

UNIVERSITY REVIEW COMMITTEE

Tuesday, February 28, 2017

4 p.m., Hovey 401D

MINUTES

Members present: Angela Bonnell, Sam Catanzaro, Diane Dean, Nerida Ellerton, Joe Goodman, Christopher Horvath, Sarah Smelser

Members not present: Rick Boser, Doris Houston, Sheryl Jenkins

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; “ASPT” refers to faculty appointment, salary, promotion, and tenure policies at Illinois State University; “ASPT document” refers to the publication titled *Faculty Appointment, Salary, Promotion, and Tenure Policies* (Illinois State University); “CFSC” refers to college faculty status committee; “DFSC” refers to department faculty status committee; “SFSC” refers to school faculty status committee; and “AAUP” refers to the American Association of University Professors. References in the minutes to “DFSC” are intended to refer to both DFSC and SFSC.

I. Call to order

Chairperson Diane Dean called the meeting to order at 4:03 p.m. A quorum was present.

II. Approval of minutes from the February 23, 2017 meeting

Christopher Horvath moved and Angela Bonnell seconded approval of minutes of the February 23, 2017 meeting as distributed prior to the meeting. The motion passed on voice vote, with three voting in the affirmative and three abstaining (Joe Goodman, Nerida Ellerton, Sarah Smelser).

III. ASPT disciplinary articles: continued discussion of parties and processes

Dean referred to the flow chart started by URC at its February 23, 2017 meeting to illustrate disciplinary processes (see the attached *Flow Chart, End of University Review Committee Meeting, February 23, 2017*). Prior to the meeting, Dean had re-created the flow chart on the south wall of the conference room by adhering handwritten labels to the wall. Dean first reviewed preliminary decisions made by the committee at its February 23, 2017 meeting regarding sanctions. She then facilitated committee consideration of suspension and dismissal processes, including the parties that may initiate suspension or dismissal proceedings, make recommendations in suspension or dismissal cases, consider appeals by faculty members regarding those recommendations, make final decisions regarding suspension or dismissal, and notify faculty members of those decisions. As the meeting progressed, Dean modified and added to the flow chart, guided by the committee discussion. Photographs of the flow chart resulting from committee discussions at this meeting are also attached (see *Flow Chart, End of University Review Committee Meeting, February 28, 2017*).

Review of prior discussion regarding sanctioning processes

Dean reviewed the two tracks recommended thus far by URC for consideration of sanctions: one track for situations involving a decision communicated to the Provost by a party external to the ASPT system and one track for situations not involving a decision by a party external to the ASPT system.

Horvath referred to the track for situations in which an external party is not involved. He said the party that determines that sanctioning of a faculty member should be considered should not be the same party that decides whether a sanction should be imposed. For that reason, Horvath explained, URC has designated CFSC as the party to recommend sanctions rather than the DFSC, which is the body URC has designated to determine

whether sanctioning should be considered. Bonnell asked if the track described by Horvath is intended to occur independently of the annual performance evaluation process. Horvath responded in the affirmative. Nerida Ellerton commented that setting forth a process for resolving such matters independently of the annual performance evaluation process is preferable.

Dean then referred to the track involving decisions communicated by external parties to the Provost. Dean asked why URC has not recommended asking the department chairperson or school director to convene the DFSC or SFSC upon learning about such a decision from the Provost or dean. Sam Catanzaro said doing so might be more parallel to the sanctioning track in cases not involving external parties (in which URC has recommended that the dean convene the CFSC to consider the matter). Catanzaro then cautioned that because there could be antagonism between the department chairperson or school director and the faculty member for whom sanctions are contemplated, it might be more appropriate to instead provide that the DFSC or SFSC convene itself.

Dean asked committee members if they prefer to define a sanctioning process for every type of sanction or if the two sanctioning tracks thus far recommended by the committee are sufficient. Ellerton said the approach URC takes may depend on what is meant by the term "sanction." Dean suggested that, in light of Ellerton's observation, URC defer its decision until the committee drafts the disciplinary articles.

Discussion of suspension processes

Dean then initiated committee discussion of suspension processes. Horvath recommended developing two tracks for consideration of suspension: one track could guide situations involving a threat of imminent harm and a second track could guide situations in which imminent harm is not a concern. Horvath recommended that the track for situations in which imminent harm is a concern should be designed to proceed quickly, with decisions made by the Provost in consultation with other impacted parties. He added that the track for situations in which imminent harm is not a concern should involve more parties and should proceed more slowly. A decision made by the Provost to suspend a family member in a situation in which imminent harm is a concern could then be reviewed through the lengthier process, Horvath suggested. Goodman concurred. Dean asked what process would be followed in cases in which progressive sanctions are being considered. Catanzaro suggested following the second (lengthier) track recommended by Horvath. Bonnell said she likes Catanzaro's suggestion but is concerned that consideration of suspension could inappropriately be triggered by something petty.

