

Faculty Caucus Minutes

Wednesday, October 27, 2010

(Approved)

*Call to Order*

Senator Kalter called meeting to order immediately after the Senate meeting.

*Approval Faculty Caucus Minutes of October 13, 2010*

**Motion:** By Senator Rich, seconded by Senator Peterson, to approve the Faculty Caucus Minutes of October 13, 2010.

**Senator Fazel:** There is one statement by Dr. McGuire about whether as an institution we can decide not to look at external reviews. I think you said I think we can, but it is written here as we cannot.

**Dr. McGuire:** I have not received a copy of the minutes from the Caucus.

**Senator Fazel:** You don't get them either.

**Professor Singley:** No.

**Senator Kalter:** That seems as though it might be important to defer the approval of the minutes until you two have had a chance to read through them. Let's table our motion to approve the minutes until you have had a chance to look at them and just approve them next time.

*Information Item:*

**09.07.10.01 ASPT System Proposed Changes (Chuck McGuire, Associate VP for Academic Administration, Rodger Singley, Chair of the University Review Committee) (Please bring copy distributed in 9/15/10 packets)**

**Senator Kalter:** We are on item #10 and I think we did not get through anything systematically except letter A. A was "Informal resolution of issues is

**Dr. McGuire:** As an aid, we have distributed what amounts to sheet showing both the promotion and tenure process as it stands right now on one side of

**Senator Kalter:** Let me read the first part of XIII.B. "The Nature of Formal Meetings with DFSCs/SFSCs and CFSCs. A formal meeting with a DFSC/SFSC or

**Senator Bonnell:** We talk about a formal meeting and we are referring to it in quotations, yet you refer back to formal meetings in item 6. Then you say

**Senator Kalter:** Which part of item 6 was that?

**Senator Bonnell:** F.

**Dr. McGuire:** It should be XIII.B.

**Senator Bonnell:** Then this idea that they are placed in quotation marks, is that significant for...could Section 7.F. have the quotation marks?

**Professor Singley:** I think the quotes came in during some URC discussion when we were talking about it and probably that should be removed.

**Senator Kalter:** B.1. "Formal meetings must be requested by the faculty member in writing within 5 business days of receipt of the recommendation. Facu

2. Faculty members must be afforded a reasonable time to present arguments. The faculty member who believes that relevant factors or materials have be

**Senator Briggs:** One of my faculty colleagues found this to be a little confusing and just needs some clarification or perhaps some wordsmithing becaus

**Professor Singley:** Our intent is materials...documents or actual data. Information is not the same necessarily and that's our distinction. For example, :

**Senator Briggs:** So the faculty member can present new arguments but can't present necessarily—but if they want to present new materials, those materia

**Professor Singley:** No, I think we are doing just the opposite. We certainly have the right to present relevant materials. However, additional argument:

**Senator Briggs:** Is there a way that you could wordsmith that to make it as succinct as you just did.

**Professor Singley:** I will add to notes of things the URC will try to clarify.

**Senator Van der Laan:** I brought it up before—this use of the word advocate. When you have a patient advocate in the hospital, that person is certainly

**Dr. McGuire:** We have had a couple of suggestions: advisor, advocate for the faculty, something like that. We'll look at that.

**Senator Van der Laan:** I am a little bothered by witnesses will not ordinarily be necessary, but—and this is the part that bothers me—may be permitted :

**Professor Singley:** I really hate to kick it to another group at the university, but at some point, these are ethics violations. We can tell people what

**Senator Van der Laan:** If a faculty member requests witnesses, this says the DFSC can refuse them.

**Professor Singley:** Right, and my point being that if you can make a case that you legitimately requested witnesses, it should be heard. If your DFSC is

**Senator Van der Laan:** That's what we are trying to do with this document. Couldn't we write that in at this time?

No response.

**Senator Peterson:** We have a timeline for how soon a faculty member has to request a meeting. Is there a timeline at all as to when the meeting has to

**Professor Singley:** By the calendar, there is a range of time. Are you thinking of, for example, the chair decides that it happens that afternoon.

**Senator Peterson:** Something to that effect or even in the process appealing and asking for a formal meeting. Does that in any way alter the calendar?

