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## Faculty Senate Agenda, April 1, 2013

Utah State University

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**FACULTY SENATE MEETING**

April 1, 2013  
Merrill-Cazier Library, Room 154

**Agenda**

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- 3:00 Call to Order**.....Renee Galliher  
Approval of Minutes March 4, 2013
- 3:05 Announcements**.....Renee Galliher
  - Roll Call, be sure to sign the roll
  - Broadcast audio issues require everyone to speak loudly when participating
- 3:10 University Business**.....Stan Albrecht, President  
Raymond Coward, Provost
- 3:30 Information Item**
  - 1. Faculty & Staff Work Environment and Quality Survey .....Nicole Vouvalis
- 3:35 Consent Agenda**.....Renee Galliher
  - 1. PRPC Annual Report - Terry Peak
  - 2. Honorary Degrees and Awards Committee Report - Sydney Peterson
  - 3. EPC Items for March - Larry Smith
- 3:40 Action Items**
  - 1. PRPC 402 dealing w/elimination of the Graduate Student Senate  
(Second Reading).....Terry Peak
- 3:45 New Business**
  - 1. Discussion of Post Tenure Review Task Force Outcomes.....Renee Galliher
  - 2. Nominations/Election of Faculty Senate President-Elect.....Cathy Bullock
- 4:30 Adjournment**



**USU FACULTY SENATE  
MINUTES  
MARCH 4, 2013  
Merrill-Cazier Library, Room 154**

Renee Galliher called the meeting to order at 3:00 pm.

**Approval of Minutes**

A motion to approve the minutes of February 4, 2013 was made by Jennifer Duncan and seconded by Jordan Hunt. The motion passed unanimously.

**Announcements – Renee Galliher**

**Roll Call.** Members are reminded to sign the role sheet at each meeting.

**Broadcast Audio Issues.** To ensure that our colleagues at distance sites are able to hear the discussions during Senate meetings, please speak loudly when participating.

**University Business – President Stan Albrecht, Raymond Coward**

There was no University Business presented as both the President and Provost were out of town on University matters.

**Information Items**

**LibQual Survey – Jennifer Duncan.** The library will soon be conducting the LibQual Survey and all faculty on campus will be asked to participate. This is an important part of the library's accreditation process and they are asking that Senators communicate with faculty in their colleges to stimulate participation to achieve a viable response rate.

**Consent Agenda Items – Renee Galliher**

**Education Policies Committee Annual Report - Larry Smith  
Budget and Faculty Welfare Committee Annual Report – Carol Kochran.  
Academic Freedom and Tenure Committee Annual Report – Bryce  
Research Council Report – Mark McLellan**

A question was asked of Mark McLellan about the electronic signature process. Since the end of the period covered by the Research Council's report, they have been working with an electronic signature application and are currently testing it.

A question was asked of Carol if the BFW committee will be revisiting the extra service compensation issue. BFW has been working on several other key issues, but hope to return to the extra service compensation issue before the end of the academic year.

A motion to approve the consent agenda was made by Glenn McEvoy and seconded by Doug Jackson-Smith. The motion passed unanimously.

**Action Items**

**PRPC 402.12.6 & 7, Elimination of the Graduate Student Senate (first reading) – Terry Peak.** References to the Graduate Student Senate (GSS) were removed from this section of code and replace with "one elected graduate student representative". This terminology should cover any future changes to the structure of ASUSU.

A motion to approve the first reading was made by Doug Jackson-Smith and seconded by Jordan Hunt. The motion passed unanimously.

**Adjournment**

Before adjournment, Renee Galliher announced to the senate that for the two meetings in April it is expected that there will be discussion on the outcomes of the Post Tenure Review Taskforce and asked that senators review section 405.12 of the code to prepare for the discussion.

Motion to adjourn was made at 3:23 by Mark McLellan and seconded by Jordan Hunt. The meeting adjourned.

## Professional Responsibilities and Procedures Committee (PRPC) Report 2012-13

*The Professional Responsibilities and Procedures Committee shall advise the Faculty Senate regarding composition, interpretation, and revision of Section 400 in University Policies and Procedures. Recommended revisions shall be submitted to the Senate for its consideration.*

### Committee Members:

Heidi Wengreen (Agriculture)  
Chris Gauthier (Arts)  
Randy Simmons (Business)  
Susan Turner (Education & Human Services)  
Richard Peralta (Engineering)  
Ian Anderson (Science)  
John Elswailer (Libraries)  
Jerry Goodspeed (Extension)  
Karen Woolstenhulme (RCDE)  
Elaine Youngberg (Eastern)  
Nancy Mesner (Natural Resources)  
Jeanette Norton (Senate)  
Stephen Bialkowski (Senate)  
Cathy Bullock (Senate)  
Terry Peak (Chair, CHaSS)

### PRPC Meetings 2011-12

There was an additional PRPC meeting held in March 2012 after last year's report was submitted.

- The PRPC committee met March 27, 2012, in Library 249 at 1:30 P.M. The committee discussed several options to revise the existing wording in the Faculty Code that pertains to external letters, 405.7.2(1). Below is the language that the committee approved.

**Each external reviewer should be asked to state the nature of his or her acquaintance with the candidate and to evaluate the performance, record, accomplishments, recognition and standing of the candidate in the major area of emphasis in his or her role statement. If the candidate, department head, and tenure<sup>1</sup> advisory committee all agree, external reviewers may be asked to evaluate the secondary area of emphasis in the role statement as well.**

[1] This word would be changed to "promotion" in 405.8.3(1)

In addition, there was committee discussion of the utility of external review letters for non-tenure or tenure-track ranks.

## PRPC Meetings 2012-13

- Wednesday, September 12, 2012 in Lib 249 (Karen and Elaine participate by speakerphone) to discuss HR-generated issues in 407 pertaining to medical incapacity and USU compliance with federal regulations. PRPC committee appoints a subcommittee (Jeanette Norton, Cathy Bullock, Heidi Wengreen, Stephen Bialowski) who meet with BrandE to clarify what needs to be done.
- PRPC met again Friday, November 2, 2012 in Main 224 (Karen and Elaine participate via IV-C) to hear report from 407 subcommittee. BrandE had several additional suggestions beyond those absolutely necessary to be in compliance with federal regulations but the committee (and FSEC) thought it best to delay those additional considerations for the 407 task force.

The HR-generated corrections appear in 407.1 and 1.1:

### 407.1 Introduction

This section of the policy manual describes allowable sanctions that may be imposed on a faculty member and specifies procedures for the imposition of a sanction, ~~for establishing medical incapacity~~, and for conducting a grievance hearing.