Committee members then discussed whether disciplinary actions in which a faculty member's teaching assignments are altered or a faculty member's access to physical space is denied should be categorized as a sanction or a suspension. Dean reminded committee members that they have included a change of teaching assignments in its list of sanctions. Horvath added that the committee has stated in its draft definition of suspension that rescinding a faculty member's access to physical space is considered a suspension.

Catanzaro said that AAUP refers to temporary reassignment as a de facto suspension, adding that he is not sure if he agrees with AAUP on that point. Catanzaro explained that the University has allowed department chairpersons and school directors to reassign faculty members but has never referred to such a reassignment as a suspension. He said the practice involves checks and balances to guard against abuse of that authority, such as allowing a faculty member to contest whether actions of a chairperson or director in the matter have been ethical. Catanzaro said whether a temporary reassignment should be considered a sanction or a suspension is a matter open to discussion by URC. He added that allowing a chairperson flexibility to reassign a faculty member and then working through disciplinary processes to review whether that action should be sustained is an approach URC might consider. Ellerton agreed. She described a situation she dealt with as an administrator when working at another institution that required quick action. She said it is important for other faculty members at the institution to recognize that action is being taken to resolve such matters.

Dean asked if, in cases involving the threat of imminent harm, the Provost should be the party deciding the disciplinary action without other parties involved in the decision. Horvath recommended that the Provost have that authority, noting that current ASPT policies grant the Provost authority to take final action in faculty personnel matters. Catanzaro clarified that, technically, the President is the party granted authority to take final action in faculty personnel matters, with the Provost recommending actions to the President. Catanzaro

suggested that if URC believes the Provost should have final decision-making authority, URC might consider adding a provision to the disciplinary articles stating that the President delegates his or her decision-making authority in disciplinary matters to the Provost.

Committee members then discussed appeals in disciplinary cases in which suspension is considered. Horvath said he prefers having the Faculty Review Committee serve as the body to which faculty members may appeal. He said it would be inadvisable to have the deans collectively serve as an appellate body due to potential conflicts of interest they may have as employees of the Provost. Catanzaro said another option might be to ask the Caucus to select a special committee to hear appeals in suspension cases, as has been proposed by URC when dismissal is being considered. Bonnell asked if ombudspersons might be asked to serve as an appellate body. Catanzaro cautioned against doing so, because ombudspersons may be involved in earlier stages of a disciplinary matter.

Referring to the track for considering suspension when imminent harm is not a concern, Bonnell observed that it might really be the Provost who initiates suspension discussions rather than the DFSC or SFSC. Horvath said there could be instances in which a DFSC or SFSC might want to initiate consideration of suspension. Dean noted that, regardless which party initiates consideration of suspension, URC is proposing that the dean and CFSC be charged with reviewing the case and recommending for or against suspension. Ellerton expressed support for DFSC/SFSC involvement in suspension discussions, cautioning that parties should not be permitted to bypass the DFSC/SFSC.

Discussion of dismissal processes

Dean then directed the conversation to discussion of dismissal processes. She noted that the ASPT document states that the Faculty Review Committee is to serve as the appellate body in dismissal cases. Horvath asked if the Faculty Review Committee would serve as the appellate body in dismissal cases involving probationary faculty members as well as tenured faculty members. Horvath's question led to discussion by committee members whether the dismissal policy should apply to both tenured faculty and probationary faculty members.

Catanzaro said the prior ASPT document (the document that expired December 31, 2016) provided only for non-reappointment of probationary faculty members, not their dismissal. He noted that the new ASPT document (effective January 1, 2017) sets forth a process for non-reappointment of probationary faculty members and a process for considering dismissal of probationary faculty members. The dismissal process, Catanzaro said, was added to provide additional due process for probationary faculty members. He said he has vacillated in his thinking whether the dismissal process for probationary faculty members is needed.

Horvath opined that if the process for dismissing a probationary faculty member is lengthy, an academic unit might instead invoke the non-reappointment process. Bonnell said that one consideration of an academic unit when deciding whether to dismiss or not to reappoint a probationary faculty member might be the right of an academic unit to retain a tenure line once it has been vacated by a probationary faculty member. Bonnell noted that if an academic unit terminates a probationary faculty member through the non-reappointment process, the academic unit is allowed to retain that tenure line but might not be permitted to do so if the probationary faculty member is dismissed. Catanzaro clarified that current rules governing allocation of faculty positions to academic units do not address terminations due to dismissal; he added that, most likely, an academic unit would be allowed to retain the tenure line if a probationary faculty member is dismissed. Horvath noted that a probationary faculty member would be asked to immediately leave the University only if the faculty member has committed a harmful act. Such cases would likely be adjudicated by attorneys rather than through the ASPT system, he added, suggesting that a separate dismissal process for probationary faculty members might not be needed.

