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Utah State University

Academic Freedom and Tenure Committee

Minutes

January 9, 2014

Meeting convened at 10:00 am room 152, Center for Persons with Disabilities. In attendance: Bryce Fifield (Chair), Kathy Chudoba (vice chair), John Stevens, Grant Cardon, Becky Thoms, Kurt Becker, Kathy Riggs, Anthony Lott, Foster Agblevor, Kathy Bullock.

Minutes from the last meeting (October 23, 2013) were approved.

Grievances

Dr. Fifield reviewed the progress of grievances before the committee. Since we last met, the one pending grievance was withdrawn by the faculty member. Dr. Fifield also reported that he has responded to one request for information about the grievance process from a faculty member and expects to receive the letter of intent to grieve in the next few days.

New Business

The committee reviewed recommended code changes to section 405 of the Faculty Code dealing with Post-Tenure Reviews. We had a vigorous discussion about several of the sections, particularly as they relate to implementation of remedial measures. As a general comment, committee members felt that detail outlining the deadlines or dates would be helpful. The general lack of detail about the processes to follow could lead to considerable variability in the code's implementation, resulting in arbitrary or capricious decision making on the part of department and college administrators.

For example, it is possible for a faculty member to request a college peer review committee in both the first and the second year. The language in the code becomes quite confusing if the faculty member invites collegial review and develops a professional development plan in the first year, rather than in the second year. The committee spent considerable time trying to fix some of the most confusing parts of the code with some recommended language.

In general, the committee acknowledges the need to strengthen and better codify the post-tenure review process at USU to respond to public and legislative concerns on the issue. We are however, committed to protecting the role of tenure at a research university and to protecting faculty members from the arbitrary implementation of vague guidelines.

Attachment

Recommended language changes to proposed section 405.

Respectfully submitted,

Bryce Fifield (Chair)

Recommended changes with track changes (Oct 12, 2013)

405.12 REVIEW OF FACULTY

~~In addition to the reviews that are mandatory~~ There are two additional reviews of faculty performance ~~other than those~~ for tenure-eligible faculty and for promotion, ~~the performance of all faculty members will be reviewed annually.~~ These are annual reviews for faculty ~~will be used as the basis for recommendations for salary adjustments and for term appointment renewal, and quinquennial reviews of tenured faculty.~~ They also serve as the basis for the post-tenure review process for tenured faculty.

Comment [RG1]: Minor wordsmithing to make it clear that the annual review is the basis for post tenure review, and to make the text more accurate (e.g., adding librarianship).

Tenure (see Section 405.1) is a means to certain ends, specifically; freedom of teaching, research and other academic endeavors, and a sufficient degree of economic security to make the profession attractive to men and women of ability. Academic freedom and economic security for faculty are indispensable to the success of a university in fulfilling its obligation to its students and to society. With tenure comes a professional responsibility, ~~the obligation to~~ conscientiously and competently ~~to~~ devote one's energies and skills to the teaching, research ~~or creative endeavors,~~ extension, librarianship, and service missions of the university. A central dimension of academic freedom is the exercise of professional judgment in such matters. The intent of ~~the post-tenure review process~~ is to support the principles of academic freedom and tenure through the provision of effective evaluation, useful feedback, appropriate intervention, and timely and affirmative assistance to ensure that every faculty member continues to experience professional development and accomplishment during the various phases of his or her career. Useful feedback should include tangible recognition to those faculty ~~members~~ who have demonstrated high or improved performance. It is also the intent of this policy to acknowledge that there will be different expectations in different disciplines and changing expectations at different stages of faculty careers.

— minor edit

12.1 Annual Review of Faculty

Each department, ~~in collaboration with the academic dean or vice president for extension and agriculture, and where appropriate, the chancellor or regional campus dean,~~ shall establish procedures by which all faculty ~~members~~ shall be reviewed annually. Such reviews shall, at a minimum, incorporate an analysis of the fulfillment of the role statement. ~~Recognizing that faculty accomplishments do not always occur in a linear fashion, this review should take into account performance over the past 5 years (or since the individual's appointment to USU if less than 5 years).~~

Comment [RG2]: Minor changes to acknowledge that college and campus administration are part of the process of developing assessment procedures. The ultimate responsibility for establishing procedures lies with the department.

