

UNIVERSITY REVIEW COMMITTEE
Tuesday, October 6, 2015
11 a.m., Hovey 102

MINUTES

Members present: Angela Bonnell, Rick Boser, Diane Dean, Joe Goodman, Christopher Horvath, Doris Houston, Sheryl Jenkins, David Rubin, Sam Catanzaro (non-voting)

Members not present: None

Others present: M. Shane McCreery (Director of Equal Opportunity, Ethics, and Access; Ethics Officer; and Title IX Coordinator), Bruce Stoffel (recorder)

I. Call to order

Chairperson Doris Houston called the meeting to order at 11 a.m.

II. Discussion with M. Shane McCreery (Director of Equal Opportunity, Ethics, and Access, Ethics Officer, and Title IX Coordinator) of considerations related to equity

Sam Catanzaro explained that Shane McCreery's participation in the URC meeting is related to the June 1, 2015 request by URC that Provost Janet Krejci consider forming a university-wide task force to study the issue of equity review. Krejci has asked URC to gather additional information about equity review to inform her response to the request. Krejci suggested that the committee discuss with McCreery the role of the Office of Equal Opportunity, Ethics, and Access (OEOEA) in equity matters.

McCreery addressed the committee, explaining functions of OEOEA with regard to equity. He explained that a core compliance function of OEOEA is compilation each year of an affirmative action plan for the University. Through development of the plan, personnel recruitment and retention efforts are measured and a salary equity analysis is conducted (see attached handout disseminated by McCreery at the meeting).

Three steps are involved in the affirmative action planning process, McCreery said. Step one involves sorting all university employees into job groups. There are 52 such groups in the current plan. The two most closely associated with interests of URC are tenure track faculty and non-tenure track faculty. Average salary is computed for each group. Affirmative Action Officer Jessica Norris then reviews all salaries in the group relative to the average, identifies salaries that differ significantly from the average, and studies the data for patterns associated with race, gender, and other protected classes. Step two is a multiple regression analysis conducted by an outside vendor to test the relative influence of protected class status on salary while considering relevant variables such as length of service and level of performance. Step three involves collecting anecdotal evidence. This typically involves interviews of employees and supervisors, reviews of historical documentation of performance evaluation, and other methods that can illuminate statistical findings in context. Faculty might be asked if they are aware of the difference between their salary and the average salary in their employee group and if they have asked or might ask that the difference be investigated.

McCreery explained that most salary investigations conducted by his office are initiated by employees. It is rare that OEOEA would do so. There have been instances of discrimination identified through such investigations, he said.

McCreery said he is permitted by federal law to gather data that associates individual employees and their salaries with their race, gender, veteran status, and other attributes related to protected classes. However, federal law prohibits him from sharing that detailed information regarding individual employees. He noted that there are other groups for which he is unable to obtain data, LGBT (lesbian, gay, bisexual, transgender, or queer) employees, for example. Whether or not aggregate data are available for a group or class, OEOEA works with any employee who believes she or he has been discriminated against, he said.

McCreery said OEOEA focuses primarily on discrimination in hiring and other employment decisions and does not address salary inversion or compression. Houston asked if OEOEA considers employee age in its analyses. McCreery responded that OEOEA does not track salaries by age. OEOEA would, however, work with any employee who suspects age discrimination.

McCreery noted that OEOEA approaches the concept of equity using the Department of Labor definition, while URC seems to view equity in terms of fairness. Houston agreed that OEOEA and URC may view the concept of equity differently but noted that URC has not yet settled on a definition.

David Rubin noted that the Illinois Board of Higher Education provides faculty salary information on its website. Angela Bonnell added that Milner Library has salary information for individual employees at the University. McCreery clarified that those sources do not provide demographic information for individual employees. He has that information but cannot legally share it.

