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## USU Faculty Senate Minutes, April 27, 2015

Utah State University

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**USU FACULTY SENATE  
MINUTES  
April 27, 2015  
Merrill-Cazier Library, Room 154**

**Call to Order**

Doug Jackson-Smith called the meeting to order at 3:00 pm. The minutes of April 6, were adopted.

**Announcements – Doug Jackson-Smith**

**Roll Call.** Members are reminded to sign the role sheet at each meeting and that absences need to be excused by letting the Executive Secretary know in advance.

**Senate Elections – President-Elect & Committee on Committees.** Voting for President Elect was done by email ballot, Lindsey Shirley was elected. Nominations for Committee on Committees position were opened. Sheri Haderlie nominated David Brown. There were no other nominations, David was elected by acclamation.

**University Business – President Stan Albrecht, Noelle Cockett**

President Albrecht was not in attendance at this meeting. Provost Cockett and the President are continuing to meet with all colleges on campus sharing the outcomes of the legislative session affecting the university. They are also working with James Morales on enrollment projections for next year. It is anticipated that the new freshman enrollment will increase by 750 students next year. The administration is working to provide one time and ongoing funds to the departments most impacted. The Provost also thanked all outgoing Faculty Senate members for their service and welcomed in all the new senators who begin terms next year.

**Information Items**

**Return of Code change 407.6.4(1) – Doug Jackson-Smith.** This code change was sent back to the Executive committee because it requires the President to state the reason for non-renewal and legal counsel thought that would compromise his position as final arbiter in any future grievance process. The suggestion was made that the reason for non-renewal could be stipulated earlier in the process by a party other than the President. FS leadership will work with AFT and the Provost to identify an appropriate change to code to accomplish the same objective without compromising the role of the University President. Expect to see a revised code change proposal in the fall.

**Faculty role in grade change process – Doug Jackson-Smith.** Apparently there have been some instances where grades have been changed (or 'adjusted') without the faculty member's knowledge. FS leadership is working this summer to get more information about these instances and the university's policies and procedures that are used to adjust grades. A key focus is to ensure that faculty have a voice and roll in any grading decisions. Due to the time constraints of this meeting with the PTR business at hand, this is an issue that will be discussed in the future.

## Reports

**Committee on Committees Report – Sheri Haderlie.** This three member committee met in September and filled all open positions for Faculty Senate committees and the other committees. They met again in February and March to fill the open senate positions for the upcoming year; college memberships on the various committees were filled as well. The College of Science still needs an alternate senator.

**Calendar Committee – Andi McCabe.** The calendar committee has finalized the calendar for Summer and Fall 2018 and Spring 2019. They have also completed the employee holiday calendar for the 2018-2019 academic year. They revised for the timing of Fall Break in Fall 2016 and 2017 to coincide with UEA. They have approved the new bell schedule for summer 2015 sessions (see agenda packet for details). The Common Hour was eliminated from the calendar as of Fall 2015. Next year they will review the timing of spring break. Traditionally it is held 8 weeks into the semester, 7 weeks before finals. This schedule coincides with other Mountain West Conference Schools. They will be exploring options to time it more closely to the area school districts in the future if at all possible.

**EPC Items for April – Larry Smith.** Larry graciously thanked the members of EPC and its subcommittees for their time and service and very briefly highlighted the report found in your meeting packet.

A motion to accept the three reports was made and seconded. The motion passed unanimously.

## Unfinished Business

**402.9 Code Change: Scheduling of Faculty Forum (Second Reading) – Stephen Bialkowski.** A motion to accept the code change was made and seconded. The motion passed unanimously.

**405.12.2 (1-3) Code Changes: PTR (Second Reading) – Doug Jackson-Smith.**

Doug provided a brief overview of where we are in the process of considering code changes related to post tenure review (PTR). He compared the status quo process for PTR and annual reviews with the proposed alternative process that was submitted to PRPC by Faculty Senate in January. He noted that today will be a second reading of the formal amended code proposal that was generated by PRPC and discussed by FS at our last meeting (on April 6<sup>th</sup>).