**Dr. McGuire:** No, it has got to take place within that timeframe after you have given, for example in tenure and promotion, that interim or that intend

**Senator Briggs:** Before we skipped down to witness, just following along about the advocate. Another colleague of mine also requested defining the facu

**Professor Singley:** Our thought was to allow a lot of leeway for the faculty member to choose who they felt would best be able to assist them.

**Senator Briggs:** Would it be possible to put a couple of examples within the document just to give a broad idea, such as a faculty mentor or the ombuds

**Professor Singley:** I guess. There are so many things I would like to see done as part of a permanent, online orientation for new faculty. I like that ;

**Senator Horst:** As a member of the SFSC, we have so many things that we handle each meeting that I agree with my colleague that it is very difficult if

**Dr. McGuire:** That's not the process.

**Senator Horst:** So you don't want to include that at this time?

**Professor Singley:** If we have that, I think it needs an entire section unto itself?

**Senator Kalter:** Anything else on B.1, 2, 3?

**Senator Fazel:** I do agree with Senator Van der Laan in terms of faculty having a say in whether they would like to present witnesses or not. I am wond

**Professor Singley:** So we would have to allow them to bring at least one, but the DFSC, CFSC could say that one...

**Senator Fazel:** If the concern is that they may bring 12 people, then this will address the concern that they cannot just bring an unlimited number, bu

**Professor Singley:** Would the DFSC/SFSC or CFSC be able to set a time limit. I can see a case where you can bring your witness but they have 10 seconds

**Dr. McGuire:** I am not sure that it is just the number. There also may be the relevance of a particular witness.

**Senator Fazel:** But wouldn't then the CFSC or DFSC, based on who the witnesses are, they could decide maybe one or two of them are relevant, but the re

**Dr. McGuire:** I think that's what we are trying to do here. I don't believe we have had witnesses, period, up until this point. So what we were trying t

**Professor Singley:** So now I'm back to AFEFC at some point if the DFSC is completely off the reservation in terms of their actions. You would think an c

**Senator Ellerton:** I was just going to add the words "advance approval of". If you do go ahead and put some permission, then it should be at advance n

**Dr. McGuire:** I tend to agree with you. The problem is that we have a very limited time to work with in the first place. There is only a ten day spread

**Professor Singley:** And that's the best case situation if the faculty member immediately avails him or herself for the ability to appeal. So, what if w

**Senator Cox:** The time constraint given to the faculty member to present their arguments might be a period of time when faculty can use their own judgm

**Professor Singley:** I think it's going to be tough for the committee to set what a reasonable time limit is. We may say 15 minutes and if we sort bring

**Senator Cox:** I am thinking about my own department having set a 30-minute time limit to the arguments and assuming that other departments operate in tl

**Professor Singley:** When I was on CFSC, we had very different time limits for several cases. I'm concerned if we set a time limit for 30 minutes, but s

**Professor Van der Laan:** I would like to pick up with Senator Fazel's comment. I think she is on the right track and do understand the need for it to b

**Professor Singley:** If a committee is so stacked against a faculty, I would simply ignore your witness, too, if I am that biased. At some point, how do

**Dr. McGuire:** If I could trace, very briefly, the history of this provision in the URC. The sentence didn't exist first. It ended at the end of committ

**Senator Van der Laan:** If the witnesses are potentially able to substantiate what the faculty member's concern or objection is, that would then be on r

**Senator Briggs:** My question, once again, is who is the witness? Is it just confined to the campus community or could it even be a lawyer. Is there a w

**Dr. McGuire:** A lawyer is not ordinarily a witness. A lawyer is usually an advocate. I don't think we envisioned having lawyers at this stage of the ga

**Senator Briggs:** So if you are afraid of saying a reasonable time a minimum of 15 minutes, then people will see that as a stopping point.

**Dr. McGuire:** Yes, the floor becomes the ceiling all of a sudden.

**Professor Singley:** Again, I have a real if a department has a certain time for one faculty, then does that become the time for all faculty and if you c

**Senator Kalter:** Given Chuck's answer just now to how people responded, I would now say that I agree with Senators Fazel and Van der Laan regarding thi

**Senator Stewart:** I was wondering if the wording 'at the discretion of the SFSC' sounded like to powerful a phrase and that maybe 'if deemed relevant' t

**Senator Fazel:** I do agree that we do not want to put specific numbers in there because that's going to limit us more than giving us the option. In lin

**Professor Singley:** This is such a big environmental jump for the URC. We have gone from no witnesses to now maybe a whole lot of witnesses I am wonder