The basic standard for appraisal shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position. The department head or supervisor shall meet with the faculty member annually to review this analysis of the fulfillment of the role statement and, subsequently, provide a written report of this review to the faculty member. A copy of this report shall be sent to the academic dean or vice president for extension ~~and agriculture,~~ and, where appropriate, chancellor or regional campus dean. The annual evaluation and recommendation by the department head or supervisor ~~for tenure-eligible faculty (405.7.1 (3))~~ may constitute this review for salary adjustment. For faculty with term appointments, the annual review shall also include a recommendation regarding renewal of the term appointment.

Comment [RG3]: Also Introduces 5 year window for annual review.

12.2 Quinquennial Post-Tenure Review of Tenured Faculty

~~Tenured faculty shall be reviewed every five years by a post-tenure quinquennial review committee consisting of at least three tenured faculty members who hold rank equal to or greater than the faculty member being reviewed. The committee shall be appointed by the department head or supervisor in~~

consultation with the faculty member and academic dean or vice president for extension, and, where applicable, the chancellor or regional campus dean, and must include at least one member from outside the academic unit. If there are fewer than two faculty members in the academic unit with equal to or higher rank than the candidate, then the department head or supervisor shall, in consultation with the academic dean or vice president for extension, and, where appropriate, the chancellor or regional campus dean, complete the membership of the committee with faculty of related academic units. Department heads and supervisors of the faculty member being reviewed shall not serve on this committee, and no committee member may be a department head or supervisor of any other member of the committee. An administrator may only be appointed to the quinquennial review committee with the approval of the faculty member under consideration. For post-tenure quinquennial review meetings and for meetings held between either the department head or supervisor and the candidate to review the committee's evaluation and recommendation, the candidate or department head or supervisor may request the presence of an ombudsperson in accordance with policy 405.6.5.

Comment [RG4]: Removed initial paragraph about quinquennial review.

For tenured faculty, the annual review specified above constitutes the post-tenure review. The basic standard for appraisal shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position as specified in the role statement. It is the intent of this policy to acknowledge that there will be different expectations in different disciplines and changing expectations at different stages of faculty careers. This evaluation of tenured faculty shall include the review of the annual evaluation (405.12.1), and shall include the current curriculum vita and other professional materials deemed necessary by the faculty member, and any professional development plan in place. The review will be discipline and role specific, as appropriate to evaluate: (1) teaching, through student, collegial, and administrative assessment; (2) the quality of scholarly and creative performance and/or research productivity; and (3) service to the profession, the university, and the community. In order to promote and support academic freedom and the expression of scholarship and creative talents, the criteria for the award of tenure or promotion to the most senior ranks shall not be employed for the review of the tenured faculty. In the event that a faculty member is promoted to the most senior rank, the review made by his or her promotion committee shall constitute the quinquennial review. In such cases, another review need not be scheduled for five years.

If a tenured faculty member is deemed to not be meeting the standard described above, a professional development plan will be implemented to address the specific area(s) of concern (see section 405.12.3). The department head or supervisor has the latitude to consider other options, including re-negotiation with the faculty member of his/her role statement. In addition, options, such as leave of absence, voluntary resignation, early retirement, phased retirement, medical leave, or career counseling may be available to the faculty member upon consultation with the USU Office of Human Resources. The faculty member may request a comprehensive peer-review (as outlined in 405.12.2(1)) after any annual review in which he/she disagrees with the department head's evaluation of his/her performance.

Comment [RG5]: New text adding detail about the outcome of the annual review, and the comprehensive review.

If the next annual review indicates that the tenured faculty member is meeting expectations, taking into account progress on the professional development plan, the faculty member will be considered eligible for merit pay increases if available. However, if the department head concludes that the faculty member is not meeting expectations for a second consecutive year then a comprehensive post-tenure peer review will occur, as outlined below.

(I) Comprehensive Peer Review

College peer review committees (see section 405.12.4) will receive copies of the annual reviews from the previous two years (with each review covering a 5-year period as stated in 405.12.1), the material upon which the annual reviews were based, the most recent professional development plan, and any additional material the faculty member or department head wishes the committee to consider. The committee may also elect to invite the faculty member and/or department head to provide additional input.

