty, who may be exposed to that, with an appeal process. Every word in the evaluation should be appealable.

Senator Crothers: Do we wish to disseminate this document to the University community for discussion? Additionally, do we think it would be best to come from URC or from the Caucus?

Dr. Jan Shane, Associate Provost: It did not occur to the committee to circulate the document to the deans and to the department chairpersons; there was no attempt to have no feedback from the University community. The committee would be glad to forward this in whatever way to circulate it for comments.

Senator Pereira: This is beginning to sound like a second application for tenure. That was the concern in Senator Kurtz’ argument. It is becoming now an extensive process with an appeal process.

Senator Reid: We could vote to eliminate the five-year review. We should evaluate whether it is working and whether it is constructively making a difference in the departments.

Senator Kurtz: The ASPT Committee did benchmark against policies and practices at other institutions. I favor a “triggered” system for post-tenure review; i.e., it does not take place automatically in incremental periods for everyone. It takes place only when there is a pattern of problems documented by annual reviews. Then you would have all of these protections that would apply. Rather than create this elaborate appeal process, I think it might be time to revisit the whole procedure and concept.

Senator Barone: The chairs felt that in 95% of the cases, the review should be pro forma; for most people, this is just an exercise. Occasionally, there may be a significant performance problem and those cases could be handled with annual reviews. Part of the chairs’ concern was more bureaucracy. That is why I don’t think that everything should be appealable.

Dr. Gilreath: The URC was only given the task of developing the appeals process. It wasn’t a debate about whether the post-tenure review was valid or invalid.

Professor Naidu, College of Business: I have been a faculty member at ISU since 1976. This post-tenure review process was put in place and communicated a few months before the process started. The process was not well thought out. The standards for the evaluation and who the ultimate arbitrator is were not defined. Post-tenure

review makes faculty positions very vulnerable. Why wasn't the AAUP document consulted for structure? If there is no appeal process, a faculty member would need to consult an attorney for guidance in his/her defense. The dean of my college said she did not have the authority to rule on an appeal. I approached the acting provost, who referred me to back to the dean, who responded in the same fashion as she did initially. We need to define who the final arbitrator is. An appeals process is a must for due process. Do you want to go back to the faculty to ask whether there should be an appeal process or not? Do you have to check with your dean about supporting this document? That is wrong. An appeal process gives all faculty members the opportunity to defend themselves.

Senator Winchip: We need to reexamine the whole concept of post-tenure review policies and procedures. Obviously, some of the procedures don't work, such as in the case of requiring a retiring faculty member to formulate goals and plans for the next five years. I think that there are many instances that other departments could cite in which even the policies that we do have do not always apply.

Senator Reid: This process could be a massive bureaucratic waste of time in most instances. However, if we only did the review for those individuals having difficulties, we would have the time to give to them the help that they need and also give them the appeal as fair due process. I think we should consider reevaluating the entire concept of post-tenure review.

Senator Borg: That is a separate issue; the URC was charged with the task of the development of an appeal process only. I would suggest that we separate those issues. We should proceed with this issue first and then proceed with the next one. If not, we would be without an appeal process for how ever long it takes us to revisit the entire issue.

Senator Crothers: I would like to suggest a several step process: first, do we endorse an appeal process for the five-year review? If so, do we want to adopt the proposal for the appeal from URC and bring it before the Senate or do we send it back to URC for dissemination to the University community for feedback? Additionally, do we support post tenure review? We may want to perhaps set up a special group to meet with the URC to review the document and identify areas for future development.

Motion: To endorse an appeal process for the five-year post tenure review. By voice vote, the caucus supported a appeal process.

Senator Crothers: Does the caucus want to endorse this document and bring it before the Senate as an information item or would you rather have it circulated more broadly for further discussion?

Senator Razaki: I think the document should be sent to each and every faculty member. That is more important than sending it to the deans and the chairs.

Senator Kurtz: One mechanism for doing this in an orderly fashion might be to ask the deans to lead the CFSCs in a discussion of this and ask the chairs to lead the DFSCs in such a discussion so that there would be an orderly dissemination and collection of feedback.

Senator Coliz: We could approve the proposal, send it out and then make changes if there are problems.

Senator Pereira: We should suspend the five-year review because faculty members should know at least five years in advance that this review will occur.

Senator Fowles: I would like for faculty to see it before we vote on it.

Senator Crothers: The Senate faculty liaisons could distribute the document by e-mail to faculty within their colleges.

Senator Kurtz: The URC should be the body to do this consultation.

Senator Wang: We should adopt the proposal now so that there will at least be an appeal process in place. We could consult the faculty afterwards because this won't be effective until next year.

Senator Crothers: It would be less effective if we consulted faculty after we adopted the proposal.

Professor Palmer: What is the timeline for consultation?

Senator Crothers: I would suggest a two-week limit for replies.

Senator Winchip: We would need to incorporate this into DFSC and CFSC guidelines.

Senator Crothers: This would go into effect whether or not those documents were revised at this time. It appears that we agree that the URC should solicit feedback on the draft document and report back to the Senate in early spring. We also will form a committee to determine what needs to be developed in the post-tenure review process to consult with the URC. I will send an e-mail asking for volunteers for this committee.

Senator Kurtz: What I want to advocate very strongly for is what we tried to do on the ASPT Reform Committee and that is to benchmark very carefully against national practice in this area. I think there are very useful models out there for the way in which this process can ideally work, both to protect faculty rights fully and address the issue of problematic faculty.

Adjournment