### 1.1 Non-punitive measures.

Non-punitive measures such as ~~guidance, counseling~~, therapy, leave of absence, voluntary resignation, or early retirement should be considered and taken in lieu of a sanction when: (1) it is available; (2) it will provide reasonable assurance that the faculty member will not repeat his/her violation of professional responsibility; (3) substantial institutional interests are not undermined; and (4) the faculty member consents thereto. **The faculty member should consult with the Americans with Disabilities Act (ADA) Coordinator within the Office of Human Resources (HR) if performance issues are medically related.**

In 407, in the paragraph on Termination, the words **for medical reasons** were deleted.

And, the entire section, 407.5, Medical Incapacity, was deleted.

### New PRPC task assignment.

FSEC asked PRPC to address several minor issues in 402.12 about the procedures for filling positions in university standing committees and in 405.8.2 about the presence of ombudspersons at promotion meetings..

- PRPC scheduled a meeting via email (Nov. 27, 28) to discuss 402 as well as 405.8.2. In each place in 402 where it fit, the phrase Regional Campuses and Distance Education was added. For 405.8.2, the phrase **Ombudspersons may participate in person or by electronic conferencing** was added to the relevant sections of 405.

At one of the FS meetings where the 402 changes were read and discussed, a faculty senator mentioned that GSS was no longer functioning, which generated another minor change in the language in 402 pertaining to graduate student committee participation.

- The next PRPC meeting on Feb. 5, 2013 was also via email, about 402.12.6/7 about elected graduate student representative participating on standing committees. The phrase: one ~~student officer from the GSS~~ elected graduate student representative was added, and the sentence about terms of office for student officers now reads: **The term of office for student members shall be one year.**

This brings us up to the present. PRPC expects to be assigned something about PTR and possibly financial exigency but that has not yet occurred.

Respectfully submitted,  
Terry Peak, Chair

## **Report from the Educational Policies Committee March 7, 2013**

The Educational Policies Committee met on March 7, 2013. The agenda and minutes of the meeting are posted on the Educational Policies Committee web page<sup>1</sup> and are available for review by the members of the Faculty Senate and other interested parties.

During the March 7 meeting of the Educational Policies Committee, the following discussions were held and key actions were taken.

1. Approval of the report from the Curriculum Subcommittee meeting of March 7, 2013 which included the following notable actions:
  - The Curriculum Subcommittee approved 46 requests for course actions.
  - A motion to approve a request from the Department of Sociology, Social Work and Anthropology to amend the number of credits required for completion of the PhD in Sociology was approved.
  - A motion to approve a request from the Department of Engineering Education to reduce the number of credits required for the post-MS doctoral degree was approved.
  - A motion to approve a request from the Department of Management Information Systems to discontinue the MS in Management Information Systems and create a Master of Management Information Systems was approved.
  - A motion to approve a request from the Department of Instructional Technology and Learning Sciences to discontinue the Plan C in the MS in Instructional Technology and Learning Sciences and create a Master of Learning Technologies and Instructional Design was approved.
  - A motion to approve a request from the Department of Nutrition, Dietetics, and Food Science to offer a Graduate Certificate for completion of the existing Dietetic Internship was approved.
  
2. Approval of the report from the Academics Standards Subcommittee meeting of February 28, 2013 which included the following notable actions:
  - **Prohibiting a Second Bachelor's in Interdisciplinary Studies and General Studies.** A motion to prohibit a second bachelor's degree in interdisciplinary studies or general studies was approved. These are rare situations that do not provide an advantage to the student.

1. <http://www.usu.edu/fsenate/epc/archives/index.html>

3. Approval of the report from the General Education Subcommittee meeting of February 19, 2012. Of note:

- The following General Education courses and syllabi were approved:

ENVS 1350 (BLS)

MSL 4010 (CI)

USU 1300 (Sara Friedel)

4. Other Business

- A motion to approve a request from Utah State University to change the name of the College of Agriculture to the College of Agriculture and Applied Sciences was approved.



## POLICY MANUAL

### FACULTY

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#### Number 402

**Subject: The Faculty Senate and Its Committees**

**Effective Date: July 1, 1997**

**Revision Dates: November 16, 2001, April 29, 2002, January 12, 2007, April 30, 2007, March 6, 2009, August 13, 2010, July 8, 2011**

**Date of Last Revision: January 6, 2012**

#### 402.12 SENATE STANDING COMMITTEES

##### 12.6 Educational Policies Committee (EPC)

###### (1) Duties.

The major function of this committee shall be to serve as the Senate committee on educational policy, including program discontinuance for academic reasons (policy 406.2). In addition to conducting studies and making recommendations as specifically instructed by the Senate, the committee itself may initiate such activities. Routine actions taken under established policy, such as approval for specific course changes, additions, or deletions, shall be submitted to the Senate as information items. All policy recommendations and major actions shall be referred to the Senate for approval or disapproval. Specific duties of the Educational Policies Committee shall include consideration of standards and requirements for university designated honors such as cum laude, magna cum laude, and summa cum laude.

###### (2) Membership.

The Educational Policies Committee consists of the executive vice president and provost or designee; one faculty representative from each academic college, Regional Campuses and Distance Education, USU-CEU, Extension, and the Library; one faculty representative from the Graduate Council; the chairs of the EPC Curriculum Subcommittee, General Education Subcommittee, Academic Standards Subcommittee, two student officers from the elected ASUSU student government and one ~~student officer from the GSS~~ [elected graduate student](#)

**representative.** The faculty representatives are elected to the committee in accordance with policy 402.11.2.

(3) Term of members.

The term of office for faculty members on the Educational Policies Committee shall be in accordance with policy 402.11.2. The term of office for student members shall be one year ~~and shall coincide with the term of ASUSU and GSS officers.~~

(4) Chair.

The executive vice president and provost or his/her designated representative shall serve as chair of the Educational Policies Committee. The Committee will elect a vice chair from its members to serve in the absence of the chair. The chair or his/her designee will report to the Senate on the committee's actions.

(5) Curriculum Subcommittee.