Upon completion of its review, the review committee for tenured faculty the college peer review committee shall submit a written report providing an assessment of the faculty member's performance. Copies of the written report will be provided to the faculty member, to the department head or supervisor, who shall forward a copy to the academic dean or vice president for extension and agriculture, and, where appropriate, chancellor or regional campus dean. A copy of the committee's report shall be sent to the faculty member. An ombudsperson must be present at all meetings of a comprehensive peer review committee. Ombudspersons must receive adequate advance notice of a committee meeting from the chairperson (see policy 405.6.5).

In the event that the outcomes of a professional development plan are contested (405.12.3(3)), the review committee for tenured faculty may be called upon by the faculty member to conduct its quinquennial review ahead of schedule. In such cases, another review need not be scheduled for five years. The review committee may also, at times, between its quinquennial reviews, review the professional development plan as described in sections (405.12.3(1-2)).

If the peer review committee concludes that the faculty member is not meeting the standards for appraisal outlined in 405.12.1 a Professional Development Plan will be implemented as described in 405.12.3.

If the peer review committee concludes that the faculty member is meeting the standard for appraisal as outlined in 405.12.1 no sanctions will be pursued against the faculty member relative to non-performance (see 403.3.2) and the faculty member will be eligible for merit increases as available.

Following a comprehensive peer review and the initiation of a Professional Development Plan, if the subsequent annual review indicates that the faculty member is meeting the standards for appraisal as outlined in 405.12.1, the Professional Development Plan will be considered complete and the faculty member will be eligible for merit pay increase as available.

If, following an initial comprehensive peer review and the initiation of a Professional Development Plan, the subsequent (third consecutive) annual review indicates that the tenured faculty member is continuing to not meet expectations and is not meeting benchmarks set in the professional development plan, a second comprehensive peer review will occur. The procedures for this peer review will be the same as those outlined in 405.12.2 (2).

12.3 Professional Development Plan

(1) As noted above, the department head or supervisor may will, as a consequence of the annual review finding that the faculty member is not meeting expectations process, initiate the negotiation of a professional development plan to help the tenured faculty member more fully meet role

Comment [RG6]: Provides additional detail about the work of the comprehensive peer review committee, in order to facilitate consistency across campus.

or updated
Comment - there is a confused process as to what happens if a PDP is created in first year. It implies a need for a second different PDP in year 2.
In addition, that year's annual review by the department head will be considered null and be replaced by the college peer review committee's written assessment.

Comment - This abbreviates the timelines, thus punishing a faculty member who elects to use the college committee in the first year.

Comment [RG7]: Minor changes to reference college peer review committee as arbiter of disagreement between department head and faculty member.

expectations. The plan shall respect academic freedom and professional self-direction, and shall permit subsequent alteration. The professional development plan shall be mutually agreed to and signed by the faculty member and the department head or supervisor and approved by the academic dean or vice president for extension and agriculture, and, where appropriate, the chancellor or regional campus dean. If agreement cannot be reached the appropriate college peer review committee will be, individual department, college, and/or University appeal or hearing procedures should be used to resolve disagreements before transmitting revised role statements to promotion advisory committee and tenure committees. Such appeal and hearing procedures can, upon request, include a review of the professional development plan by the Review Committee described in policy 405.12.2.

(2) The professional development plan should include elements which: (1) identify the faculty member's specific strengths and weaknesses (if any) and relate these to the allocation of effort assigned in the role statement; (2) define specific goals or outcomes needed to remedy the identified performance deficiencies; (3) outline the activities that are necessary to achieve the needed outcomes; (4) set appropriate time lines for implementing and monitoring the activities and achieving the outcomes; (5) indicate appropriate criteria for progress reviews and the evaluation of outcomes; and (6) identify any institutional commitments in the plan.