Another function of OEOEA, McCreery said, is monitoring hiring practices to further hiring goals related to race and gender. His office meets annually with departments and schools to review actions taken by them to recruit diverse candidate pools. The focus of the discussions is on processes used by departments to recruit and hire employees. McCreery noted that OEOEA does not monitor salaries paid to new hires.

Catanzaro asked McCreery how many inquiries OEOEA receives annually from faculty members. McCreery said OEOEA received three inquiries regarding compensation differences during the last calendar year. If OEOEA determines that compensation differences are unrelated to race or gender, OEOEA cannot be further involved. Catanzaro asked how frequently OEOEA determines that discrimination has occurred. McCreery responded that multiple regression analysis aids in the determination. Most instances are unrelated to protected class. He said he seeks help from DFSCs and CFSCs when investigating salary differences, because they best understand how decisions regarding faculty are made. But there can be differences of opinion within those bodies, he noted. McCreery explained that if he identifies what appears to be an instance of discrimination, he advises the Provost and President accordingly.

Houston asked about the third party vendor used to conduct multiple regression analyses. Management Associates is the current third party vendor used by OEOEA, McCreery said. OEOEA gathers data needed for the analysis and transmits the data to Management Associates. The vendor conducts the analysis independently of OEOEA. Management Associates staff and OEOEA staff meet for two days to discuss analysis results, which are used to establish hiring

goals on the unit level. OEOEA then shares the information with administrators in unit meetings. McCreery noted that the University establishes hiring goals rather than hiring quotas or targets.

Joe Goodman asked McCreery if OEOEA proactively studies DFSC documents to prevent disparities from happening. McCreery responded that OEOEA is not involved with faculty hiring policies and procedures in that manner. Instead, OEOEA focuses on results of hiring practices. If a disparity related to protected class is identified by OEOEA, McCreery studies factors such as the race and gender composition of the DFSC/CFSC and methodology used in hiring decisions.

Rubin asked about reporting lines for McCreery's position. McCreery said he is employed by the University and reports directly to the President. He operates independently of other university units. He noted that he is protected in his decision making by whistle blower legislation like all other university employees.

Houston reported feedback she has received from the director of the School of Social Work regarding assistance provided by OEOEA with hiring practices. The school director reports that data provided by McCreery and the hiring goals he has suggested have helped the school modify its hiring processes.

McCreery concluded his remarks and left the meeting at 11:30 a.m. Committee members then reflected on information provided by McCreery and continued discussion of the URC role in equity review.

Christopher Horvath noted that, as a new committee member, he is unclear what URC is seeking to learn regarding equity review and what issues the committee is seeking to resolve. Diane Dean explained that equity review has been mentioned in the ASPT document since its inception, but no one seems to know what equity review means or entails. Catanzaro added that, to his knowledge, an equity review has never been done at the University. Houston stated that the current ASPT document authorizes URC to conduct an equity review but does not define the term. She said that she and Rubin dialogued with campus administrators and studied American Association of University Professors (AAUP) documents last academic year to learn more about the issue and then shared their findings with URC. The committee has subsequently concluded that equity review is a matter that should involve groups other than URC and has recommended revision of the ASPT document accordingly. URC has recommended to the Provost that she form a university-wide task force to study if and how equity review should be undertaken at the University.

Horvath suggested that URC focus on investigating pay grades with respect to comparator institutions and on studying salary inversion and compression, since those issues do not seem to be concerns being addressed by McCreery or by others at the University. Houston agreed that those issues should be addressed but so too should equity with respect to protected classes. Boser offered that URC might want to focus on inversion and compression since OEOEA is already charged with addressing equity related to protected classes.

Houston asked if Catanzaro has any updates from the Provost regarding the URC request for creation of a university-wide equity review task force. Catanzaro responded that the Provost looks forward to receiving feedback from the committee regarding information it has received from McCreery, including questions that remain unanswered. Houston noted that feedback may

also be forthcoming from the Faculty Caucus through its review of the ASPT document this year.

