

**Faculty Caucus Minutes**  
**Wednesday, September 15, 2010**  
**Immediately Following Academic Senate Meeting**  
**(Approved)**

**Call to Order**

Senate Chairperson Dan Holland called the meeting to order immediately following the Senate meeting.

**Approval of Faculty Caucus Minutes of September 1, 2010 and Addendum to April 7, 2010 Minutes**

**Motion:** By Senator Hoelscher, seconded by Senator Stewart, to approve the September 1, 2010 minutes and the addendum to the April 7, 2010 minutes. The motion was unanimously approved.

**Action Items:****Volunteer Needed to Serve as CAS (Humanities) Senate Faculty Liaison**

Senator Weeks volunteered by email to serve as the Faculty Liaison for CAS Humanities.

**Volunteer Needed to Serve as CFA Senate Faculty Liaison (Spring Semester)**

Senator Horst volunteered to serve as the CFA Faculty Liaison for the spring semester.

**Election of Faculty Representative to the Student Grievance Committee****Election of Faculty Representative to the Council on General Education****Election of Faculty Representative to the Academic Freedom Ethics and Grievance Committee**

**Motion:** Senator Solberg, seconded by Senator Hoelscher, to accept as a slate the nominees for the External Committee elections. The motion was unanimously approved.

Peter Bushell, CFA, was elected to the Student Grievance Committee for the term of 2010-13.

Alycia Hund, CAS, was elected to the Council on General Education for the term of 2010-13.

Brian Clark, Physics, was elected to the Academic Freedom Ethics and Grievance Committee for the term of 2010-13.

**Information Item:****09.07.10.01 ASPT System Proposed Changes (Chuck McGuire, Associate VP for Academic Administration, and Rodger Singley, Chair of the University Review Committee)**

This is the 5-year review of the ASPT document. The adopted changes were unanimously approved by the URC on April 6, 2010. The Faculty Ca

**Senator Fazel:** Item 7.A, External Reviews. Right now they are accessible to faculty, but according to this and according to law, they may not be.

**Dr. McGuire:** I would really want to run that one by legal. Every department has the right to determine whether they use external reviews. I would

**Senator Kalter:** Item 11.C, at the very bottom. This is about subpoenas. I wanted to suggest rather than eliminating that line we rewrite it to say, ‘

**Dr. McGuire:** I don't think we can. I think if we get an FBI subpoena from Homeland Security, we can't tell anybody.

**Senator Kalter:** I wouldn't dispute that. What I am trying to say is that there may be subpoenas that we would get where it's not illegal for us to n

**Dr. McGuire:** I'll check.

**Senator Horst:** My question has to do with the appeals process, Item 10. Did your committee consider having an appeals process for non-reappoi

**Professor Singley:** That question has come up recently. I have not had a chance to talk to the committee about it. As URC chair, I have been invol

**Senator Horst:** It seems logical that the same appeals process that you have for the letter would apply to the non-reappointment.

**Professor Singley:** It is an interesting situation where someone can appeal their annual performance evaluation, but they cannot appeal the effecti

**Dr. McGuire:** There is an appeals process to the AFEGC for non-reappointment. It's for ethics violations and I think discrimination issues.

**Senator Cedeño:** Item 7.A. Is the law that black and white that you cannot even have a document in which you respect the anonymity of the write

**Dr. McGuire:** You can't share that letter unless the writer has waived his right to anonymity. We have devised a waiver and it's universally used.

**Senator Cedeno:** In that case, I support Senator Fazel's recommendation in terms of protecting the tenure and promotion process that might be de

**Senator Van der Laan:** It is not necessarily that the recommendations would be negative, but that they are positive and that the DFSC would not

**Dr. McGuire:** I can't answer that question.

**Senator Van der Laan:** If that's the case, there is a contradiction between state and federal law. I was previously under the impression that these v

**Professor Singley:** There was one lawsuit that I came across. I think it was the *Springfield General Register* that published private identification t

**Dr. McGuire:** One of the big protections is for personnel stuff. Now how far that goes, I am not an expert on FOIA.

**Senator Van der Laan:** There was also a question about the subpoena. I can imagine if it's Homeland Security, there is no question about that, bu

**Professor Singley:** That puts the university at issue of what subpoenas can and cannot be revealed.

**Senator Cox:** I will revisit that same item, 7, about the written evaluations and the language here. If we want to adopt the principle that written ev