Dean said she wants to soon finalize URC discussion of the disciplinary processes and then have committee members draft the three disciplinary articles (sanctions, suspensions, and dismissal) working in sub-groups. She said her goal is to complete the articles by the end of the spring term. Horvath said it might help expedite committee work if the committee first considers the process for dismissing tenured faculty members and later decides whether probationary faculty members should also be subject to dismissal proceedings (in addition to

non-reappointment proceedings). Dean concurred. She asked committee members to come to the next URC meeting prepared to discuss dismissal of tenured faculty members. She said the next meeting is scheduled for 1 p.m., Thursday, March 9.

IV. Other business

There was none.

V. Adjournment

Horvath moved to adjourn the meeting. Goodman seconded the motion. The motion passed on voice vote, all voting in the affirmative. Dean adjourned the meeting at 5:05 p.m.

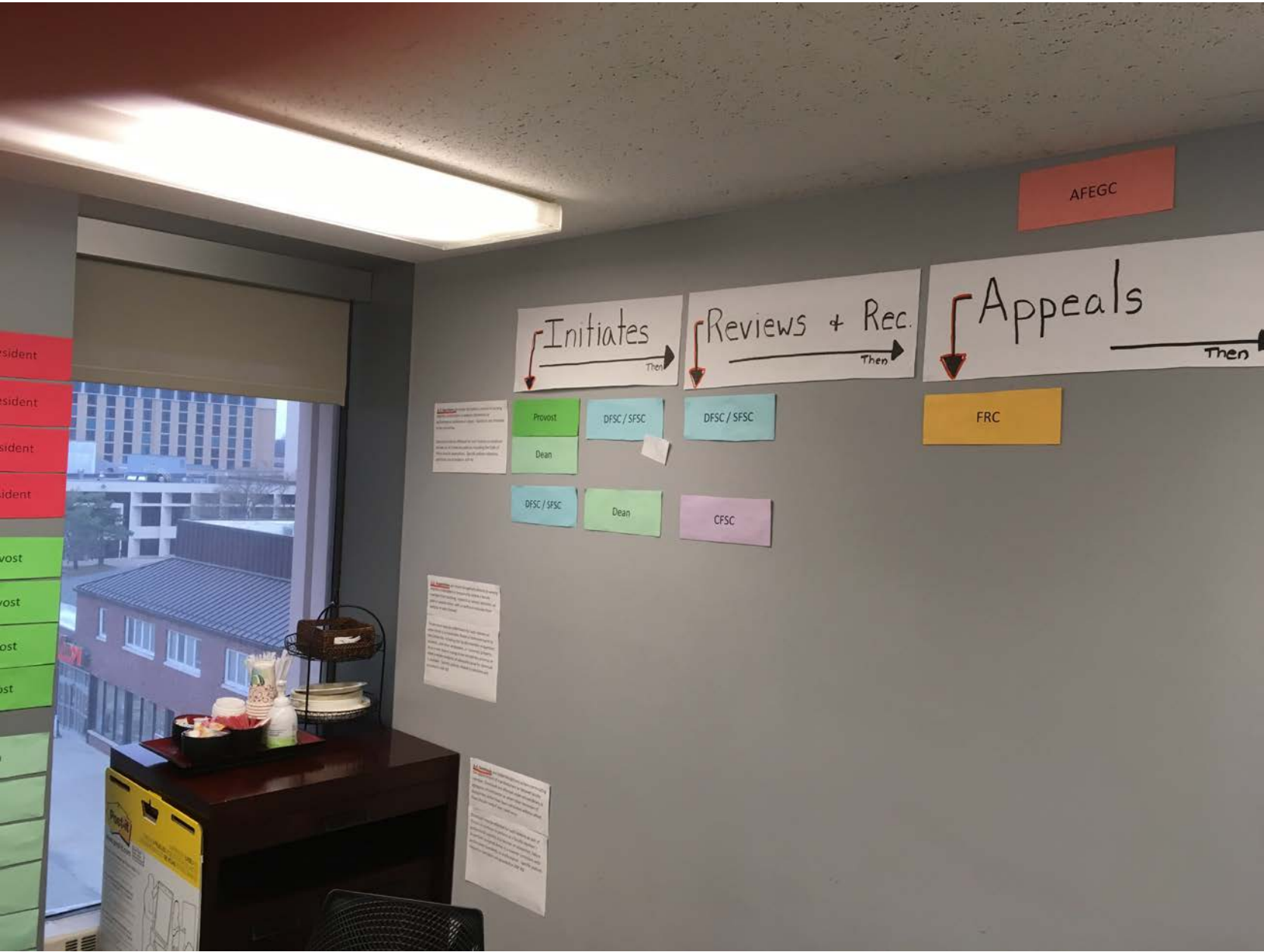
Respectfully submitted,
Bruce Stoffel, Recorder

