

UNIVERSITY REVIEW COMMITTEE
Tuesday, February 21, 2012
3:00 p.m., Stevenson 140 (College of Arts and Sciences office)
MINUTES

Members present: Cyndee Brown (Secretary), Sam Catanzaro (ex officio), Cynthia Huff, Domingo Joaquin, Chad Kahl (Vice Chairperson), Nancy Lind (Chairperson), Ron Meier

Others present: Bruce Stoffel (Recorder)

Nancy Lind welcomed Bruce Stoffel, Coordinator of Academic Programs and Policy in the Office of the Provost and new URC recorder.

I. Approve minutes of December 13, 2011, meeting

Minutes of the December 13, 2011, meeting were reviewed. Ron Meier moved and Cynthia Huff seconded to accept the minutes. The motion carried.

II. Update on membership

Sam Catanzaro reported that Mennonite College of Nursing faculty elected a colleague to serve on URC. However, because the elected faculty member already serves on the Mennonite CFSC, pursuant to ASPT policies the faculty member cannot also serve on URC. URC will proceed without a member from Mennonite, as Mennonite faculty is not large enough at this time to support membership on URC. It may be some time before URC representation is possible. Catanzaro noted that the vacant Mennonite term expires in 2012.

III. Update: ASPT Item XIII.J.4 (approved by Faculty Caucus)

The option to appeal non-reappointment in the absence of a DFSC/SFSC was approved by Faculty Caucus on January 25, 2012. Thus, a route of appeal is now available to Mennonite probationary faculty members recommended for non-reappointment. Faculty Caucus made editorial changes to the version of the article recommended to Faculty Caucus by URC. The changes are consistent with the spirit of ASPT policies and consistent with previous URC action on the matter.

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Article XIII.J as approved by Faculty Caucus on January 25, 2012:

XIII.J. Initiation of a Non-Reappointment Recommendation Appeal:

1. A recommendation for non-reappointment of a probationary faculty member may be appealed to the CFSC to consider whether the DFSC/SFSC provided a adequate due process to the non-reappointment decision. In instances when a non-reappointment recommendation is made by a CFSC because of the absence of a DFSC/SFSC, the probationary faculty member may appeal to the FRC.
2. In determining whether a adequate due process was provided, the CFSC shall restrict its inquiry to procedural issues related to the manner in which the review was conducted. The CFSC shall not substitute its judgment for that of the DFSC/SFSC on the merits of whether the candidate should be reappointed.
3. If, using the preponderance of the evidence (more likely than not) test as the standard of review, the CFSC determines due process errors that substantially affected the non-reappointment decision, the CFSC shall refer the recommendation back to the DFSC/SFSC to reassess the merits, remedying any inadequacies of the prior process.
4. If a faculty member believes that the basis for non-reappointment was an academic freedom or ethics violation, the faculty member may request a review by the Academic Freedom, Ethics and Grievance Committee. In order to allow a final decision prior to the end of the faculty member's appointment, the faculty member must file a complaint as required by Academic Freedom, Ethics and Grievance Committee within five (5) business days (days when University offices are open to the public) of the date that the faculty member received the official notification of non-reappointment from the Provost. The Academic Freedom, Ethics, and Grievance Committee must submit its report by May 1 of the academic year in which the appointment terminates.
5. If a faculty member believes that the basis for non-reappointment was a violation of the University's Policy on Harassment and Discrimination, he/she may seek relief through the Office of Equal Opportunity, Ethics and Access.

Catanzaro noted that this version is based on a draft Faculty Caucus minutes provided by the Academic Senate Administrative Clerk. Wording in approved Faculty Caucus minutes may differ slightly, but the meaning should remain unchanged.

IV. Action Item: ASPT XI.A (consider revision suggested by Faculty Caucus)

At its January 25, 2012, meeting, Faculty Caucus reviewed changes recommended by URC, modified them, and returned the matter to URC for further review. The Faculty Caucus modification is intended to guarantee that a probationary faculty member recommended for non-reappointment receive a written statement of reasons for non-reappointment if requested. Catanzaro noted that sections A.1.a and A.1.b of the article are based on American Association of University Professors guidelines. Lind moved and Meier seconded acceptance of the article as revised by Faculty Caucus on January 25, 2012, and return of the article to Faculty Caucus for its review and approval. The motion carried. Faculty Caucus is expected to consider the matter at its March 7, 2012, meeting.

Article XI.A as accepted by URC and referred back to Faculty Caucus:

XI. Termination of Appointment of Probationary and Tenured Faculty

A. Probationary Faculty

1. Recommendations for nonreappointment prior to a tenure decision shall be made by the DFSC/SFSC in consultation with the Dean and the Provost. The Chairperson/Director of the DFSC/SFSC shall communicate the recommendation of nonreappointment in writing to the faculty member, the Dean, and the Provost. Nonreappointment can also be the result of a negative tenure recommendation. Official notices of nonreappointment, whether issued prior to a tenure decision or as a result of a negative tenure decision, are issued from the Office of the Provost.
 - a. Upon notice of non-reappointment other than a negative tenure recommendation, a probationary faculty member may request an oral statement of reasons for non-reappointment from the Chair/Director.
 - b. Following the oral statement of reasons for non-reappointment under a., a probationary faculty member may request a written statement of reasons for non-reappointment from the Chair/Director. The Chair/Director shall advise the probationary faculty member of the pros and cons of obtaining such a statement in writing. If the probationary faculty member still wishes a written statement, the Chair/Director shall provide the requested written statement.
 - c. Appeals of non-reappointment other than those following a negative tenure decision shall be governed by Article XIII.J.
 - d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provision of Article XIII.F.
2. Notice of termination shall be given not later than March 1 of the first academic year of service; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; not later than February 1 of the second academic year of service; or, if the appointment terminates during an academic year, at least six months in advance of its termination; at least twelve months before termination of an appointment after two or more years of service.

V. Other business

The February 28, 2012, URC meeting is canceled due to lack of agenda items.

The next meeting is scheduled for Tuesday, March 27, 2012, at 3 p.m. in Hovey 401D. Agenda items may include CFSC annual reports and any proposed revisions to College Standards received from CFSCs.

Lind adjourned the meeting at 3:20 p.m.

Respectfully submitted,
Cyndee Brown, Secretary
Bruce Stoffel, Recorder

NEXT MEETING: 3 p.m., Tuesday, March 27, 2012, Hovey 401D