**Senator Fazel:** A point of clarification. Chuck, did you say you were going to check on whether it's possible for us not to even consider letters of

**Professor McGuire:** Right.

**Senator Fazel:** But you are thinking that it may be illegal to do that?

**Professor McGuire:** I don't know. I don't have a problem with your original suggestion, I just need to check on it to make sure it follows Illinois v

**Senator Fazel:** My second point is about the appeal process for non-tenured faculty reappointment. I would not even question that or think about :

**Dr. McGuire:** Again, we want to look at that, but doing an excellent job needs to be defined for those purposes so that you have the criteria with v

**Senator Fazel:** But timing should not keep us from doing the right thing for our faculty.

**Dr. McGuire:** For our students.

**Senator Fazel:** But if this faculty member had decided to stay, she could have stayed another year and taught our students, so it's just a matter of c

**Senator Holland:** You are not actually looking for an identical process of the standard tenure decision, just some truncated version—perhaps an in

**Professor Singley:** I think the URC is going to have to look at it. My personal bias right now is I would like to see the CFSC do it. I can see a cha

**Senator Holland:** I am going to ask one quick question which is somewhat related to what you were just saying. In Item 2, you have eliminated th

**Professor Singley:** A CFSC member is not going to be on a DFSC also. Certainly they are a member of the department. The key for URC looking

**Senator Holland:** But that could already be answered presumably by a department chairperson who is not exempted in the original writing. It mal

**Dr. McGuire:** One of the issues that I know we dealt with was that we got wide variations with colleges. We have two colleges in which the memi

**Senator Holland:** But they are anomalies.

**Dr. McGuire:** We have also got two colleges with only three departments, so you end up with CFSCs of a very small number and very closely rel:

**Senator Stewart:** There is a reverse possibility that I have actually experienced where the school committee recommended tenure and the college

**Senator Holland:** If the chairperson is already allowed to be there...

**Dr. McGuire:** Only at the appeal.

**Professor Singley:** By the time you get to an appeal, a lot of stuff has already happened. It's hard to unwind that.

**Senator Kalter:** I wanted to make two comments about the assumptions underlying this line. I come from a very large department. We have an en

**Senator Holland:** This is something that people on the caucus should definitely go back and talk to your colleagues about. We are not going to thi

**Senator Ellerton:** In paragraph 4 of Item 10, there is a very similar concern, so I concur with Senator Kalter's comments because even in our dep

**Professor Singley:** The appeal would not have taken place if it weren't a negative one. The candidate wouldn't appeal a positive DFSC decision.

**Senator Ellerton:** I am not clear at that point whether it's only an appeal on the basis of a DFSC decision. It depends on the level of the appeal. I t  
In that same paragraph, I wasn't sure if there was an inconsistency with the statement 'in any formal meeting with the CFSC, the DFSC shall be re

**Senator Holland:** In one line, it says that they can have a meeting with no DFSC and in the next line, the DFSC will be represented.

**Professor Singley:** I think we can modify that to where the DFSC is allowed to be present, to work that in preserving the right for that meeting to

**Senator Wedwick:** I am looking for clarification around the discussion of both item 2 and item 7. If I understood you correctly, in both of those it

**Dr. McGuire:** Right.

**Senator Wedwick:** Isn't that same thing true with Item 2 about whether or not CFSCs choose to have the representatives from departments in on t

**Dr. McGuire:** That's the way we have understood it.

**Senator Wedwick:** If it's a choice of the college, it would seem like it would be better to take this out of the language rather than requiring everyc

**Dr. McGuire:** That was part of our thinking. If you take out the language, departments can use their own diverse processes. If they want to establi

**Senator Van der Laan:** Item 6D says reports are due January 5 and I thought often what we do if something falls on a weekend is say the followi

**Dr. McGuire:** It would be a de facto January 6 or 7 because we do a last day following rule.

**Professor Singley:** And there is language elsewhere within...we have a global statement somewhere within the ASPT Guidelines that takes care c

**Senator Van der Laan:** Item 10. B.3. says that witnesses will not ordinarily be necessary, but may be permitted at the discretion of the DFSC or C

**Dr. McGuire:** Sure.

**Professor Singley:** I know part of what we are working towards was that we don't want someone bringing in their witness who happens to be an a