Several formal edits to that draft were made by faculty senate during our April 6<sup>th</sup> meeting, but there were a set of other potential edits and clarifications that were in our agenda packet, shown during the meeting, but not voted on by faculty senate at that time. Today we are planning to have an up or down meeting on a version of this amended PTR code change proposal. It requires a two-thirds majority to pass. A key issue is to clarify the policies and procedures used to change Section 400 of code, and there has been some discussion in faculty senate and the faculty senate Executive Committee about when and how amendments are made to code change proposals that originate in PRPC.

As background, Doug shared the text of some key sections of Section 202.2 of the USU policies manual that outline the process of the code changes (emphasis in underline added):

*202.2.2 (2) Proposed amendments originated by PRPC.  
As one of its two principal functions, the PRPC will monitor the language of the policies for congruence of policy language with actual University practices, internal consistency of policy language, and clarity of the meaning of policy language. Where actual practice and the policies differ, the PRPC shall seek resolution either in changed practice, proposed amendments to the policies, or both. The PRPC shall also propose amendments to the policies to increase their clarity and internal consistency. Amendments to the policies proposed by the PRPC shall be presented in writing to the Senate initially as information items. Revision of the policies will be undertaken by the PRPC only under the formal instruction of the Senate.*

### 202.2.3 Publication of Proposed Amendments

The language of any proposed amendments to the policies shall be published in the minutes of the Senate meeting in which they are brought forward by the PRPC as information items.

### 202.2.4(1) Ratification of Proposed Amendments

*(1) Ratification by the Senate. Approval of a proposed amendment to these policies shall be by a two-thirds majority of a quorum of faculty senators at any regularly scheduled meeting of the Senate where the proposed amendment is on the agenda as an action item, provided that the proposed amendment has been presented for information at a previous regularly scheduled meeting of the Senate, and provided further that the proposed amendment remains unchanged except for editorial clarifications. Changes in the proposed amendment approved by a simple majority of the Senate during its meeting will result in the postponement of action on the proposed amendment, the re-initiation of the publication process (202.2.3), and the rescheduling of action on the proposed amendment for the following regularly scheduled meeting of the Senate.*

The issue is what rises to the level of editorial clarification and what rises to the level of substantive enough change to have the proposal sent back to reinitiate the publication process and rescheduling of faculty senate action.

In the last meeting of the FSEC, we reviewed the code and unanimously decided that it was legitimate to consider the remaining items as editorial clarifications on the second reading. These items were presented to the senate at the previous meeting in the agenda packet and on the floor.

To gauge whether any faculty senators disagreed with this interpretation, Doug ruled that five of the six remaining amendments in the agenda packet were editorial clarifications in nature, but encouraged anyone with concerns to overrule that decision. No motion was made.

A motion to approve the code change proposal as edited in our last faculty senate meeting on April 6<sup>th</sup> was made and seconded.

Discussion followed with consideration of five amendments that clarified specific areas of the proposal where faculty senators or committees had expressed concerns earlier this spring. There was discussion on each item and the results are summarized here with the material from the slides and the motions and outcomes of the votes. (See pages 5 – 8 of these minutes for an approved clean copy of each item's approved wording.)

#1. Clarify that the list of materials that will be provided to PRC is 'the minimum' not the only things that could be requested. At beginning of second sentence on line 172, revise the start with "The documentation provided to the PRC shall at a minimum contain: the department head or supervisor's negative annual evaluation letter..." Robert Schmidt moved to accept amendment #1. A second was received and the motion passed unanimously.

#2. Clarify timing and content of warning letter (lines 140-149) – underlines reflect changes made to amendment during the senate meeting.

- Line 145 - add the word 'initially' in the following sentence: "indicate this concern with regards to post-tenure performance initially by providing a formal written warning..."
- Insert new sentence next: "To serve as the formal written warning, this letter must state: "the department is concerned that, if performance does not improve, the department is likely to request the formation of a Peer Review Committee (PRC) to conduct a review of post-tenure performance as outlined below."
- Begin next sentence: "If in the next annual review after issuing a formal written warning, the department again..."