The Curriculum Subcommittee will formulate recommendations on curricular matters, such as course changes, and forward the same to the Educational Policies Committee. This subcommittee shall consist of the chairs of the curriculum committee of each academic college, three faculty members appointed from the elected membership of the Educational Policies Committee, one faculty representative each from Regional Campuses and Distance Education, USU-CEU, Extension, and the Library, and two students, one from the ASUSU and one ~~from the GSS~~ **elected graduate student representative.** The terms of Educational Policies Committee members on the subcommittee will correspond to their terms on the Educational Policies Committee. The term of office for student members shall be one year ~~and shall coincide with the term of ASUSU and GSS officers.~~ The subcommittee shall elect a chair annually, preferably at the last meeting of the academic year.

(6) General Education Subcommittee.

The General Education Subcommittee formulates and reviews policy with respect to general education. The subcommittee shall consist of three faculty members and one student appointed from the Educational Policies Committee. Their terms will correspond to their Educational Policies Committee terms. Additional members may be appointed to the subcommittee for two-year terms by the Educational Policies Committee to lend academic expertise to the areas of emphasis in the general education program of the university. Recommendations developed by the General Education Subcommittee will be submitted to the Educational Policies Committee. The subcommittee shall elect a chair annually, preferably at the last meeting of the academic year.

(7) Academic Standards Subcommittee.

The Academic Standards Subcommittee (a) recommends policy on all matters pertaining to academic evaluation of students, including admission, retention, grade assignment, and

graduation; (b) recommends discipline policy regarding student academic dishonesty; and (c) approves the process for discipline regarding alleged academic violations by students and for grievance hearings in cases of alleged student academic dishonesty. The subcommittee shall consist of four faculty members and one student appointed from the Educational Policies Committee. Their terms will correspond to their Educational Policies Committee terms. Additional members may be appointed to the subcommittee for two-year terms by the Educational Policies Committee to lend expertise.

Recommendations from this subcommittee will be submitted to the Educational Policies Committee. The subcommittee shall elect a chair annually, preferably at the last meeting of the academic year.

### **12.7 Faculty Evaluation Committee (FEC)**

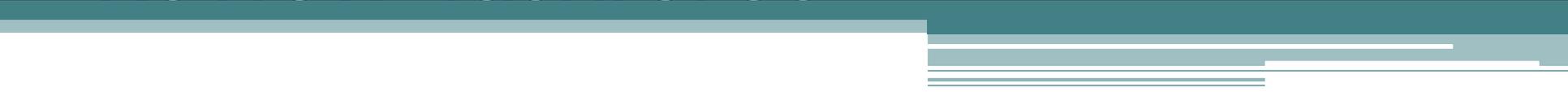
#### **(1) Duties.**

The Faculty Evaluation Committee shall (a) assess methods for evaluating faculty performance; (b) recommend improvements in methods of evaluation; and (c) decide university awards for Professor and Advisor of the Year.

#### **(2) Membership.**

The committee shall consist of one faculty representative from each academic college, Regional Campuses and Distance Education, USU-CEU, Extension, and the Library, two student officers from the ASUSU and one ~~student officer from the GSS~~ elected graduate student representative. The faculty representatives are elected to the committee in accordance with policy 402.11.2. The committee will elect a chair annually, preferably at the last meeting of the academic year.

# Report of the Post Tenure Review Taskforce

A decorative graphic consisting of a solid teal horizontal bar that spans the width of the page. Below this bar, on the right side, are several horizontal lines of varying lengths and colors, including teal and white, creating a layered, stepped effect.

# Taskforce Charge

- **Review post-tenure policy for consistency of implementation and possible revision (Northwest Commission on Colleges and Universities report 2007)**

# Task force Members

- **Co-chairs:**
  - Raymond Coward and Glenn McEvoy (2011-2012)
  - Renee Galliher (2012-2013)
- **Members**
  - Gretchen Peacock, Robert Schmidt, Diane Calloway-Graham, Ralph Whitesides, Richard Jenson

# Taskforce Activities

- **Spring 2012**
  - Review of policy at sister institutions
  - Faculty town hall meetings
  - Meetings with college executive councils
  - Presentation to faculty senate
- **Summer 2012**
  - Drafting proposed code
- **Fall 2013**
  - Continued task force negotiation
  - Dissemination of task force recommendations to AFT and BFW
- **Spring 2013**
  - Collect feedback from AFT and BFW
  - Additional dialogue with department heads and faculty senate

# Guiding Principles of the Taskforce

- **Respect the integrity of tenure as a valued system for protecting academic freedom**
- **Demonstrate to external stake holders that tenured faculty members undergo meaningful and rigorous evaluation, with remediation guideline and consequences for chronic underperformance.**
- **Respond to suggestions and concerns raised by faculty and administrative colleagues regarding strengths and challenges with current PTR.**

# Task force Proposal: Primary Changes

- Provide additional detail and structure to facilitate consistency
- Annual review serves as the basis for PTR
  - Annual review encompasses past 5 years
- Comprehensive peer review is triggered by 2 consecutive negative annual reviews
  - Peer review committee provides counter-balance to administrative review
- Timeline for remediation and consequences for continued underperformance

# Implications for Annual Review

- **Departments will need to negotiate procedures for:**
  - **Rolling annual reviews that assess past 5 years of performance.**
  - **Department heads provide an overall assessment of performance**
    - **Meeting expectations vs. not meeting expectations**

