

## **Minutes of the Professional Standards Committee**

April 9, 2007

PRESENT: Kris Bartanen, Sigrun Bodine, Doug Cannon, Julian Edgoose, Karl Fields, Grace Kirchner, George Tomlin

Kirchner convened the meeting at 11:05 a.m.

1. **Announcements/New Business.** None
2. **Minutes from April 2 Meeting.**
  - These were approved.
3. **Chapter III Sections 6 and 7 Amendment Status Report.**
  - Kirchner reported on her discussion of the revisions with the Faculty Senate, noting that there were a few questions but no objections to the PSC's proposed revisions. Kirchner noted that she pointed out to the Senate the three potentially controversial aspects from the 2006-07 proposal and that Bartanen summarized the five matters that are addressed in the PSC's proposed changes. John Finney has agreed to have 20 copies of the Faculty Code available at the next two faculty meetings for reference. PSC members attending will have copies of the 2006-07 PSC minutes to which they may refer.
  - It was determined that prior to the 17 April faculty meeting, copies of the "Side-by-Side" document with the original and proposed revised versions of Chapter III, Sections 6 and 7, as well as a summary sheet of proposed revisions be sent out to faculty with the agenda.
  - The committee discussed the format and content of the summary, which is appended below to these minutes in its final form (see below).
4. **Inquiry Regarding Confidentiality of Deliberations.**
  - The committee reviewed and approved a response to a faculty member who had inquired about the confidentiality of deliberations (see PSC April 2, 2007 Minutes). The committee responded to the inquiry as follows:

*We agree with you that there is no reference in the Code to deliberations being confidential. Given that other activities covered by the Code are characterized explicitly as confidential, we believe that there is no reason to assume that there was any intention to implicitly include departmental deliberations in that category. We believe, however, that the Code allows for individual departments to declare the deliberative process confidential. The best method for accomplishing that purpose would be to include a statement to that effect in the departmental guidelines. We are aware that some departments have established an unwritten tradition of confidential deliberations; unlike a Code violation, of course, such a tradition could be violated without formal consequence.*
5. **Code Status of Associate Dean's Involvement in Faculty Evaluation**
  - Dean Bartanen offered background information on this matter, noting that her e-mail to the faculty announcing the appointment of a new Associate Dean expressed her hope that the Associate Dean would "assist the dean with faculty evaluations not involving change in status." Dean Bartanen offered an additional memo to the committee clarifying the substantial workload generated by the new streamlined evaluations and the evaluation of three-year visiting professors. The memo requested

that the PSC consider providing an interpretation of the Code that would permit this assistance. She then recused herself from the discussion and left the room to allow the committee to discuss the matter.

- The committee noted the clear need for the Dean to have substantive relief in seeking to meet the provisions of the Code and discussed the relative merits of pursuing a Code interpretation as opposed to a Code revision. Concern was expressed about the potential confusion that could occur if a particular section of the Code were interpreted such that the “Dean” could mean “Dean and Associate Dean” and what impact this might have on other references to the Dean in the Code.
- It was agreed that the committee would consider this matter further in the final portion of next week’s meeting and that Dean Bartanen would once again be excused from the discussion.

The meeting was adjourned at 12:05pm

Submitted respectfully,

Karl Fields

**Summary of changes to the Code created by the proposed amendment to Ch. III,  
Sections 6 and 7, concerning procedures for appeals and hearings.  
April 9, 2007**

**The Motion:**

*The Professional Standards Committee proposes an amendment to the Faculty Code to strike the current language in Chapter III, sections 6 and 7, and to substitute the language in the previously submitted document in its place.*

*Adoption of this amendment shall authorize the modification of the Code citations so as to bring those citations into conformity with changes in the Code occasioned by the adoption of this amendment.*

**Overview of Substantive Changes:**

- (1) Language concerning the function of a hearing board is brought forward from later text (namely, section 7.e) to the preamble of s. 6.
- (2) The respondent on behalf of the department, school, or program, is designated and responsibilities of the respondent are clarified.
- (3) The time-line for a response is adjusted.
- (4) The hearing board roster is expanded to include the full faculty less exemptions for conflict of interest and absence of consent. The chance of a tied hearing board is reduced.