A motion to approve amendment #2 with a slight modification to replace “clearly indicate” with “must state”. A second was received and the amendment passed unanimously.

Jake Gunther expressed concern about the warning letter timing. Specifically, the phrase “If no less than one year after issuing a formal written warning the department again determines...” makes it ambiguous whether a department could call for a PRC repeatedly after just one warning letter. He made a motion to strike the phrase from line 146 and replace it with the phrase “If in the next annual review after issuing a formal written warning, the department again determines...” Robert Schmidt seconded the motion. Voting on the motion passed unanimously.

#3. Clarify what happens when PRC determines the faculty member IS meeting the PTR standard (line 196)

- Replace “no further action is required.” with “a written summary of the reasons for their decision shall be provided to the faculty member, department head, and appropriate academic dean, vice-president for extension, regional campus dean, or chancellor, and no further action is required.”

A motion was made and seconded to approve amendment #3. The motion passed unanimously.

#4. Make small changes in “voluntarily convened PRC” section (lines 151-154)

- Line 153 – add new second sentence: “The PRC will meet and review materials related to the 5-year performance of the faculty member.”
- Line 153 – replace ‘decision’ with ‘role’ as in: “The PRC role in this case is only to provide post-tenure performance feedback.”
- Line 154 – continue last sentence by adding a new clause “in writing to the faculty member requesting the review.”

A motion was made and seconded to approve amendment #4 (Make small changes in voluntarily convened PRC”). The motion passed unanimously.

#5. Make a small change in PRC membership paragraph Line 162 – add:

- “Department heads and supervisors of the faculty member being reviewed, and any other faculty members formally involved in the departmental annual review decision that triggered the review, shall not serve on the PRC without the faculty members consent...”

A motion was made and seconded to approve amendment #5. After some discussion a friendly amendment to the amendment was accepted adding “without the faculty consent” to the end of the phrase. A motion to approve the amendment (as amended) was approved unanimously.

Discussion returned to the main motion. Doug called for an up or down vote on the PTR code change proposal. The vote on the package of code changes (as amended above and as previously amended) was 42 in the affirmative, 1 opposed, and 1 abstaining. The motion passed. A copy of the clean amended code change proposal that was approved is included at the end of these minutes.

**405.6.5 Code Change: Remove Term Quinquennial (First Reading) - Stephen Bialkowski.** There was no discussion on this item and since it was a first reading no vote was required. It will appear as an action item for a second reading and vote at our first meeting in the fall.

**Mutual Agreement Code – Doug Jackson Smith.** This proposal changes the verbiage “in consultation with” to “mutual agreement” regarding the formation of the Promotion and Tenure Committees including Promotion Advisory Committees for Term Faculty. This proposal was the result of faculty complaints around committee formation when faculty were told by department heads who their committee was with no consultation at all. The intent is to send this item to PRPC. Ronda Callister made a motion to send this proposal to PRPC and Yanghee Kim seconded the motion. There was a friendly amendment stating: “if no CFAC then department/college appeals process shall be used”. The motion passed unanimously.

### **New Business**

**Resolution on Gender-Neutral Bathrooms – Doug Jackson-Smith.** Charles Waugh moved to support the resolution to provide gender neutral bathrooms in future construction projects. A second was received. A motion to table the issue was made and seconded. The motion did not pass. Voting in support of the motion to support the resolution was unanimous.

**Concluding Remarks, Passing of the Gavel – Doug Jackson Smith.** Doug presented a gift to outgoing Past-President Yanghee Kim, and passed the gavel to Ronda Callister, incoming Senate President. Ronda thanked Doug for his service and presented him with a gift. Ronda opened the time for the College Caucus, all others are excused.

**College Caucus to Elect FSEC Members.** Two year terms are standard. Senators must have served one year in the Senate to be eligible. Colleges needing an FSEC member are:

- a. Business
- b. Education/Human Services
- c. Engineering
- d. Libraries
- e. Regional Campuses, and
- f. USU-Eastern.