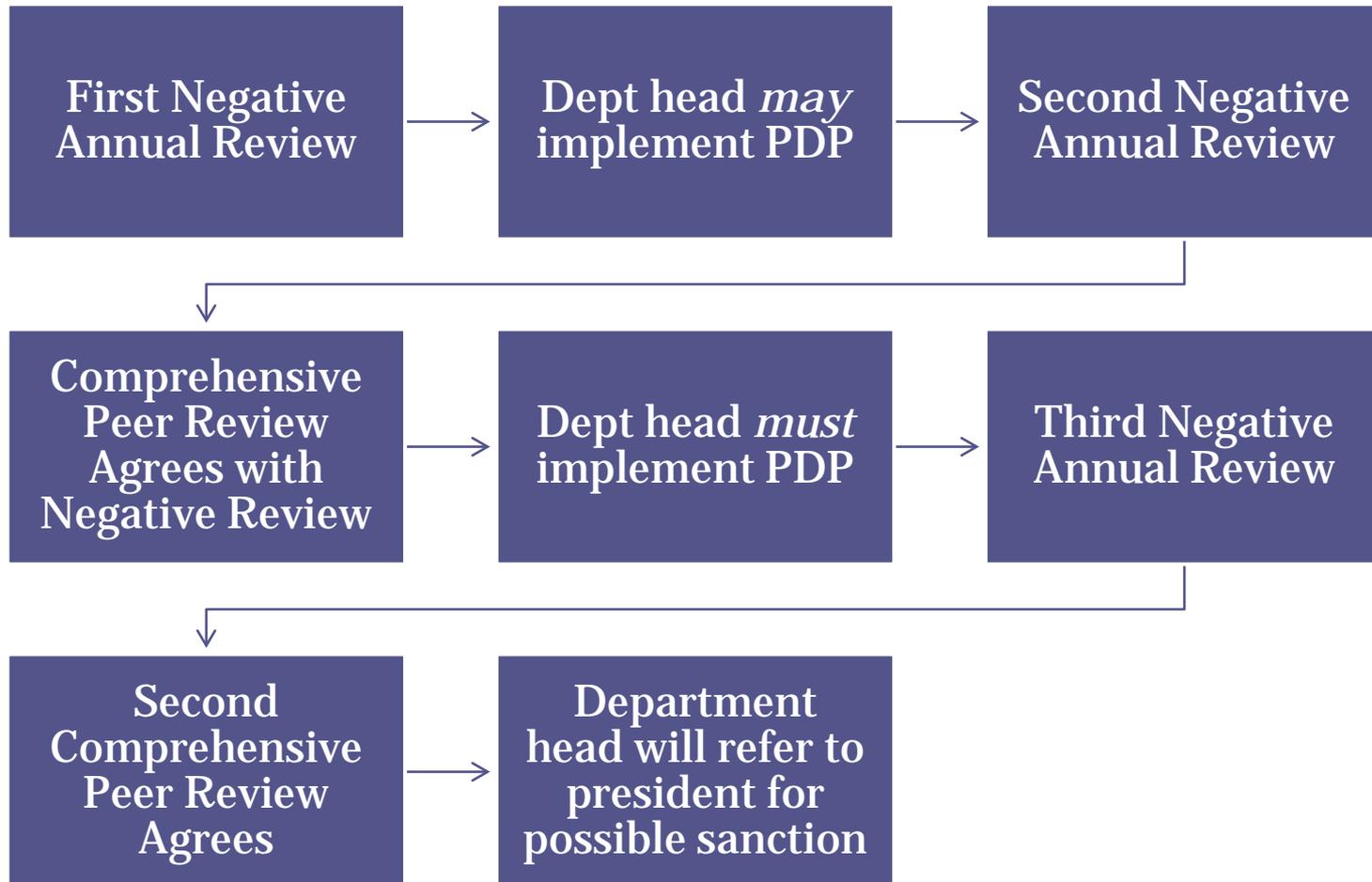
# Remaining Issue #1: Standard of Evaluation (405.12.1)

- Current Code
  - 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.
- Taskforce Proposal
  - Such reviews shall focus on an analysis of the fulfillment of the duties outlined in 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). The basic standard for appraisal shall be whether the faculty member under review fulfills the duties associated with his/her position as specified in his/her role statement. If this standard is met, the faculty member will be considered to be meeting expectations.

# Remaining Issue #2: Implementation of Professional Development Plan

- **Current code:**
  - 12.3(1) The department head or supervisor may, as a consequence of the annual review process, initiate the negotiation of a professional development plan to help the tenured faculty member more fully meet role expectations.....**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.** If agreement cannot be reached, 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.
- **Task force Proposal:**
  - 12.2(1) If a tenured faculty member is deemed to not be fulfilling the duties specified in his/her role statement, a professional development plan may 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 to emphasize area(s) in which the faculty member is fulfilling duties as specified in his/her role statement. In addition, other options, such as phased resignation/retirement, medical leave, unpaid leave of absence, or career counseling may be available to the faculty member upon consultation with the USU Office of Human Resources.
  - 12.3(1) **The professional development plan is written by the department head or supervisor in consultation with the faculty member.** The final plan shall be approved by the academic dean or vice president for extension and agriculture, and, where appropriate, the chancellor or regional campus dean.

# Remaining Issue #3: Timing of remediation and consequences



# Remaining Questions or Additional Issues

**Post-Tenure Review Task Force  
Report and Recommendations to the Faculty Senate  
March 1, 2013**

The enclosed packet of materials is submitted to the Faculty Senate by the Post-Tenure Review Taskforce and contains 1) a report from the task force, summarizing their work over the past year and a half and proposing a revised version of the post-tenure review process outlined in 405.12 2) recommendations, questions, and concerns provided by the Academic Tenure and Freedom and Budget and Faculty Welfare committees of the faculty senate, following their independent reviews of the taskforce report.

**Taskforce Recommendations for “next steps”**

- 1) The task force seeks input from the full senate regarding three primary areas of concern that were consistently identified in the independent reviews of the taskforce report (see below).
- 2) Ideally, a full senate discussion will lead to explicit recommendations that will guide continued revision of the proposed code in accordance with senate specifications.
- 3) PRPC will be charged to draft a new version of proposed code that responds to the full senate discussion and recommendations
- 4) Return to the full senate in fall 2013 for formal vote on any code modification

**Relative Consensus on Areas of Progress:** The following aspects of the taskforce recommendations were relatively consistently viewed by independent reviewers as improvements to the current code, and/or were viewed as most consistent with the problems identified in the data gathering phase of the task force efforts.

- 1) Greater clarity and detail in code so that implementation can be more consistent across departments and colleges.
- 2) Reduction in faculty burden by eliminating the 5-year review for all faculty members
- 3) Peer review as a counterbalance for administrative review when faculty have been identified as underperforming
- 4) College level review committees providing a little more “distance” so that faculty members are not evaluating close colleagues

**Remaining Issues to be Resolved by the Senate:** Three issues were raised most consistently across independent reviewers, requiring additional guidance from the senate. Other issues were more idiosyncratic, and can be addressed at a later point when senate guidance on the primary concerns has been incorporated.

- 1) Clarifying the standards to be used when evaluating the performance of tenured faculty members.

- 2) Implementation of the professional development plan – how is the development plan to be developed and who retains final authority in determining the content of the plan?
- 3) Timing of remediation and consequences – how much time should be allowed for faculty members to return to fulfillment of their responsibilities once a deficit is identified?