- (5) A repair is made to the current confused language about the path taken by the file after an appeal is concluded.

### **Background:**

Since the implementation of major revisions to the Code in 2002, many questions have been raised regarding the hearing board/appeals process that is described in Ch. III, sections 6 and 7. Most of these questions reflect logical differences between levels of appeals (department/school/program versus Advancement Committee) that were not considered when the two separate levels were created.

Rather than develop a complex set of piecemeal amendments and interpretations, the 2005-06 PSC, with some input from the Faculty Senate, proposed a comprehensive revision of Ch. III, sections 6 and 7. The first reading of the amendment occurred at the Faculty Meeting on October 24, 2005. Amendments to the amendment were proposed, discussed, and voted on at subsequent meetings (12/6/05, 1/31/06, 3/6/06), but the revision as a whole was never acted upon. **This new revision attempts to capture the sentiment of those prior meetings by sidestepping those issues that seemed controversial in favor of correcting the problems that still exist in these sections.** Left unchanged are (1) the clause concerning confidentiality of the proceedings of a hearing board; (2) the authority and continued existence of a hearing board after it has made its report; and (3) the question whether under the prevailing procedure (which provides for formal appeals at two levels) the process begins anew after a successful appeal, thereby permitting multiple appeals at the same level.

### **Substantive Changes by Sections:**

**Section 6.a.** has been reorganized to clarify differences between appeals at the two levels. Changes in content attempt to clarify grounds for appeals at the two levels (i.e., the department/school/program or the FAC), to define the identity of respondents at each level, and to specify processes by which respondents and dissenters formulate and transmit information. The revision also calls for the PSC chair, rather than the appellant, to deliver the list of alleged violations.

**Section 6.b.** includes changes to allow for a larger hearing board roster now that there can be appeals at two stages in the evaluation process. Also new is the exclusion of PSC members from the hearing board roster.

**Section 6.c.** includes more detail and some logistical changes to clarify processes used to form hearing boards and to allow for selection of three rather than one alternate. The section also bars individuals from serving on hearing boards at both levels for the same appellant. Additionally, the new language codifies the current practice of having the PSC chair or designate attend the first hearing board meeting. New language specifies that a new board is selected to conduct the hearing if any member resigns.

**Section 6.d.** has been revised to codify the current practice that the appellant and respondent are not present during the hearing board's discussion of probable cause. The changes also specify the appropriate recipients of reports regarding probable cause at each level and indicate that all appeal materials, including a hearing board decision regarding absence of probable cause, should be included in the file before it moves on. The new language also indicates that the chairpersons of the Faculty Senate and Professional Standards should be notified regarding the decision about probable cause, so that someone in an official capacity is kept apprised of the status of the process. The correct pathway for an evaluation file at each level is specified.

**Section 7** attempts to clarify the format of the hearing and the sequence and purpose of hearing board activities following a hearing, to specify who may and may not attend the hearing, and to describe processes through which dissenting opinions may be transmitted.

**Sections 7. j. and k.** specify parallel processes at the different levels if the hearing board finds that the code has been violated. Specifically, for appeals at the department, school, or program level, the hearing board has the option of either forwarding the file on to the FAC, or referring the matter back to the department, school, or program for correction of deficiencies. For appeals of FAC evaluations, the hearing board has the option of either forwarding the file on to the President, or referring the matter back to the FAC for correction of deficiencies.

**Sections 7. l.** specifies the correct pathway for an evaluation file at each level.

**Section 7.m.** clarifies which written materials from an appeal are added to the file and transmitted to the dean for retention. A new statement also indicates that the chairpersons of the Faculty Senate and PSC should be notified when the hearing board completes its work.