### **Adjournment**

The meeting adjourned at 4:30 pm.

APPROVED CLEAN VERSION OF PTR CODE CHANGE PROPOSAL  
(includes amendments made by faculty senate on 4/6/15 and 4/27/15)

Approved by Faculty Senate on 4/27/15 on a vote of 42 in favor, 1 opposed, 1 abstaining.

## **405.12 REVIEW OF FACULTY**

There are is one additional review of faculty performance other than those used for tenure-eligible faculty and for promotion. This annual review shall be used for evaluation of faculty for salary adjustments, for term appointment renewal, and for post-tenure review of tenured faculty.

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 students and to society. With tenure comes professional responsibility, the obligation conscientiously and competently to devote one's energies and skills to the teaching, research, extension, and service missions of the university. A central dimension of academic freedom is the exercise of professional judgment in such matters. The intent of post-tenure review 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 recognition to those faculty 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.

### **12.1 Annual Review of Faculty**

Each department shall establish procedures by which all faculty shall be reviewed annually. This evaluation shall review the work of each faculty member in a manner and frequency consistent with accreditation standards. In the case of tenured faculty, this evaluation shall encompass a multi-year window of performance that covers a five-year span. Such reviews shall, at a minimum, incorporate an analysis of the fulfillment of the role statement. 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, where appropriate, chancellor or regional campus dean. The annual evaluation and recommendation letter by the department head or supervisor developed for tenure-eligible faculty as part of the promotion and tenure process (405.7.1 (3)) may not serve as a substitute for this annual review letter. For faculty with term appointments, the annual review letter shall also include a recommendation regarding renewal of the term appointment.

## 12.2 Post-Tenure Review of Tenured Faculty

Beginning the year after a faculty member's tenure or post-tenure decision, the annual review process (405.12.1) shall also provide formal assessment on the post-tenure performance of tenured faculty. The review will be discipline and role specific, as appropriate to evaluate post-tenure performance. The basic standard for post-tenure review 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. 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.

To fulfill this requirement, and beginning no earlier than 5 years after a faculty member is promoted or awarded tenure, the department head or supervisor will be required in writing to indicate as part of the annual review letter whether or not the faculty member is meeting the formal standard for post-tenure review outlined above. If a department is concerned that a faculty member is not meeting the post-tenure review standards, the department head or supervisor must indicate this concern with regards to post-tenure performance initially by providing a formal written warning to the faculty member. To serve as the formal written warning, this letter must state: "The department is concerned that, if performance does not improve, the department is likely to request the formation of a Peer Review Committee (PRC) to conduct a review of post-tenure performance" as outlined below. If in the next annual review after issuing a formal written warning the department again determines that the faculty member is not meeting the post-tenure review standard, the department head or supervisor must formally request in writing that a Peer Review Committee (PRC) be formed to provide an independent evaluation of whether the faculty member has met the post-tenure review standard.

A tenured faculty member may optionally request the formation of a PRC to provide feedback on post-tenure performance, but such a request may not be made more than once every five years nor earlier than five years after being promoted in rank or granted tenure. The PRC will meet and review materials related to the 5-year performance of the faculty member. The PRC role in this case is only to provide post-tenure performance feedback in writing to the faculty member requesting the review.

The PRC shall consist of at least three tenured faculty members who hold rank equal to or greater than the faculty member being reviewed, and shall be formed by mutual agreement of the department head or supervisor, and the faculty member being reviewed. The PRC must include at least one member from outside the academic unit of the faculty member being reviewed. If there are fewer than two faculty members in the academic unit with equal to or higher rank than the candidate, the committee members may be selected from faculty of related academic units. Department heads and supervisors of the faculty member being reviewed, and any other faculty members formally involved in the departmental annual review decision that triggered the review, shall not serve on the PRC without the faculty members consent, and no committee member may be a department head or supervisor of any other member of the PRC. An administrator may only be appointed to the PRC with the approval of the faculty member under consideration.