**Senator Fazel:** But six would not be reasonable.

**Professor Singley:** It wouldn't be to me, but eating six hot dogs isn't reasonable either, but there are some people who think that is a really nice si

**Senator Weeks:** I sympathize with your concern as you spell things out and spell things out, it kind of accelerates and feeds on itself and the more yo

**Dr. McGuire:** We had a couple of things in mind. You stated one correctly...the being in class or the service on a committee. Often that can be handled by

**Professor Singley:** We had a case like that in my department. The witnesses were to outside letters from recognized experts in the field, which clearly

**Senator Weeks:** There's another thing that bothers me about that sentence. It says witnesses will not ordinarily be necessary. If there is not an adver

**Dr. McGuire:** Somebody has got to have the right, the authority, to say, 'that's enough'. 12 is too many and the body itself is the only one is even in

**Senator Weeks:** So is the issue whether they can have 12 or any at all.

**Dr. McGuire:** It may be both and the relevance issue is probably the most important part of that.

**Senator Weeks:** I can't imagine that a DFSC would deny witnesses who...

**Dr. McGuire:** Probably not.

**Senator Weeks:** Are the only ones who can testify that a particular professor really did meet his class or really did publish something...that's hard for

**Professor Singley:** And if they did, they are certainly setting themselves up hopefully for a loss very quickly at the ethics and grievance level.

**Dr. McGuire:** Or the next level up, CFSC, FRC or wherever it's going.

**Senator Weeks:** So could one state if they are relevant, of course they would be accepted?

**Professor Singley:** Umhm.

**Senator Stewart:** I just wanted to amend my suggestion for the 'if deemed relevant' and just put a period after may be permitted. Does that wipe away m

**Senator Fazel:** Could you repeat the whole sentence.

**Senator Stewart:** Witnesses will not ordinarily be necessary, but may be permitted. Period.

**Professor Singley:** I like that, except for one thing. Someone is going to immediately come to the URC with the question, 'who permits them?'

**Senator Briggs:** When you just explained your idea about who a witness can be. That just clarified everything for me. I think there really has to be so

**Dr. McGuire:** Again, I think we probably want to leave it fairly general because we never thing of everything that could happen.

**Senator Briggs:** Even just saying such as.

**Professor Singley:** We could perhaps think about defining instead of witnesses, information...I don't have the wording, but basically strike the word wit

**Senator Van der Laan:** I think either Rodger's suggestion or Senator Stewart's is going in the right direction. Senator Weeks also pointed out the prob

**Dr. McGuire:** It may not be necessary to state what body says no because it's implicit.

**Senator Van Der Laan:** I like the idea of leaving it general, otherwise it gets too specific and everything becomes codified. But I do thing some along

**Dr. McGuire:** Sure.

**Senator Van der Laan:** and bring that back to us if you could.

**Senator Kalter:** Is there anything else on XIII.B. 1, 2 or 3? Shall we move to B.4., about which I do have a question. I feel that, and I don't know if

**Dr. McGuire:** Where are we?

**Senator Kalter:** This is XIII.B.4. The very last sentence in that paragraph says other members of the DFSC may be present if permitted by DFSC guidelin

**Dr. McGuire:** We wrestled with this one a lot. The problem is almost the exact reverse of that where the faculty member is intimidated by the DFSC or c

**Senator Kalter:** I understand that as one scenario. I am trying to bring up another possible scenario and I think that in no case should the chair ever

**Dr. McGuire:** I understood what you said. The way you said it, it would also allow the DFSC to say 'we want to be there as well'.

**Senator Kalter:** I had not really thought about it if from that angle, so I will let the rest of the people weigh in on that. I hadn't really thought i

**Dr. McGuire:** Because that's the scenario we were worried about with the entire DFSC there intimidating the faculty.

**Senator Kalter:** I am thinking more that the faculty member has the choice to say I would like more than just the chair there, but not have the rest of

**Professor Singley:** The concern I have with that scenario is if the faculty member then requests certain members of the DFSC, you probably now have a c

**Senator Kalter:** Rather than answer that directly, can I talk to you afterwards.

**Professor Singley:** Certainly.

**Senator Kalter:** Because I can think of a scenario where confidentiality may not be broken, but where the person feels that way. But I would rather say