## **Post-Tenure Review (PTR) Task Force**

### **Impetus for taskforce development:**

1. NWCCU 2007 accreditation team recommended USU review its PTR policies for possible revision and for consistent implementation (based on the finding that some 5 year reviews are cursory in nature and “faculty don’t have time to perform rigorous annual reviews”)
2. Every year at the state legislature there is discussion of eliminating tenure for new faculty hires, but so far no bill has made it out of committee
3. Utah Board of Regents policy (R481) says the purpose of PTR is to: a) recognize good performance, and b) communicate to faculty specific areas in need of improvement

### **The PTR Task Force**

**Co-chairs:** Raymond Coward and Glenn McEvoy (2011-2012)/Renee Galliher (2012 - 2013)

**Members:** Renee Galliher, Gretchen Peacock, Robert Schmidt, Diane Calloway-Graham, Ralph Whitesides, Richard Jenson

**Task Force Activities:** Across spring and summer 2012, the task force met 15 times, held three “town hall” meetings to gather feedback from faculty, met with the administrative councils for all colleges and the library, and reviewed the faculty codes for 10 sister institutions. This information was analyzed to generate a summary of issues and recommendations presented to the faculty senate in April. A recommended code revision was drafted over summer/fall 2012. Unanimous approval of a recommended code revision was not achieved by the task force. The current draft of suggested revisions represents a compromise that the task force presents to the broader faculty for additional input and review.

### **Task Force Meetings:**

February 1, 2012  
February 8, 2012  
February 22, 2012  
March 1, 2012  
March 6, 2012  
March 19, 2012  
March 27, 2012  
April 3, 2012  
April 9, 2012  
April 18, 2012  
May 3, 2012  
May 9, 2012  
June 12, 2012  
August 28, 2012  
October 11, 2012

February 14, 2012 (Science)

February 15, 2012 (Agriculture; Education and Human Services)

February 16, 2012 (Arts; Humanities and Social Sciences; Natural Resources)

February 27, 2012 (Business)

### **Town Hall (Faculty Forum) Meetings:**

February 14, 2012

February 15, 2012

February 16, 2012

### **Task Force Report Dissemination**

December 12, 2012 Disseminated to chairs of BFW/AFT

January 10, 2013 First meeting with AFT – answer questions and summarize report

January 14, 2013 First meeting with BFW – answer questions and summarize report

February 7, 2013 Second meeting with AFT – collect feedback

January/February 2013 – additional meetings of BFW to compile feedback

### **Meetings with Colleges:**

February 7, 2012  
(Libraries)  
February 9, 2012  
(Engineering)

## Guiding Principles of the Task Force Efforts

- 1) **Retain the integrity of tenure as a valued system for protecting academic freedom:** See 405.12 “Tenure is a means to certain ends, specifically academic freedom and a sufficient degree of economic security to make the profession attractive to men and women of ability”  
In USU’s system of shared governance, faculty have primary responsibility for appointments, promotions, tenure, terminations, and dismissals of other faculty (401.8.1(3)).  
“To hold a position with tenure means that appointment is permanent and not subject to dismissal or reduction in rank except as defined in Policy 407” (405.1.2).

- 2) **Demonstrate to external stake holders that tenured faculty members undergo meaningful and rigorous evaluation, with explicit remediation guidelines and consequences for chronic underperformance:**

The current code says that if a DH determines that the performance of a tenured faculty member is unsatisfactory, he or she “may initiate the negotiation of a professional development plan” (405.12.3). This draft of proposed code says that upon finding that a tenured faculty member’s performance is unsatisfactory for two consecutive years, the DH “must initiate a professional development plan” and this plan is written by the DH in consultation with the faculty member.

The current code says that if performance problems by tenured faculty are not rectified through the professional development plan process then “other nonpunitive measures should be considered in lieu of a sanction...the standard for sanction remains that of adequate cause, namely conduct contrary to the standards set forth in policy 403.” This draft of proposed code states that if the DH finds the tenured faculty member’s performance unsatisfactory over three years and a comprehensive peer review committee agrees with this assessment in two consecutive years, then “the department head and dean will refer the matter to the President who may initiate sanction proceedings as outlined in Section 407.”

The current standard for sanctioning a faculty member for performance problems is that faculty members must exercise “reasonable care in meeting their commitments to the institution” (403.3.2(7)) and “reasonable care” is defined in 403.3.5. This draft of proposed code leaves this standard in place, but suggests adding a second standard of conduct related to performance: namely that “faculty members fulfill the duties associated with their position as specified in their role statements.” The current code says that the criteria for the award of tenure or promotion shall not be employed in post-tenure reviews (405.12.2) and, that the basic performance standard for both annual reviews and for post-tenure reviews is whether the faculty member discharges “conscientiously and with professional competence” the duties associated with his or her position (405.12.1 and 405.12.2). This draft of proposed code contains a statement that says “The basic standard for appraisal shall be whether the faculty member under review fulfills the duties associated with his/her position as specified in his/her role statement.” Thus, the standard of performance against which a tenured faculty member is reviewed changes from discharging duties “conscientiously and with professional competence” to the standard that is articulated in the role statement.

- 3) **Respond to suggestions and concerns raised by faculty and administrative colleagues regarding strengths and challenges with current post tenure review:** See table below

**The Current Draft Code Revision Proposal:** The following table summarizes the reports to the faculty senate on April 2<sup>nd</sup> and April 30<sup>th</sup>, along with specific code revision suggestions outlined in the attached code draft.

<b>Issues Identified during Data Collection (Presented to FS on April 2)</b>	<b>General Guiding principles for Revision (Presented to FS on April 30)</b>	<b>Specific Code Revision Recommendations</b>
<p>The conduct of post-tenure reviews varies widely across campus.</p>	<p>In revising the process, practices for post-tenure review should be standardized across the university and more detailed instructions should be provided in Section 405 of the USU Policy Manual.</p>	<p>Greater detail throughout the section to provide more structure; annual review process described in greater detail with timeline and decision making criteria; comprehensive peer review occurs at college level to provide greater consistency; language clarified throughout to reference role statement as standard for evaluating performance</p>
<p>The current policy requiring 5-year post-tenure reviews for all tenured faculty members is labor intensive, time consuming and largely focused on faculty who are meeting or exceeding expectations in all areas of their role statement.</p>	<p>In light of the small number of tenured faculty with serious performance deficiencies as well as the fact that all faculty members are reviewed annually by their department heads, conducting a comprehensive peer review on every tenured faculty member every five years (as required by the present USU Policy Manual) provides little added value. Instead, we suggest that some type of precipitating event (e.g., multiple negative performance reviews by the department head) be used to trigger a more comprehensive post-tenure review. In essence, the annual review of all tenured faculty members by their department head that is required by current code <u>is</u> a post-tenure review.</p>	<p>Section 12.1 – the annual review serves as the basis of post tenure review</p> <p>Section 12.2(2) – a comprehensive peer review is triggered by two consecutive annual reviews stating that the faculty is not fulfilling the duties outlined in the role statement</p>
<p>The current requirement of an individualized</p>	<p>If comprehensive post-tenure reviews involving peers only occur after some “precipitating event;” this problem is</p>	<p>Section 12.2(2) and 12. 4 – a comprehensive college peer review committee will be utilized</p>