If mutual agreement about membership for the PRC cannot be reached within 2 weeks, the college faculty appeals committee (CFAC) will be asked to form the PRC. If a CFAC does not exist, individual department, college, and/or University appeal or hearing procedures should be used to resolve disagreements.

To carry out its review, the PRC shall be provided with a copy of the documentation used by the department to evaluate the five-year performance of the faculty member in question. The documentation provided to the PRC shall at a minimum contain: the department head or supervisor's negative annual evaluation letter of the faculty member (405.12.1) and the warning letter that led to the forming of the PRC; the previous five annual written evaluations; the faculty member's current role statement and curriculum vitae; other professional materials deemed necessary by the faculty member; and any professional development plan in place. The PRC may also receive a written statement from the department head or supervisor citing the reasons for determining that the faculty member is not meeting the post-tenure review standard, as well as a written statement from the faculty member under post-tenure review, outlining his or her response to the department head or supervisor's negative post-tenure evaluation. These materials should be provided to the PRC within 3 weeks of the appointment of the committee. Within 4 weeks after receiving these materials, the PRC shall meet to discuss their evaluation of the faculty member's post-tenure performance. At this meeting, the faculty member should be allowed to make oral presentations to the committee. For any meeting held between the faculty member, the department head or supervisor, and/or the PRC for the purposes of post-tenure performance review an ombudsperson may be requested by the faculty member, the department head or supervisor, and/or the PRC in accordance with policy 405.6.5.

Upon completion of its review, the PRC shall submit its written findings outlining the PRC's decision and rationale for determining whether the faculty member in question is, or is not, discharging conscientiously and with professional competence the duties appropriately associated with his or her position, as specified in the role statement. This written report shall be provided to the faculty member in question, and to the department head or supervisor who shall forward a copy to the academic dean or vice president for extension, and, where appropriate, chancellor or regional campus dean. If the PRC determines that the faculty member is meeting the standard for post-tenure performance, a written summary of the reasons for their decision shall be provided to the faculty member, department head, and appropriate academic dean, vice-president for extension, regional campus dean, or chancellor, and no further action shall be required. If the PRC agrees with the recommendation of the department that the faculty member in question is not meeting the standard for post-tenure performance, a professional development plan shall be initiated as outlined in policy 405.12.3.

If a PRC is formed at the request of a faculty member, and not because of a formal negative departmental evaluation, it shall be formed according to procedures outlined above.

### **12.3 Professional Development Plan**

(1) A determination by a Peer Review Committee (PRC) that a faculty member is not discharging conscientiously and with professional competence the duties appropriately associated with his or her position as specified in their role statement shall lead to the negotiation of a professional development plan to help the tenured faculty member more fully meet role 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, where appropriate, the chancellor or regional campus dean. At the request of the faculty member, department head or supervisor, the professional development plan may be reviewed by the PRC, who shall conduct an in-depth evaluation, as described in policy 405.12.2, including an analysis of the of the goals or outcomes, or any other features of the professional development plan. Upon completion of its review, the PRC shall submit its written findings outlining the PRC's decision and rationale for determining whether the professional development plan is appropriate. This written report shall be provided to the faculty member in question, and to the department head or supervisor who shall forward a copy to the academic dean or vice president for extension, and, where appropriate, chancellor or regional campus dean.

(2) The professional development plan should include elements which: (i) identify the faculty member's specific strengths and weaknesses (if any), and relate these to the allocation of effort assigned in the role statement; (ii) define specific goals or outcomes needed to remedy the identified deficiencies; (iii) outline the activities that are necessary to achieve the needed outcomes; (iv) set appropriate time lines for implementing and monitoring the activities and achieving the outcomes; (v) indicate appropriate criteria for progress reviews and the evaluation of outcomes; and (vi) 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, 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. A copy of this written report shall also be forwarded to the PRC members, 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 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 PRC, 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. Upon completion of its review, the PRC shall submit a written report of its findings to the faculty member, to the chancellor or campus dean, and to the academic dean or vice president for extension.