**Professor Singley:** Sure.

**Senator Fazel:** I wanted to express my agreement with Senator Kalter's recommendation and if it is left up to the faculty and the CFSC, because here, i

**Professor Singley:** You won't know who said what, hopefully.

**Senator Fazel:** No, I don't have to. It's just that you trust the judgment of some of your colleagues more than others, so you may decide that it's a g

**Professor Singley:** Let's say I invited in two DFSC members who I thought were in support of me.

**Senator Fazel:** The whole DFSC.

**Professor Singley:** You would say that I would have to invite the whole DFSC.

**Senator Fazel:** The whole DFSC or nobody.

**Professor Singley:** So I can't pick and choose.

**Senator Fazel:** That's right.

**Professor Singley:** I can live with that.

**Senator Fazel:** That's what you recommended, right, Susan?

**Senator Kalter:** I would see that as a good compromise. I wasn't really thinking about that, but I think that's more fair to everybody if it's either t

**Senator Rich:** It strikes me that the proposed sequence is pretty helpful on that point. Under the current scenario, if the CFSC is meeting with the DF

**Senator Kalter:** I agree with you that the sequencing is helpful, but I would just like to add those four words, 'or the faculty member' to the last li

**Senator Ellerton:** I would like to bring into question the first "or" as it stands, because if you look carefully at the wording of the sentence, 'othe

**Senator Kalter:** Perhaps that could be wordsmithed just by changing the location of the clause.

**Senator Ellerton:** It's the or that is the problem.

**Senator Kalter:** So 'if permitted by DFSC/SFSC or if requested, etc...other members may be present. Would that fix it--just to flip the order of the claus

**Senator Ellerton:** That would correct it.

**Professor Singley:** If I may, I wonder if we should simply strike and not allow the DFSC/SFSC guidelines to prohibit, because I am not sure if there is

**Senator Fazel:** Could you explain which part you will strike?

**Professor Singley:** 'if permitted by DFSC/SFSC guidelines'. So effectively, there is no reason I can come up with why a department or school should pro

**Senator Ellerton:** And you go straight to the 'if requested by'. That would get around my concern. I wanted to try to clarify the use-this is in the fi

**Senator Kalter:** Would "will meet" suffice to make it a little less harsh.?

**Senator Ellerton:** Or should meet.

**Dr. McGuire:** Here we go again.

**Senator Kalter:** At least two or three members of my department have come to me with the same concern.

**Dr. McGuire:** I think we were looking at the opposite side of that. Let's say that somebody comes forward with an appeal and it's groundless. Why take t

**Senator Ellerton:** The trouble is with guidelines, you need to cover both scenarios, both extremes and I realize that it's difficult, but if the reason

**Senator Kalter:** My understanding is that the concern among DFSC members, who are the ones who have contacted me, whether currently serving or having f

**Professor Singley:** We will change "may" to "will",

**Senator Van der Laan:** I don't think will or must is necessary here at all. I think may is fine because the CFSC already has all of the documentation f:

**Senator Briggs:** It's been pointed out to me in the School of Art by SFSC members, and I was one as well, where we do quite a bit of work making a deci:

**Senator Kalter:** Prevent them from...

**Senator Briggs:** I mean not prevent that, but just so the SFSC can have a little bit of say—a little bit of explanation so the stuff we send up isn't t

**Senator Kalter:** So you, in other words, are concurring with Senator Ellerton.

**Senator Briggs:** I'm a "will". That is a very real situation in the School of Art.

**Senator Ellerton:** I think that there is a very big difference between receiving a recommendation from DFSC in writing and for DFSC to have the opportu

**Senator O'Rourke:** So we say they will meet. What's the subject of the meeting? What's the agenda? Do we also prescribe what they are supposed to talk :

**Professor Singley:** We are hoping...I think our original wording was we would hope the CFSC would use good judgment. If a question arises from the meetin:

**Senator Fazel:** I was wondering if we could say something to the effect that if they decide to reverse the decision of the DFSC, they will have to or t

**Senator Kalter:** Another way of going about that that is a little bit similar is to say "will meet if the DFSC feels necessary". That way, if there is :

**Senator Cox:** Are we here talking about a meeting with the CFSC before its conclusion—before its decision is made?

**Professor Singley:** Yes.

**Senator Cox:** So, in this case, we don't have the switched scenario as being referred to here. We are simply looking for more information from a DFSC m