<p>review committee for each tenured faculty member increases the work load for senior faculty and, moreover, can pit “neighbor against neighbor” in a very delicate and critical personnel decision. These procedures can result in uncomfortable or difficult relationships between colleagues.</p>	<p>significantly diminished. Further, we believe that standing college committees provide greater experience and consistency than do unique committees that are formed for each individual undergoing a comprehensive post-tenure peer review.</p>	
<p>Substandard faculty performance needs to be addressed quickly and should not wait for the next scheduled 5-year post-tenure review. The annual performance reviews of tenured faculty by department heads can be misleading if based on a 12-month cycle instead of a “rolling” 3 to 5 year period.</p>	<p>If the annual review is considered the post-tenure review, then deficiencies in performance can be identified on an annual basis and professional development plans (if needed) can be implemented to “help the tenured faculty member more fully meet role expectations” (Section 405.12.3). Given the vagaries of review and publication cycles, as well as fluctuations in other performance metrics, annual reviews of tenured faculty by department heads should cover the last three to five years versus just the past 12 months; i.e., a rolling system.</p>	<p>Section 12.1 and 12. 2(1) – Annual review covers past 5 years; professional development plan may be initiated after first negative annual review; comprehensive peer review must be conducted after second negative review; if the peer review committee agrees that the faculty member is underperforming a professional development plan must be initiated.</p>
<p>Our current system of post-tenure review does not include sufficient balance and coordination between the feedback from peers and that from administrative colleagues (i.e., department heads and deans).</p>	<p>We endorse the idea of checks and balances in post-tenure review – some combination of administrative perspective balanced with some sort of peer review. After the precipitating event, input of both constituents should be solicited. After a serious performance deficiency is identified and communicated in the comprehensive post-tenure review, the faculty member should have a reasonable period</p>	<p>Section 12.2 - An initial negative review from the department head indicates declining performance across the past 5 years. Following the first negative annual review, the faculty member has one year to demonstrate improvement. The next annual review is to take “into account progress on the professional development plan” (Section 12.3) if one was implemented. Thus, the faculty</p>

	<p>of time to improve his/her performance.</p>	<p>member may not have returned to the desired level of performance over the course of one year, but progress on the professional development plan in accordance with the timeline outlined in the plan will move the faculty member out the comprehensive review process. If a subsequent annual review indicates failure to meet expectations of the role statement and a comprehensive review committee agrees that the faculty member is not satisfying his or her role statement, a professional development plan must be implemented. Thus, faculty members have two years following the first negative review to return to satisfactory fulfillment of the role statement.</p>
<p>In the ideal, there should be some financial reward for superior post-tenure performance.</p>	<p>If the annual review is considered as our post-tenure review process, then every year when there are revenues allocated there will be opportunities for merit, equity, and retention adjustments for tenured and untenured faculty. Given the vagaries of legislative funding, it is not possible to guarantee senior faculty a fixed salary increase for a positive post-tenure review.</p>	<p>Section 12.2(1) Faculty members are eligible for merit increases as available when the annual review indicates that they are fulfilling the expectations outlined in their role statements.</p>

## Recommended changes with track changes

### 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 will also serve as the basis for the post-tenure review process for 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 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, 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 ~~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 create an environment where ~~ensure that every~~ faculty members can ~~continues~~ to experience professional development and accomplishment during the various phases of ~~his or her~~ their careers. 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. Consistent with these differing expectations is the realization that the evaluative weights allocated within a faculty member's role statement may change over time to reflect new duties and responsibilities as one's career evolves. (See policy 4.5.6.1 for a description of the process that must be followed to change the role statement of a faculty member.)

#### 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 focus on, at a minimum, incorporate an analysis of the fulfillment of the duties outlined in 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). The basic standard for appraisal shall be whether the faculty member under review fulfills the ~~discharges conscientiously and with professional competence~~ the duties associated with his/her position as specified in ~~assigned within the context of~~ his/her role statement. If this standard is met, the faculty member will be considered to be meeting expectations. ~~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. This annual review is the basis for merit increases when funding for such increases is available.

## **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. 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. 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. Upon completion of its review, the review committee for tenured faculty shall submit a written report 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. A copy of the committee's report shall be sent to the faculty member. 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)).~~

### (1) Annual Review

For tenured faculty, the annual review specified above constitutes the post-tenure review as long as the faculty member continues to fulfill the duties associated with his/her position as specified in his/her role statement. If a tenured faculty member is deemed to be fulfilling the duties as outlined in his/her role statement, he/she will be considered to be meeting expectations and will be considered eligible for a merit increase, if such monies are available.

If a tenured faculty member is deemed to not be fulfilling the duties specified in his/her role statement, a professional development plan may 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 to emphasize area(s) in which the faculty member is fulfilling duties as specified in his/her role statement. In addition, other options, such as phased resignation/retirement, medical leave, unpaid leave of absence, or career counseling may be available to the faculty member upon consultation with the USU Office of Human Resources.

If the next annual review indicates that the tenured faculty member is fulfilling the duties in his/her role statement, taking into account progress on the professional development plan if one was implemented, the faculty member will be considered eligible for merit pay increases if available. However, if the faculty member is judged as not fulfilling his/her duties as specified in his/her role statement by the department head for a second consecutive year, then a more comprehensive post-tenure review process will occur, as outlined below.

## (2) Comprehensive Peer Review

If a tenured faculty member receives a second consecutive annual review in which he/she is deemed to not be fulfilling the duties of his/her position as specified in his/her role statement, the department head will request a comprehensive peer review be conducted by the appropriate college peer review committee (see section 405.12.4). College peer review committees 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 (e.g., current curriculum vita, role statement, and self-assessment material), the most recent professional development plan (if one was implemented), 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.

Following the review of all materials submitted by the department head and faculty member, the peer review committee will prepare a written report, providing an assessment of the faculty member's performance relative to his or her role statement, including a statement regarding whether the faculty member under review fulfills the duties associated with his/her position as specified in his/her role statement. Copies of the written report will be provided to the faculty member, department head, academic dean or vice president for extension and agriculture, and, where appropriate, the chancellor or regional campus dean. 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).