Bonnell noted that there appear to be more resources available for salary adjustments in the academic/professional employee category than in the faculty category. Bonnell asked if units are limited to the resources in the AIF fund when trying to address inversion or compression of faculty salaries. Catanzaro responded that AIF is one resource available to address the issue. He noted that even when salary increases are zero, limited funds are available to provide raises for faculty members who have been promoted and to make counter offers to faculty members who have received job offers from other institutions. For CS employees, salary increases may be recommended after desk audits or promotions even if there is no salary increase program in a given year. AP employees can also receive salary increases in such a year if their responsibilities increase or they are promoted.

Rubin noted that, while there will be no raises for Illinois State faculty this year, faculty salaries across the country will increase four percent on average. He asked if the University is legally responsible to provide funds to increase salaries commensurately. Catanzaro responded that there is no law or policy that requires the University to do so. He explained that the state does not allocate funds to public universities for specific uses such as salary increases. Instead, each university decides how best to spend the funds allocated to it by the state.

Horvath offered that URC seems to be responsible for policies, procedures, and processes related to salary. An important component of that responsibility might be to investigate procedures followed by units at different levels when making equity adjustments. It would be helpful to know how units are making such decisions, he said. Data regarding salary inversion and compression within ranks and across ranks would also be helpful, he said. It does not appear that the University is gathering such data, he added.

Houston noted that focusing on inversion and compression while precluding investigation of other issues related to equity would be presumptuous, because the committee has not yet defined equity. Houston said she does not favor a narrow definition because there are broader discussions to be had. Boser suggested that URC start by drafting a definition for use in the ASPT document. Houston asked who would then make the decision regarding the definition. Boser responded that the Academic Senate and Faculty Caucus will ultimately decide the matter after broader discussion, which happens in shared governance.

Catanzaro stated that the ASPT document assigns responsibility for making decisions regarding non-salary faculty matters, such as teaching loads and courses, to chairpersons and directors. Perhaps URC should suggest to the Provost that the discussion of equity focus on salary rather than on non-salary issues, he said. Houston expressed her preference that discussions of equity review address non-salary issues as well.

Houston thanked committee members for a productive discussion and recommended that URC continue the discussion at its next committee meeting. Houston asked Catanzaro if the Provost has set a date by which she would like feedback from the committee. Catanzaro responded that the Provost has not communicated such a date.

III. Approval of minutes from the September 22, 2015 meeting

Boser moved, Jenkins seconded approval of minutes from the September 22, 2015 meeting as distributed prior to the meeting. The motion carried on voice vote, all voting in the affirmative.

IV. Update regarding Faculty Caucus ASPT review

Catanzaro thanked Houston and Dean for representing URC at the September 23 (2015) Faculty Caucus meeting and for their contributions to the discussion of the ASPT document. The next caucus discussion of the document is scheduled for October 7 (2015). Houston referred committee members to the caucus meeting schedule included with the meeting packet (see attached).

V. Other business

Dean asked if URC will meet on October 20 (2015), which has been designated the secondary committee meeting date for the month. Houston responded that URC will meet on October 20 to continue its discussion of equity review and to consider any matters requiring committee action.

VI. Adjournment

Boser moved, Rubin seconded that the meeting adjourn. Houston adjourned the meeting at 12:07 p.m.

Respectfully submitted,
Rick Boser, Secretary
Bruce Stoffel, Recorder

Attachments:

Office of Equal Opportunity, Ethics and Access, Salary Equity Analysis (Distributed by M. Shane McCreery at the October 6, 2015, meeting of the University Review Committee, Illinois State University).

Tentative Schedule for Faculty Caucus Review of 2015-2016 ASPT Revisions, Fall 2015, Office of the Vice President for Academic Affairs and Provost, September 24, 2015

Office of Equal Opportunity, Ethics and Access

Salary Equity Analysis

Summary: **Executive Order 11246**, signed by President Lyndon B. Johnson on September 24, 1965, established requirements for non-discriminatory practices in hiring and employment on the part of U.S. government contractors. It "prohibits federal contractors and federally assisted construction contractors and subcontractors discriminating in employment decisions on the basis of race, color, religion, sex, or national origin." It also requires contractors to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin."