**Professor Singley:** I think it's basically does the CFSC feel they need additional information. The other scenario is should the CFSC do a courtesy vis:

**Senator Cox:** So it could be two meetings...one for clarification and one to pass along elaboration of the judgment.

**Dr. McGuire:** I think we were only talking about clarification at this point. The subsequent meeting might be an informal one between the two bodies if

**Senator Van der Laan:** I am going to ask our guests again to shed the ultimate light on the question, but maybe to assuage Senator Ellerton's fears abo

**Professor Singley:** I would agree with you, Senator Van der Laan. The only case I have seen, and I, personally, was a CFSC member, in my biased view sa

**Senator Van der Laan:** If there were a hostile CFSC, that would require another appeal to a higher court, so to speak.

**Professor Singley:** There are all sorts of possible scenarios that can come up that we can never cover.

**Senator Horst:** My comment goes back to what Senator Briggs said. When you are appealing a letter, you are having an appeals hearing. The formal meetin:

**Dr. McGuire:** In an evaluation appeal, it would go department first. There would be a formal meeting with the department. Then it would go as an appeal

**Senator Horst:** So there can be a formal meeting after the appeals hearing?

**Dr. McGuire:** Yes. There is a similar structure for appeal's hearings with the same kinds of rights, so it would be pretty rare and redundant to have a

**Senator Kalter:** My understanding of Senator Horst's question was partly to clarify what this covered and my understanding is that this B part covers b

**Senator Ellerton:** Just to clarify what I believe is the intent of the whole of this Section B, in particular number 4, and that is to provide every o

**Professor Singley:** I think we are still hopefully relying upon the CFSC to exercise good judgment and to realize when they need to do this. At some po

**Senator Briggs:** I wanted to clarify and put this into context for the College of Fine Arts. We are a small college, but incredibly diverse. So you wil

**Senator Kalter:** Have we said enough about B.4? I'm going to do 5 and 6 at the same time. 5 is "Formal rules of evidence will not be followed. Reasonab

**Senator Weeks:** Formal rules of evidence—do you mean there simply that the body should be flexible about hearing any sort of evidence? There is no such

**Dr. McGuire:** Really even more formal than that. I don't think we want to get into things like legal rules of evidence...hearsay...well, all you need to do

**Senator Weeks:** The idea is just to be flexible?

**Dr. McGuire:** Right.

**Senator Kalter:** We are actually moving on to XIII.C. We can skip that if no one has any comment and go to D. "Review Recommendation and the Appeals Pr

2. "Performance evaluations may be appealed to the CFSC only. (See XIII.G)." Alright.

D.3. "Separate Dean or Chair/Director reports may be appealed to the FRC on the same appeals schedule as appeals from the CFSC." 4. "Minority reports,

**Senator Rich:** Number 3, which I think is a great addition, a couple points of clarification. I assume this refers only to written reports.

**Dr. McGuire:** Yes.

**Senator Rich:** Second, would the faculty member procedurally be aware of such a chair report in a timely manner, as opposed to having a right to view the

**Professor Singley:** They should be informed of the decision.

**Dr. McGuire:** Basically, this would occur if you have a decision by a DFSC, let's say, and the chair is in the minority, they are required to write a memo.

**Professor Singley:** Be careful because there is an exception because minority reports would not be appealable, so we sort of redefined and that was an exception.

**Dr. McGuire:** Yes, but it is still part of the decision going forward.

**Senator Rich:** Does that get reported..

**Professor Singley:** To the faculty member.

**Senator Rich:** To the faculty member. Ok.

**Senator Kalter:** E.1.b. What we are doing is adding there that a faculty member may request that the FRC formulate its additional recommendation...this is in E.1. This is adding that in the case of promotion/tenure recommendations, the faculty member shall notify the chairperson of the FRC in writing of an appeal.

**Dr. McGuire:** The old language was five working days and we all work seven days a week.

**Senator Kalter:** No comment on that? Moving onto G. It looks like the first change is G.2. Before writing an intent to appeal a performance evaluation,

**Senator Van der Laan:** Just as a point of clarification. When it says prior to filing the written appeal, that's referring to the only appeal that you can file.

**Dr. McGuire:** Right.

**Senator Van der Laan:** Again, a point of clarification, the distinction between informal and formal, a meeting's a meeting, right? It's still going to be a meeting.

