

UNIVERSITY REVIEW COMMITTEE

Thursday, January 19, 2017

1 p.m., Hovey 401D

MINUTES

Members present: Angela Bonnell, Rick Boser, Sam Catanzaro, Diane Dean, Joe Goodman, Christopher Horvath, Doris Houston, Sheryl Jenkins,

Members not present: Sarah Smelser

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University; “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University; “AAUP” refers to the American Association of University Professors; “AFEGC” refers to the Faculty Academic Freedom, Ethics and Grievance Committee at Illinois State University; “ASPT” refers to appointment, salary, promotion, and tenure policies; “ASPT document” refers to *Faculty Appointment, Salary, Promotion, and Tenure Policies* effective January 1, 2017; “CFSC” refers to college faculty status committee; “DFSC” refers to department faculty status committee; and “SFSC” refers to school faculty status committee.

I. Call to order

Chairperson Diane Dean called the meeting to order at 1:00 p.m. A quorum was present.

II. Approval of minutes from the December 13, 2016 meeting

Dean thanked Secretary Joe Goodman for his assistance with the minutes.

Rick Boser moved, Sheryl Jenkins seconded approval of minutes of the December 13, 2016 meeting as distributed prior to the meeting. The motion passed on voice vote, with all voting in the affirmative.

III. Review of URC tasks for spring 2017

Dean reviewed a tentative schedule of spring 2017 URC meetings and issues to be addressed by the committee at those meetings (see attached).

Dean said that at the beginning of the academic year she had hoped URC would complete its work on the proposed ASPT disciplinary articles by early December. She said, although URC was not able to do so, the review process has been thorough and deliberative. Committee members concurred. Dean said discussions of the disciplinary articles will continue, although at some point during the semester the committee may pause to consider whether changes to the schedule are needed.

Dean reported that URC may have a new member, Dr. Nerida Ellerton of the Department of Mathematics in the College of Arts and Sciences. Dr. Ellerton and the college office are in discussions about her completing the term of the College of Arts and Sciences science division representative. That was Dr. David Rubin’s term, Dean explained, adding that the term is scheduled to end in May 2017. Dean said she will contact Dr. Ellerton about this matter.

Dean reported that, regarding work by URC on AFEGC policies, she has learned since the last URC meeting that the URC charge from the Caucus is more succinct than she had thought. She explained that URC discussions regarding AFEGC policies are limited to three issues: 1) whether AFEGC functions with respect to ASPT as set forth in the ASPT document are reflected in AFEGC policies, 2) whether AFEGC functions with respect to ASPT as set forth in AFEGC policies are reflected in the ASPT document, and 3) whether the

AFEGC role with regard to disciplinary policies, if there is to be such a role, are reflected in AFEGC policies. Dean expressed relief that URC work with respect to AFEGC policies is thusly limited. Dean suggested delaying until the end of February formation of a working group charged to investigate issues raised by the Caucus related to service assignments. Dean suggested that URC decide at that time whether to proceed with the investigation this academic year.

Dean asked about the entry in the spring term schedule regarding URC discussion of the process and schedule for review of college standards. Bruce Stoffel explained that URC needs to establish a schedule for review of college standards now that the new ASPT document is in effect. He noted that the ASPT document provides for URC review of college standards once every five years, or upon request of any college, and explained that URC has latitude in establishing the schedule for those reviews. Dean asked Stoffel to compile information for URC to consider in its discussion of the schedule, including what reviews have been conducted and when.

Dean said URC may need to delay discussion of student reactions to teaching performance if the working group charged with studying the issue is not ready to report to the committee.

Doris Houston asked about the anticipated nature of interactions between URC and the Caucus with respect to the proposed disciplinary articles. She asked if there would be ongoing interactive communication. Dean responded that she understands URC is to submit the entire package of proposed disciplinary articles to the Caucus for its consideration rather than submitting one or more articles separately. Houston said she agrees with that approach, that otherwise URC would be in a constant state of revising documents.

IV. Extension of the deadline for CFSCs to approval DFSC/SFSC guidelines effective January 1, 2017

Sam Catanzaro reported having received a query from one dean about the deadline for CFSC review and approval of DFSC and SFSC guidelines. Catanzaro explained that, technically, CFSCs should have completed their reviews of DFSC and SFSC guidelines by December 31, 2016 (the day before the new ASPT document became effective). However, in the case of the inquiring dean, those reviews were not all completed by the deadline. Catanzaro said that while departments are encouraged not to change their guidelines midyear because the changes could adversely affect faculty members being reviewed that year, the department ASPT changes being considered by the inquiring college would have no practical impact on faculty members in the department. For that reason, Catanzaro said, extending the deadline for the college to review and approve the changes makes sense to him.