On July 21, 2014, Executive Order 13672 amended Executive Order 11246 to add sexual orientation and gender identity.

Three Elements of Analysis

"Similarly Situated"	Multiple Regression Analysis	Anecdotal Evidence
<p data-bbox="245 917 392 955">Standard</p> <p data-bbox="97 990 531 1292">Grouping employees by job category when they perform similar work, occupy positions involving similar responsibility levels, skills, and qualifications.</p> <p data-bbox="245 1328 392 1365">ISU - 52</p> <p data-bbox="97 1400 531 1603">Comparison of averages salaries of minorities to non-minorities and females to males in the job category.</p>	<p data-bbox="576 917 1045 1224">A highly-complex statistical technique that assesses the combined effects of multiple, legitimate factors that influence employers compensation decisions.</p> <p data-bbox="576 1259 1045 1404">Compare the compensation of similarly situated employees on factors that effect pay:</p> <ul data-bbox="576 1440 794 1686" style="list-style-type: none">- Education- Experience- Performance- Productivity	<p data-bbox="1083 917 1516 1334">Seek explanations for compensation anomalies from supervisory staff and Human Resources, interview parties involved, review performance evaluations and merit-based increases awarded to peers.</p> <p data-bbox="1083 1425 1516 1674">----- If discrimination based on one of the protected classes is founded a recommendation to remedy is issued to the supervisor.</p>

The US Department of Labor authorizes OEOEA to solicit and maintain race/ethnicity and gender data of the ISU workforce along with veterans status and disability information. The Department of Justice and Department of Labor put strict restrictions on how this data may be used.

Individual staff are always welcome to inquire with the OEOEA if inequity concerns arise.

**TENTATIVE SCHEDULE FOR FACULTY CAUCUS REVIEW OF 2015-2016 ASPT REVISIONS
FALL 2015**

Based on a schedule provided by Academic Senate Chairperson Susan Kalter on September 24, 2015
With Prospective Dates Added and URC Subgroups Denoted

ALL DATES ARE SUBJECT TO CHANGE

ALL AGENDAS ARE SUBJECT TO CHANGE

MEETING DATES MAY BE ADDED BY FACULTY CAUCUS

SCHEDULE BY DATE

Wednesday, September 23, 2015

Information items:

New articles XI through XIV (with Appendices 5-7)
(No URC Subgroup, Addressed by Houston, Dean, and Catanzaro)

Wednesday, October 7, 2015

Information items:

Overview of the Illinois State University Appointment, Salary, Promotion and Tenure (ASPT) System
(URC Subgroup 1, Goodman)

Article I: Committees: Policies, Selection, Organization, and Responsibilities
(URC Subgroup 2, Houston and Rubin)

Article III: Faculty Review Committee (FRC)
(URC Subgroup 2, Houston and Rubin)

Article IV: College Faculty Status Committee (CFSC)
(URC Subgroup 2, Houston and Rubin)

Article V (except V.C.2): Department/School Faculty Status Committee (DFSC/SFSC)
(URC Subgroup 2, Houston and Rubin)

Note: Articles II and V.C.2 will be deferred until later in the fall 2015 semester or until the spring 2016 semester

Wednesday, October 21, 2015

Information items:

Article VI: Appointment Policies
(URC Subgroup 3, Bonnell and Jenkins)

Article VII: Faculty Assignments and Faculty Evaluation
(URC Subgroup 3, Bonnell and Jenkins)

Article VIII: Promotion Policies
(URC Subgroup 3, Bonnell and Jenkins)

Article IX: Tenure Policies
(URC Subgroup 3, Bonnell and Jenkins)

Article X: Post-Tenure Reviews Including Cumulative Post-Tenure Reviews
(URC Subgroup 3, Bonnell and Jenkins)