(3) The faculty member shall meet with the department head or supervisor, at times indicated as appropriate in the professional development plan, to monitor progress toward accomplishment of the goals or outcomes included in the plan. The department head or supervisor shall, at the conclusion of the professional development plan, At the next scheduled annual evaluation, the department head or supervisor will evaluate the fulfillment of the goals or outcomes described in the plan, in terms of the criteria established by the plan. The department head or supervisor shall meet with the faculty member to review this analysis and subsequently, the department head or supervisor shall provide a written report of this review to the faculty member and shall also forward a copy to the academic dean or vice president for extension, and, where appropriate, the chancellor or regional campus dean. For meetings held between either the department head or supervisor and the faculty member to discuss the report, the faculty member or department head or supervisor may request the presence of an ombudsperson in accordance with policy 405.6.5.

At the request of the faculty member, department head, or supervisor, this report may be reviewed by the committee for tenured faculty, who shall conduct an in-depth evaluation as described in 405.12.2, including an analysis of the fulfillment of the goals or outcomes, or any other features included in the professional development plan. In this event, this in-depth review shall constitute the quinquennial review and another review need not be scheduled for five years. Upon completion of its review, the committee shall submit a written report to the department head or supervisor. A copy of the committee's report shall be sent to the faculty member, to the chancellor or campus dean and to the academic dean or vice president for extension.

Comment [RG8]: Deleted because the peer review committee will review the progress on the PDP automatically if a second annual review indicates the faculty member is not meeting expectations.

12.4 College Comprehensive Peer Review Committee

Comprehensive peer review committees consisting of five standing members and three alternates, all of whom are full Professors, shall be formed by every college, Libraries, and Extension. Standing committee members will include four individuals elected by the college faculty and one individual appointed by the college dean. Alternates will include two elected individuals and one individual appointed by the dean. While only full Professors can serve on the peer review committee, nominations for the elected positions will be sought from all tenured and tenure-eligible faculty members within the college. All tenured and tenure-eligible faculty members will vote for the appropriate number of candidates to ensure there are four elected standing members and two elected

Comment [RG9]: A whole new section on the structure and function of the college peer review committee.

alternate members. With the exception of Libraries and Extension, no more than two members can be from any one department. Department heads, deans, associate deans, and others with central administration appointments are not eligible to serve on these committees. If a committee member takes on such an administrative position during his/her period of committee service, he/she will be replaced.

Each comprehensive peer review committee member will serve a three-year term. However, terms will be staggered to ensure some continuity and to avoid, if possible, no more than half of the members being replaced in any given year. Vacancies will be filled through college elections for the four elected members and two elected alternates and dean appointment for the one appointed member and one appointed alternate. Each year the committee will elect an individual from within the committee who will serve as the committee chairperson for that year.

When a tenured faculty member undergoes a comprehensive peer review, the faculty member and/or department head or supervisor may each request that one committee member recuse him/herself and be replaced by an alternate member. Supervisors of faculty members under review must recuse themselves from the discussion of that particular faculty member. Such requests should be made only when there is a clear conflict of interest (e.g., faculty member or department head has a close personal or professional relationship with a committee member). The alternate selected will be an elected alternate if an elected standing member is replaced and the appointed alternate if the dean-appointed member is replaced.

12.45 Academic Due Process

Evaluations, conducted pursuant to Policy 407 ~~this policy~~, may reveal continuing and persistent problems with a faculty member's performance that call into question the faculty member's ability to function in his or her position. If such problems have not been rectified by efforts at improvement over a reasonable period of time as prescribed in a professional development plan, the outcomes of which have been judged (405.12.3.(3)) by ~~the~~ comprehensive college peer review committees (405.12.2), then other nonpunitive measures or sanctions may be considered ~~as should be considered~~ in lieu of a sanction as per policy 407-1.1. The standard for sanction (policy 407.2) remains that of adequate cause, namely conduct contrary to the standards set forth in policy 403. Successive negative reviews do not in any way diminish the obligations of the university to show such adequate cause pursuant to policy 407-4.

Comment [RG10]: Edits to increase clarity and eliminate redundancy.

comment - The timelines and dates for remedial actions are not provided. Annual reviews and comprehensive reviews may end up overlapping each other. To protect faculty from arbitrary implementation, deadlines for review processes, development of professional plans, and implementation need to be specified

at least two