ATTACHMENTS:

Flow Chart, End of University Review Committee Meeting, February 23, 2017 (2 parts)

Flow Chart, End of University Review Committee Meeting, February 28, 2017 (2 parts)

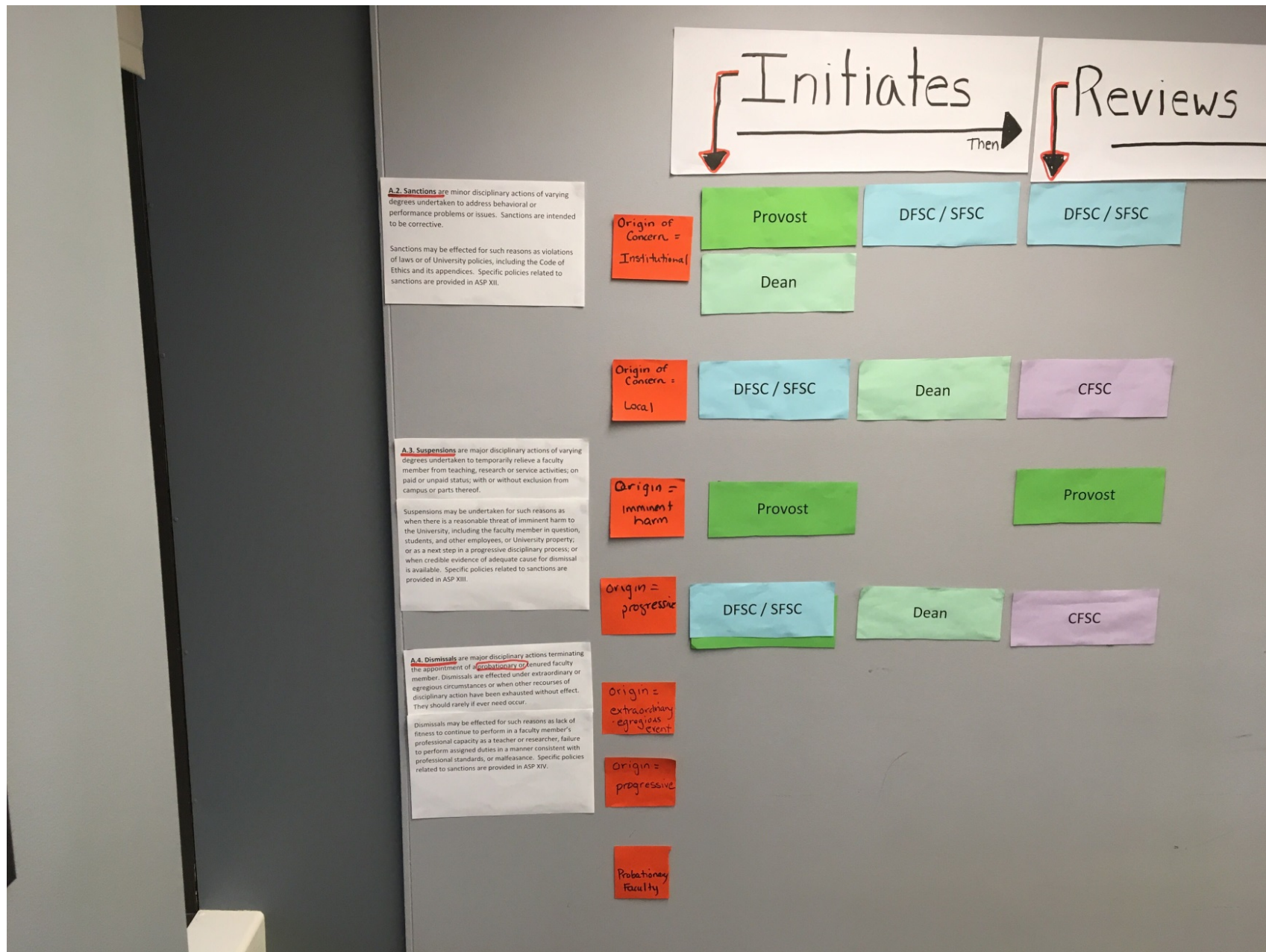
Flow Chart, End of University Review Committee Meeting, February 23, 2017, Part 1 of 2



Flow Chart, End of University Review Committee Meeting, February 23, 2017, Part 2 of 2



Flow Chart, End of University Review Committee Meeting, February 28, 2017, Part 1 of 2



Flow Chart, End of University Review Committee Meeting, February 28, 2017, Part 2 of 2