Wednesday, November 4, 2015

Information items:

Article XII: Performance Evaluation Policies and Salary Incrementation Procedures
Note: This article would become Article XV if new sections are approved
(URC Subgroup 4 (Boser and Dean))

Article XIII, except XIII.A: Appeals Policies and Procedures
Note: This article would become Article XVI if new sections are approved
(URC Subgroup 4 (Boser and Dean))

Article XIV: Right of Access to Personnel Documents
Note: This article would become Article XVII if new sections are approved
(URC Subgroup 1, Goodman)

Appendix 1: University ASPT Calendar for Reappointment, Promotion and Tenure, Performance-Evaluation and Cumulative Post-Tenure Review, Reporting Requirements, and ASPT Elections
(URC Subgroup 1, Goodman)

Appendix 2: University Guidelines and Criteria for Faculty Evaluation
(URC Subgroup 1, Goodman)

Appendix 3: College Standards Supplemental to University Guidelines and Criteria for Faculty Evaluation
(URC Subgroup 1, Goodman)

Appendix 4: Outline of the Promotion and Tenure Review Process
(URC Subgroup 1, Goodman)

Appendix 8 (added appendix): Timeline for Appeals to CFSC* of Non-Reappointment Recommendations on Procedural Grounds
(No URC Subgroup, Addressed by Houston, Dean, and Catanzaro)

Wednesday, November 18, 2015

Information items:

Article II: University Review Committee (URC)
(URC Subgroup 2, Houston and Rubin)

Action items:

Article I: Committees: Policies, Selection, Organization, and Responsibilities
(URC Subgroup 2, Houston and Rubin)

Article II: University Review Committee (URC)
(URC Subgroup 2, Houston and Rubin)

Article III: Faculty Review Committee (FRC)
(URC Subgroup 2, Houston and Rubin)

Article IV: College Faculty Status Committee (CFSC)
(URC Subgroup 2, Houston and Rubin)

Article V (except V.C.2): Department/School Faculty Status Committee (DFSC/SFSC)
(URC Subgroup 2, Houston and Rubin)

Note: Use of "must" versus "shall" will be debated, if desired, by the Faculty Caucus.

Wednesday, December 9, 2015

Action items:

Article VI: Appointment Policies
(URC Subgroup 3, Bonnell and Jenkins)

Article VII: Faculty Assignments and Faculty Evaluation
(URC Subgroup 3, Bonnell and Jenkins)

Article VIII: Promotion Policies
(URC Subgroup 3, Bonnell and Jenkins)

Article IX: Tenure Policies
(URC Subgroup 3, Bonnell and Jenkins)

Article X: Post-Tenure Reviews Including Cumulative Post-Tenure Reviews
(URC Subgroup 3, Bonnell and Jenkins)

Article XII: Performance Evaluation Policies and Salary Incrementation Procedures
Note: This article would become Article XV if new sections are approved)
(URC Subgroup 4 (Boser and Dean))

Article XIII, except XIII.A: Appeals Policies and Procedures
Note: This article would become Article XVI if new sections are approved
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Appendix 2: University Guidelines and Criteria for Faculty Evaluation
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Appendix 3: College Standards Supplemental to University Guidelines and Criteria for Faculty Evaluation
(URC Subgroup 1, Goodman)

Appendix 4: Outline of the Promotion and Tenure Review Process
(URC Subgroup 1, Goodman)

Appendix 8 (added appendix): Timeline for Appeals to CFSC* of Non-Reappointment Recommendations on Procedural Grounds
(No URC Subgroup, Addressed by Houston, Dean, and Catanzaro)

At the September 23, 2015 Faculty Caucus meeting, Chairperson Susan Kalter announced that work on proposed new Articles XI-XIV, Article V.C.2, and Article XIII.A would not likely commence until spring semester 2016.