If the peer review committee concludes that the faculty member is not fulfilling the duties associated with his/her position as specified in his/her role statement, the department head will implement a Professional Development Plan in consultation with the faculty member, as described in 405.12.3.

If the peer review committee concludes that the faculty member is fulfilling the duties associated with his/her position as specified in his/her role statement, no sanctions will be pursued against the faculty member relative to standard X in 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 fulfilling the duties of his/her position as specified in his/her role statement, the Professional Development Plan will be considered complete and the faculty member will be eligible for merit pay increase as available.

### (3) Uncorrected Performance Deficiencies over Time

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 fulfill the duties associated with his/her position as specified in his/her role statement, the department head will request a second comprehensive peer review. The procedures for this peer review will be the same as those outlined in 405.12.2 (2).

If the committee concludes that the faculty member continues to demonstrate recurrent and chronic performance deficiencies and is not fulfilling the duties of his/her position as specified in his/her role statement, the department head and dean will refer the matter to the President who may initiate sanction proceedings as outlined in Section 407.

## **12.3 Professional Development Plan**

~~(1) The department head or supervisor may, as a consequence of the annual review process, initiate the negotiation of a professional development plan to help the tenured faculty member more fully meet role expectations, while. The plan shall respecting academic freedom and professional self-direction, and shall permit subsequent alteration. The professional development plan is written by the department head or supervisor in consultation with the faculty member. The final plan shall be. 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, 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/evaluative weight 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 performance of the faculty member to determine if it now fulfillment of the goals or outcomes described in the plan, in terms of criteria established by the plan to determine whether the faculty member is consistent with the duties set forth in his/her role statement, taking into account progress on the professional development 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.~~

#### 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, the Library, 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 then vote for the appropriate number of candidates to ensure there are four elected standing members and two elected alternate members. With the exception of the Library, no more than two members can be from any one department. Department heads, associate deans, and others with full- or part-time administrative assignments are not eligible to serve on these committees. If a committee member takes on 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. 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

electd standing member is replaced and the appointed alternate if the dean-appointed member is replaced.

#### **12.4 Academic Process**

Evaluations, conducted pursuant to Policy 407, 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 as prescribed in a professional development plan, the outcomes of which have been judged (405.12.3.(3)) by the review committee (405.12.2), then other nonpunitive measures, 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.

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Note: With the referral to Section 407 for sanction determination an additional standard must be added to section 403.3.2 (Standards of Conduct – Professional Obligations). This standard would read as follows:

Faculty members fulfill the duties associated with their position as specified in their role statements.

Utah State University

Academic Freedom and Tenure Committee

Committee Report on Proposed Changes to Faculty Code Section 405

February, 2013

The Academic Freedom and Tenure Committee's position is that the proposed changes in Post-Tenure Review are an improvement over the current code in that they would (1) substantially reduce the faculty burden by eliminating the mandatory five year review for all faculty, (2) implement a peer review committee as a counterbalance for administrative review, and (3) standardize the peer review at the college level, thus reducing the likelihood of having to evaluate your "next door neighbor" on a re-occurring basis.

However, the Committee has serious concerns regarding several aspects of the proposed changes. In the Committee's view, these issues would lead to inconsistent and arbitrary application of performance expectations across the campus. These concerns must be satisfactorily addressed before the Committee could recommend the taskforce proposal to the Faculty Senate. Specifically:

1. The most significant issue is the standard that will be used for evaluation. The proposed standard is that the faculty member is "fulfilling the duties outlined in the role statement." This concept sounds reasonable and innocuous, but involves important issues, such as:
  - a. The proposed standard represents a substantial change from the current post-tenure review policy which explicitly states that "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." The current standard is whether the faculty member is discharging her/his duties "conscientiously and with professional competence." . The proposed policy raises the bar because many role statements include the requirement that the faculty member demonstrate excellence in the area of emphasis, which is the standard for promotion to full professor. This may or may not be a good idea, but it certainly deserves careful attention before being adopted. The Committee's position is that the proposal weakens tenure rights by potentially requiring that tenure be re-earned every year.
  - b. Role statements differ dramatically across campus and those differences imply that the evaluation standard will differ. Newer role statements include the terminology that excellence must be achieved in the area of emphasis. Older role statements do not include this language. The Provost reported to the Faculty Senate that role statements are currently split about 50/50 between the older and the newer versions. Thus, the standard will not be uniform. It should also be noted that the current format of the role statement is not unanimously embraced by the faculty.

2. Procedures for annual reviews would need to be standardized and perhaps strengthened across units on campus. Many departments would need to change their evaluation processes to encompass the rolling five year review and to provide an overall evaluation. Without greater uniformity across campus, the policy could be inequitable.
3. The current policy stipulates that the department head will construct a professional development plan “in consultation” with the faculty member. But the proposed plan gives the department head unilateral power to impose a plan. Such authority could be abused. A possible modification would be to give the review committee authority for approving the improvement plan.
4. The definition of a “bad review” that triggers the process must be precisely defined and applied uniformly across campus.

Approved by the Academic Freedom and Tenure Committee by a vote of \_\_\_ to \_\_\_\_.

Memo: To Faculty Senate Executive Committee, Academic Freedom and Tenure Committee and Professional Responsibilities and Procedures Committee

From: Budget and Faculty Welfare Committee

Subject: Review of the proposed revisions of section 405 of the Faculty Code

Outline: What follows is: 1) an executive summary of the findings of the BFW committee (pages 1 - 3), and, 2) detailed notes and comment attached to the proposed code changes (pages 4 - 16).

Findings: It is our finding that the revision poses significant issues with respect to faculty welfare

### **Key Issues**

1. The foundation for the justification of this code revision lacks academic rigor. Private interviews with administrators and unscientific sampling of DH do not meet the standards of scientific statistical data collection. At this point in time, based on what evidence has been provided us, we are not convinced there is actually a problem sufficient to warrant the proposed changes in code.
2. The tenor of the proposed code change has moved from supportive and recognizing accomplishment to adversarial and punitive actions.
3. The net result of this code change is a reduction in the benefits of tenure and a significant reduction if not elimination of the concept of shared governance.
4. The code changes the standard of performance a tenured faculty member must meet to avoid sanctions. Thus the reasonable care standard 403.3.5<sup>1</sup> has been replaced by a requirement to meet the same standards (e.g. excellence in primary role) applied to achieving tenure.
  - a. This code change eliminates the “reasonable care standard” as the criteria for evaluation.
  - b. This code change eliminates the following statement in the existing code: **“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.”**

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<sup>1</sup> 403.3.5 Definition of Reasonable Care

This term, which is familiar to the law, means that the level of performance required of a faculty member is that which is recognized in the profession as reasonable in the light of the obligations which he or she has assumed, competing demands upon his or her energy and time, nature and quality of his or her work, and all other circumstances which the academic community would properly take into account in determining whether he or she was discharging his or her responsibilities at an acceptable level.