**Senator Van der Laan:** It's limited in favor of these committees, rather in favor of the faculty member.

**Professor Singley:** Actually, this is a step forward.

**Dr. McGuire:** There was no mention of witnesses whatsoever.

**Senator Van der Laan:** This could also precipitate the involvement of attorneys if the faculty member says I took this to the DFSC and the CFSC

**Dr. McGuire:** The basic administrative rule is that as long as you follow your own rules, you're in good shape, so I don't think it would. Anybody

**Senator Van der Laan:** At any rate, I don't like that language. I don't like the shackles that it puts on faculty. Not that witnesses would be necess

**Dr. McGuire:** One way to handle that is to strike the language about witness; then it becomes a case by case basis and leaves it up to the individu

**Professor Singley:** At some point, that's where the FRC comes in. If you can make the case that you did not receive a fair hearing at the departme

**Dr. McGuire:** That was a fine line. We were trying to give some basic rights and a basic format for all of this process, but not create a whole supe

**Senator Van der Laan:** A witness can have two meanings. One is that they come to bear witness and the other is to observe what is happening.

**Dr. McGuire:** We are looking at it only in the former term.

**Senator Van der Laan:** The second term might be just as important for protection of the faculty.

**Dr. McGuire:** That has to do with the advocates.

**Senator Van der Laan:** It might be smarter to take that language out because the advocate can observe and also speak.

**Senator Holland:** The advocate doesn't speak.

**Professor Singley:** The advocate is there to assist the faculty member, but you are not representing the faculty.

**Senator Holland:** It is now 9:35 p.m. I would suggest that we do just a couple more questions and then go home and think about it for a couple of

**Senator Rich:** I have a couple of quick questions about Item 6. In 6.E., number 2, the interim appraisal of a faculty member's progress for tenure

**Dr. McGuire:** The mid-probationary reviews are unique to departments. Department guidelines set those up. I like the idea. We actually talked ab

**Senator Rich:** They would now be doing both. They would have to put out a letter annually and go ahead and do their mid-probationary review. I

**Dr. McGuire:** I think departments will largely have their own discipline-specific notions that need to build into that. From a process standpoint, I

**Professor Singley:** The URC has done this in the past with the question of classroom evaluations. That issue came up a couple of years ago. We h

**Senator Bonnell:** Are they going to be open meetings for all faculty? What is the process outside me reporting back to them?

**Senator Holland:** I think that's us.

**Professor Singley:** If any faculty wishes to email me a question, the URC will always respond.

**Senator Bonnell:** In the past, there had been open meetings about the major changes. Was that the result of the major change that you did ten year

**Dr. McGuire:** Yes.

**Senator Bonnell:** Milner is going to have to change some of our documents to reflect these changes if they are passed. What would the process be

**Professor Singley:** Certainly, we will update the power point reflecting what the Faculty Caucus ultimately decides.

**Dr. McGuire:** DFSC guidelines basically have to be adopted by a majority vote of the faculty by December 31, although that means December 15

**Senator Holland:** Milner and Mennonite are also going to be somewhat anomalous again in that college bylaws do have to go through the Rules C

**Senator Briggs:** If I am supposed to have the faculty members in the School of Art look at this and discuss it in two weeks, what is our timeline fo

**Senator Holland:** They can find it on the Provost's website and on the Senate website.

**Senator Briggs:** So we are not voting in two weeks?

**Senator Holland:** My guess is that we will have considerable questions in two weeks, so right now I'm intending to have it still as an Information

**Senator Crowley:** In Item 2, my understanding is that DFSC members represent their own department. When we elect the CFSC, we wind up rep

**Dr. McGuire:** No, because the way that CFSC members are elected, they are nominated by the department, but elected by the college. Their job is

**Senator Crowley:** It seems to me there is a conflict of interest if my own colleagues have voted in a certain manner and then I wind up having to

**Senator Holland:** We will certainly be able to debate that when we bring it as an Action Item. We will probably vote on each of the items individ

**Professor Singley:** That's effectively the way of the URC. We accepted as a group some of these that were pretty clear.

**Senator Fazel:** Is the document that was distributed on the website?

**Senator Holland:** Could we make this available?

**Dr. McGuire:** I think that we can do it, yes.

**Senator Kalter:** When a draft changes, could you say something like 1.1 so that we know the draft has changed since we first got the document?

**Professor Singley:** Yes, we will stay with the same basic front number, but I guess we will have multiple versions.

*Adjournment*

**Motion:** By Senator Cedeño, seconded by Senator Stewart, to adjourn. The motion was unanimously approved.