Goodman suggested a caveat to any granting of an extension, to require that provisions of the old policy apply to faculty members if faculty members would be punished under the revised provisions but not the old provisions. Horvath asked if the extension is being requested by just one college and if the changes being considered are trivial. Catanzaro answered in the affirmative. Horvath said, in that case, he would have no problem extending the deadline if it is clear in the communication sent by Catanzaro to the dean that this is a one-time extension. Dean asked if the changes proposed by the department can be circulated to URC. Catanzaro suggested not doing so because time is of the essence. It was also noted that review of DFSC or SFSC guidelines are not in the purview of URC.

Horvath moved to grant the requesting college permission for its CFSC to approve DFSC and SFSC guidelines in its college by January 30, 2017 and that any changes in those guidelines may be effective retroactively to January 1, 2017, with the understanding that this granting of an extension to approve DFSC and SFSC guidelines applies only to this year. Goodman seconded the motion. The motion passed on voice vote, with all voting in the affirmative.

V. Proposed ASPT disciplinary articles

Dean said her goal for the committee is to complete review of Article XI (General Considerations) at this meeting and to begin discussion of Article XII (Sanctions) at the next committee meeting. She reviewed progress URC has made with its review of Article XI and sections of the article remaining to be discussed by the committee.

Dean reported that Sarah Smelser has drafted language regarding the nature of communications among parties to disciplinary matters. Dean said URC will consider Smelser's draft at this meeting if time allows.

Referring to Section XI.B.3 as revised by URC at the December 13, 2016 URC meeting, Rick Boser asked about the rationale for allowing a probationary faculty member not exonerated in a disciplinary case to receive a one-year stop-the-clock extension of the probationary period. Dean said a stop-the-clock extension could be appropriate because the faculty member would have devoted time to the disciplinary case that could have been used by the faculty member for work related to tenure and promotion. Catanzaro said URC recommended a provision in the article for a stop-the-clock extension so a faculty member could be held harmless if exonerated in a disciplinary case. He noted that the Caucus subsequently inserted the phrase "whether or not" into the passage to allow a faculty member who has not been exonerated to also apply for a stop-the-clock extension. Horvath said he agrees that a faculty member exonerated in a disciplinary case should be eligible to request a stop-the-clock extension but he does not agree that a faculty member who has not been exonerated should have that right.

Dean reported having asked Caucus chairperson Susan Kalter about the change Caucus has made to the stop-the-clock provision. Dean said it is her understanding that the Caucus has added the phrase "whether or not" to prevent a probationary faculty member from being penalized twice for the same action, one time through the disciplinary process and a second time through the promotion and tenure process. Dean reported that Kalter expressed particular concern for probationary faculty members assessed lower-level sanctions. Houston acknowledged Kalter's concerns, noting that if the action for which the disciplinary process is initiated is egregious and the faculty member is subsequently dismissed, the stop-the-clock provision in the disciplinary articles would not apply anyway.

Horvath asked who approves stop-the-clock extension requests. Catanzaro responded that the faculty member's request is considered by the department chairperson or school director, the dean, and the Provost. Catanzaro added that most chairpersons and directors consult their faculty status committee in such matters but they do not have to do so. Horvath asked if it would be possible for persons involved in the decision regarding a faculty member's stop-the-clock extension request to be some of the same persons involved in decisions regarding that faculty member's disciplinary case. Catanzaro said it could happen.

Dean thanked Horvath for noticing that possibility. She noted that URC had decided to table discussion of disciplinary processes until it completes its review of general considerations (Article XI). She asked if the committee should instead address disciplinary processes before it completes its recommendations regarding general considerations. Horvath said if the committee first completes its recommendations regarding general considerations, the committee will need to revisit those recommendations in light of its decisions regarding the disciplinary processes.

Houston noted Dean having said that the committee needs more information before it can discuss the disciplinary processes. Referring to work of the sub-group charged with reviewing disciplinary policies and procedures of other universities, Dean said no information has been found that would help the committee with its discussions. She added that it is important that the processes adopted by Illinois State be unique. Horvath (a sub-group member) agreed, noting that disciplinary policies and procedures adopted by other universities are either so similar to those proposed for Illinois State or are so different as to not help URC with its discussions.

Dean asked if the committee should now consider the role of AFEGC in the disciplinary processes, a role that has been proposed by the Caucus. Houston asked if it would be appropriate to ask an AFEGC representative to attend a URC meeting to answer questions about how AFEGC and ASPT work together. Horvath suggested that URC first figure out the disciplinary process, including who should be involved in it, before asking other groups to meet with the committee.