- c. The effect of this change is that a faculty member will be required to re-earn tenure every year, since annual faculty reviews will be based solely on the role statement.
  - d. There are enormous problems with the current form of role statements as expressed to the BFW committee and in the faculty forum.
5. This code change places these decisions in the hands of administrators, contrary to current code section 401.8.1 (3) "Faculty status and related matters, such as appointments, reappointments, nonrenewals of appointments, terminations, dismissals, reductions in status, promotions, and the granting of tenure are primarily a faculty responsibility."
- a. Professional development plans, rather than being negotiated between a faculty member and DH are now written by the DH only in consultation with the faculty member.
  - b. This granting of faculty rights to administration represents a degradation of tenure and consequently the rights of shared governance.
6. The proposed language of the code is directed to dismissal, rather than constructive actions.
7. With respect to this proposed code change:
- a. A group of departmental faculty peers is better qualified to evaluate a faculty member's work than a single DH or college committee.
  - b. Only two consecutive annual reviews as a trigger of committee review provides too brief a window to adequately assess a trend of non-performance.
  - c. Suggest an addition to the code that allows a faculty member to have a departmental committee review at any point following a negative review.
  - d. Adequate time (minimum 3 years after development of the work plan) and funding (e.g. professional development workshops, meeting attendance) to meet the objectives of a faculty work plan should be provided.

Vote of the Budget and Faculty Welfare Committee:

This document is to be delivered to the Faculty Senate Executive Committee and to the chair of the Professional Responsibilities and Procedures Committee from the Budget and Faculty Welfare Committee. The vote was unanimous.

## Post-Tenure Review (PTR) Task Force

### Impetus for taskforce development:

1. NWCCU 2007 accreditation team recommended USU review its PTR policies for possible revision and for consistent implementation (based on the finding that some 5 year reviews are cursory in nature and “faculty don’t have time to perform rigorous annual reviews”) <sup>1</sup> <sup>2</sup>
2. Every year at the state legislature there is discussion of eliminating tenure for new faculty hires, but so far no bill has made it out of committee <sup>3</sup>
3. Utah Board of Regents policy (R481) says the purpose of PTR is to: a) recognize good performance, and b) communicate to faculty specific areas in need of improvement

### The PTR Task Force

**Co-chairs:** Raymond Coward and Glenn McEvoy (2011-2012)/Renee Galliher (2012 - 2013)

**Members:** Renee Galliher, Gretchen Peacock, Robert Schmidt, Diane Calloway-Graham, Ralph Whitesides, Richard Jenson

**Task Force Activities:** Across spring and summer 2012, the task force met 15 times, held three “town hall” meetings to gather feedback from faculty, met with the administrative councils for all colleges and the library, and reviewed the faculty codes for 10 sister institutions. This information was analyzed to generate a summary of issues and recommendations presented to the faculty senate in April. A recommended code revision was drafted over summer/fall 2012. Unanimous approval of a recommended code revision was not achieved by the task force. The current draft of suggested revisions represents a compromise that the task force presents to the broader faculty for additional input and review.

### Task Force Meetings:

February 1, 2012  
February 8, 2012  
February 22, 2012  
March 1, 2012  
March 6, 2012  
March 19, 2012  
March 27, 2012  
April 3, 2012  
April 9, 2012  
April 18, 2012  
May 3, 2012  
May 9, 2012  
June 12, 2012  
August 28, 2012  
October 11, 2012

### Meetings with Colleges:

February 7, 2012 (Libraries)  
February 9, 2012 (Engineering)  
February 14, 2012 (Science)  
February 15, 2012 (Agriculture;  
Education and Human Services)  
February 16, 2012 (Arts; Humanities  
and Social Sciences; Natural Resources)  
February 27, 2012 (Business)

### Town Hall (Faculty Forum) Meetings:

February 14, 2012  
February 15, 2012  
February 16, 2012

BFW 2/13/13 5:37 PM

**Comment [1]:** NWCCU did request some changes: Recommendation Number 8: The committee recommends that the university review for possible revision and for consistent implementation of the pre-tenure faculty mentoring and evaluation policies and procedures and the post-tenure faculty evaluation policies and procedures, including institutional involvement in implementing plans for improvement.

In response the university issued the following response:  
Faculty Senate leadership and central administration have agreed that the topic of post-tenure faculty evaluation will be widely discussed during the Academic Year 2011-2012. To launch this discussion, the Executive Vice President and Provost made a presentation to all department heads, deans and Faculty Senate Leadership regarding the value of a meaningful review process for tenured faculty. Three of the “take away” messages from the presentation included: (1) there is a concern about underperforming faculty who seem protected by tenure; (2) underperforming faculty must be given the opportunity to bring their performance in line with their role statements; and (3) if they fail to do so, there is language in our current faculty code to dismiss a tenured faculty member. This conversation will be ongoing throughout the Academic Year 2011-2012.

BFW 2/14/13 10:22 AM

**Comment [2]:** Two basic points

- 1)The takeaways make the assumption that this is a problem.
  - a. Foundations of the assumption.
    - i. Interviews by the task force with some administrators and a small number of faculty. (as per Senate President statement at Faculty Forum)
      1. We need access to the notes the committee took on their meetings with colleges to determine for ourselves the extent of the problem. At this point in time, based on what evidence has been provided us, we are not convinced there is actually a problem sufficient to warrant the proposed changes in code.
      2. A survey by the provost in which he said DH identified 10% of their faculty as a problem.
    - 2)Comment: lacks academic rigor. Private interviews with administrators and unscientific sampling of DH do not meet the standards of scientific statistical data collection
    - 3)The third condition, “if they fail to do so, there is language in our current faculty code to dismiss a tenured faculty member” in the response to NWCCU is evidence that the purpose of this proposal is to make it easier for administrators to dismiss faculty, includ ... [1]

BFW 2/13/13 5:41 PM

**Comment [3]:** This is a deceptive reason. Only 2 bills have been presented to the legislature since 1997. These were in 2011 and 2012 by Christopher Herrod, who is no longer in the legislature.