SCHEDULE BY URC SUBGROUP

SUBGROUP 1 (GOODMAN)

Wednesday, October 7, 2015

Information items:

Overview of the Illinois State University Appointment, Salary, Promotion and Tenure (ASPT) System

Wednesday, November 4, 2015

Information items:

Article XIV: Right of Access to Personnel Documents

Note: This article would become Article XVII if new sections are approved)

Appendix 1: University ASPT Calendar for Reappointment, Promotion and Tenure, Performance-Evaluation and Cumulative Post-Tenure Review, Reporting Requirements, and ASPT Elections

Appendix 2: University Guidelines and Criteria for Faculty Evaluation

Appendix 3: College Standards Supplemental to University Guidelines and Criteria for Faculty Evaluation

Appendix 4: Outline of the Promotion and Tenure Review Process

Wednesday, November 18, 2015

Action items:

Overview of the Illinois State University Appointment, Salary, Promotion and Tenure (ASPT) System

Wednesday, December 9, 2015

Action items:

Article XIV: Right of Access to Personnel Documents

Note: This article would become Article XVII if new sections are approved)

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Appendix 3: College Standards Supplemental to University Guidelines and Criteria for Faculty Evaluation

Appendix 4: Outline of the Promotion and Tenure Review Process

SUBGROUP 2 (HOUSTON AND RUBIN)

Wednesday, October 7, 2015

Information items:

- Article I: Committees: Policies, Selection, Organization, and Responsibilities
- Article III: Faculty Review Committee (FRC)
- Article IV: College Faculty Status Committee (CFSC)
- Article V (except V.C.2): Department/School Faculty Status Committee (DFSC/SFSC)

Wednesday, November 18, 2015

Information items:

- Article II: University Review Committee (URC)

Action items:

- Article I: Committees: Policies, Selection, Organization, and Responsibilities
- Article II: University Review Committee (URC)
- Article III: Faculty Review Committee (FRC)
- Article IV: College Faculty Status Committee (CFSC)
- Article V (except V.C.2): Department/School Faculty Status Committee (DFSC/SFSC)

SUBGROUP 3 (BONNELL AND JENKINS)

Wednesday, October 21, 2015

Information items:

- Article VI: Appointment Policies
- Article VII: Faculty Assignments and Faculty Evaluation
- Article VIII: Promotion Policies
- Article IX: Tenure Policies
- Article X: Post-Tenure Reviews Including Cumulative Post-Tenure Reviews

Wednesday, December 9, 2015

Action items:

- Article VI: Appointment Policies
- Article VII: Faculty Assignments and Faculty Evaluation
- Article VIII: Promotion Policies
- Article IX: Tenure Policies
- Article X: Post-Tenure Reviews Including Cumulative Post-Tenure Reviews

Note: Article XI is scheduled for reviewed as one of the articles (XI-XIV) regarding disciplinary actions.

SUBGROUP 4 (BOSER AND DEAN)

Wednesday, November 4, 2015

Information items:

Article XII: Performance Evaluation Policies and Salary Incrementation Procedures

Note: This article would become Article XV if new sections are approved)

Article XIII, except XIII.A: Appeals Policies and Procedures

Note: This article would become Article XVI if new sections are approved)

Wednesday, December 9, 2015

Action items:

Article XII: Performance Evaluation Policies and Salary Incrementation Procedures

Note: This article would become Article XV if new sections are approved)

Article XIII, except XIII.A: Appeals Policies and Procedures

Note: This article would become Article XVI if new sections are approved)

NO SUBGROUP

Wednesday, September 23, 2015

Information items:

New Articles XI through XIV (with Appendices 5-7)

Wednesday, November 4, 2015

Information items:

Appendix 8 (added appendix): Timeline for Appeals to CFSC* of Non-Reappointment Recommendations on Procedural Grounds

Wednesday, December 9, 2015

Action items:

Appendix 8 (added appendix): Timeline for Appeals to CFSC* of Non-Reappointment Recommendations on Procedural Grounds