Boser suggested that it would be helpful to understand the current common law regarding discipline and what would happen if disciplinary charges were brought now, so URC would know the policies it is considering for changes. Catanzaro offered to describe what happens now if a finding is rendered by AFEGC or by the Office of Equal Opportunity and Access (OEOA). Catanzaro explained that the Provost is informed of the finding and, in turn, informs the faculty member that the ruling would go to the DFSC in the faculty member's unit for its

consideration. The DFSC then considers the matter and integrates its consideration into its evaluation of the faculty member. Catanzaro noted that some departments have rules to guide DFSC consideration of such findings and some do not. Catanzaro added that if asked by a chairperson or dean how to handle such matters when there are no rules in place, he would urge the chairperson or dean to involve a peer body in the matter.

Horvath said the approach described by Catanzaro seems appropriate when dealing with minor sanctions, but DFSC might not be the appropriate body to handle cases involving dismissal. Horvath asked if the Provost would do so. Catanzaro responded that the administration would work with the Caucus to form a committee to address such a case, following AFEGC guidelines. Boser asked if such a committee would be ad hoc. Catanzaro responded that it would be. Catanzaro noted that the groups involved with drafting the disciplinary articles discussed how the University would deal with a disciplinary matter should one arise before disciplinary policies are adopted. He said the University would likely remove the faculty member from the classroom until the matter can be studied, noting that AAUP refers to such an action as a “de facto suspension.” Catanzaro characterized the approach by the University to such issues as managing risk and balancing the impact on students with faculty rights, erring when possible on the side of protecting students. The disciplinary policies being considered by URC would provide more guidance and transparency. He added that once URC addresses disciplinary processes it can then consider how to deal with any conflicts inherent in those processes.

Committee members then discussed how to proceed with their consideration of disciplinary processes. Stoffel offered to outline the processes as they have been proposed. He offered to send a draft outline to Dean, Horvath, and Catanzaro for their review and revision. The revised outline could then be used to guide discussions at the next URC meeting (scheduled for Tuesday, January 31, 2017). Committee members agreed with this approach.

VI. Other business

Dean asked Catanzaro for an update regarding college standards for the Mennonite College of Nursing (MCN). Catanzaro reported that MCN has some language in its CFSC standards and its DFSC guidelines that does not align with provisions of the new ASPT document. Such language relates to procedure and does not adversely affect faculty members. Catanzaro said he has spoken with the MCN dean about modifying both documents to bring them into alignment with the new ASPT document. Dean asked if the documents, once modified by MCN, need to be brought back to URC for its consideration. Catanzaro said at some point the revised CFSC document will need to be reviewed by URC.

VII. Adjournment

Horvath moved to adjourn the meeting. Bonnell seconded the motion. The motion passed on voice vote, all voting in the affirmative. The meeting adjourned at 2:00 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Schedule of Discussions and Actions, University Review Committee, Academic Year 2016-2017, Revised December 13, 2016

SCHEDULE OF DISCUSSIONS AND ACTIONS

University Review Committee, Academic Year 2016-2017

Revised December 13, 2016 - Subject to change

FALL 2016

Tuesday, September 20, 2016, 2-3, Hovey 401D

Organizing for the academic year

Thursday, October 6, 2016, 2-3, Hovey 105

Organizing for discussion of the proposed disciplinary articles

Disciplinary articles: Discussion of the structure of article(s) regarding dismissal and termination

Tuesday, October 18, 2016, 2-3, Hovey 105

Disciplinary articles: Discussion of documents related to dismissal (incl. AAUP, ISU Constitution, Governing Document of the Board of Trustees)

Disciplinary articles: General Considerations

Tuesday, November 1, 2016, 3-4, Hovey 401D

Disciplinary articles: General Considerations

Tuesday, November 15, 2016, 2-3, Hovey 401D

Disciplinary articles: General Considerations (continued)

Tuesday, November 29, 2016, 1-2, Hovey 401D

Disciplinary articles (continued)

Approval of ASPT calendar for 2017-2018

Tuesday, December 13, 2016, 2-3, Hovey 401D

Disciplinary articles (continued)

SPRING 2017

January/February

Disciplinary articles (continued)

Discussions of AFEGC and ASPT policies (led by working group)

Organize working group regarding service assignments

Appointment to Equity Review Committee (if formed by the Academic Senate)

March

Finalize recommendations to Faculty Caucus regarding disciplinary articles and AFEGC policies

Discussion of process and schedule for review of college standards under ASPT 2017

April

Review of University Policy 3.2.4: Salary Adjustments

Discussions of student reactions to teaching performance led by working group

May

Report from working group regarding service assignments

Review of CFSC annual reports

Review of Faculty Review Committee annual report