**Professor Singley:** I can give you an example from two years ago. One of our faculty members, a research publication, but the DFSC thought of it as a research report.

**Senator Kalter:** Anything else on that point? Terrific. What are we in? G.3 and 6-I'm just going to do these together. These are ten business days again.

So 7, 8 and 9. 7. "If a hearing is permitted by the CFSC, faculty members will be afforded reasonable time to present arguments. Information not originating from the faculty member shall be presented in writing to the CFSC at least 7 business days before the hearing." 8. "If a hearing is permitted by the CFSC, the faculty member shall be afforded reasonable time to present arguments. Information not originating from the faculty member shall be presented in writing to the CFSC at least 7 business days before the hearing."

**Senator Briggs:** Where is that information coming from? Is it coming from the faculty member who is appealing or can it come from anybody on the outside?

**Professor Singley:** I don't think that discussion ever came up. I have heard a little bit about the poison letter issues and I certainly sympathize with the faculty member.

**Senator Peterson:** I just have a quick question for clarification. This is under Section G, which is just performance evaluation. Do we even need the ten business days?

**Professor Singley:** No, in fact, Senator Kalter has raised this earlier in an email question to me and I have already struck it out. I think I responded to that.

**Senator Kalter:** I think I brought it up last time to just go through that whole section and make sure you separate those things.

**Professor Singley:** Several weeks ago, I think you sent the email and that was a very helpful email.

**Senator Kalter:** Any others on 7. Number 8 is "The faculty member may be accompanied by a faculty advocate. The advocate may be present to advise the faculty member." 9. And my question here is whether this is contradicting the general instructions. "Hearings will be closed to all but the CFSC, the faculty member, and the chairperson."

**Dr. McGuire:** I think that we are getting to the nature of...we are talking performance appeal.

**Senator Kalter:** But is in the general nature of formal meetings, you say that the DFSC can be a part of it and here you say that only the hearing will be held.

**Senator Ellerton:** Just on that point, in B.4, it also says in any formal meeting with the CFSC, the DFSC shall be represented by the chairperson, so that's the chairperson.

**Dr. McGuire:** I am trying to think if we did it on purpose or not.

**Senator Ellerton:** It could be that the other was the old wording and this was the new.

**Professor Singley:** As a committee, we are going to have to look back at this with our own notes as to why we did or did not.

**Senator Kalter:** Anything else on 9? Number 10, "Formal rules of evidence will not be followed. Reasonable length of time for hearings should be allowed." 11. "Following the hearing, the CFSC will meet to reconsider the earlier decision." This does seem like it is reiterating.

**Dr. McGuire:** This is actually the appeal stage. This is actually the appeal as opposed to the formal meeting stage.

**Senator Kalter:** I see. They will either affirm the recommendation or change the recommendation. The faculty member will be notified. Anything about the 12. "The CFSC is the sole appeal in the case of performance evaluations. If a CFSC decision results in a change to a DFSC/SFSC recommendation, the DFSC/SFSC shall be notified of the change."

**Senator Glascock:** In terms of the DFSC having to change their letter, I am wondering how that would work exactly. You basically have a DFSC signing a letter.

**Dr. McGuire:** It does exactly that. Basically, we are talking about changing the wording of letters in a performance evaluation appeal, because that's the nature of the appeal.

**Senator Horst:** I agree more with the logic that was presented by the members of the DFSC at that meeting. I would be in favor of a CFSC letter standing.

**Professor Singley:** It really does bias the future process. Let's say you're a tenure-track faculty member in your second year. You win your appeal, but the letter is still in your file.

**Senator Horst:** I guess because I have been on an SFSC and we work on letters endlessly and then it's just thrown away and all of that work is negated by the appeal.

**Professor Singley:** I empathize with your decision. One time in my life, I actually did not successfully get out of jury duty. I was on a trial for three days.

**Senator Peterson:** My question is along the same lines. I guess I am wondering what the disadvantage of having both letters is when you are considering an appeal.

**Professor Singley:** Again, I can understand the concern, but there has to be a single outcome. I can't see having a mixed record where you tell someone you are not guilty and then you are found guilty.

**Senator Peterson:** This is a letter trying to explain why they made the decision in the first place. I realize it stays in their file, but in the same way, a letter of commendation stays in their file.

**Professor Singley:** If you look at it in the broad scale, it goes to the whole nature of the appeals process. Should a CFSC be able to overrule a department's decision?

**Senator Rich:** I am thinking about the sequence, because this is occurring in an appeal by a faculty member and so we are thinking generally about a ne

**Professor Singley:** Chuck probably has a wider experience in the Provost Office. I can say that in the College of Business, having been on the CFSC for I would certainly hate to see the case where CFSC overrules the disciplined-based judgment of a department, which is the case you are talking about. I

**Senator Rich:** The DFSC, I assume, is free if what they are being instructed to do is so offensive to them that they are not going to write or sign an

**Professor Singley:** You could even have a situation, such as you described, even within the same department, where have two very disparate disciplines :

**Senator Briggs:** I was just going to reiterate that this is a case for the DFSC clarifying things to the CFSC. It's absolutely necessary that the two b

**Senator Van der Laan:** This looks to me as to the benefit of the faculty member in every situation except one. If it's purged, that means there was som

**Dr. McGuire:** This is performance report.

**Professor Singley:** We haven't quite made it to tenure yet.

**Senator Van der Laan:** In that case, it can only be to the benefit of the faculty member because the faculty member is appealing a negative evaluation.

**Senator Bonnell:** I agree that the letter should be purged at some level, but I am confused about what is being changed and the ability of the CFSC to...

**Dr. McGuire:** The only thing you can appeal on a performance evaluation is the language of the letter itself and the conclusion, of course, the satisf

**Senator Bonnell:** So the letters are unchanged to the point where it meets the satisfaction of CFSC. Is it CFSC or the faculty member?

**Dr. McGuire:** CFSC. They are the sole appellant body for this and they are the ones that make the decision.

**Senator Glascock:** In 12 then, it would account for the situation where the DFSC refused to write the letter and then the CFSC would write an additiona

**Dr. McGuire:** The only answer there in that case where you have a DFSC refusing to do it is for the CFSC to actually write the letter, which will end up

**Senator Glascock:** Does this account for that in terms of the wording?

**Dr. McGuire:** I think so.

**Professor Singley:** I think the "shall be changed", "must be changed", whatever we like. Basically, it has to be changed.

**Senator Kalter:** I heard in the DFSC/CFSC training this question come up, and going off what Senator Horst said, it was a really, really good valid poi

**Senator Stewart:** It's 9:40.

**Senator Kalter:** Yes, it is. I was just going to bring that up. It sounds by that tone of voice as though we don't want to plough through item XIII ton

**Dr. McGuire:** May I point out that the post-tenure review appeal process is or at least should be exactly identical to the last material that we just f

**Senator Kalter:** Do we have an agreement that we should at least get through item 10 and then adjourn for the night.? Would that be ok with people to g

**Senator Bonnell:** I should know this, but I don't remember. For these annual evaluations, a) is there a minority report, and b) what happens if a DFSC i

**Dr. McGuire:** It's a majority rules, so of the five members, three sign it, it's the evaluation for the year. There are no minorities. There are some d

**Senator Kalter:** That gets back to the situation I was talking about before where whether the chair can represent the whole DFSC or not.

I'm going to assume that everybody is in agreement with G.13 and 14 and I'm going to say all of H at once, if I can. H. is post-tenure review appeal. :

**Senator Horst:** In item 5 on page 6, it says the appellant has the right to address the CFSC in person and either the appellant or the CFSC can request

**Dr. McGuire:** Yes.

**Senator Horst:** So they should be included in number 9. Hearings will be closed to all but the CFSC, the faculty member, the faculty advocate and requer

**Dr. McGuire:** Yes, they can be invited. Maybe what we want to do with this is in the earlier discussion.

**Senator Horst:** In number 11, you have a typo. You have DFSC/ and then you want SFSC, not CFSC.

**Dr. McGuire:** Yes, you are right.

**Senator Kalter:** I think some of this could be consolidated. Put all that repeats into just the formal description and then only separate out things th

**Professor Singley:** We tried to write the book so whatever section a particular faculty member is interested in, they can follow the process.

**Senator Kalter:** I see.

**Dr. McGuire:** The April 15th date, by the way, is mandated in the book by the final time for a report on post-tenure review. So that is why we have tha

**Senator Kalter:** Anything else about H? The thing on the last page is crossing out something about a written report that is no longer valid and putting

### **Adjournment**

**Motion:** Senator Stewart, seconded by Senator O'Rourke, to adjourn.