

Commission on Faculty Affairs Minutes
July 28, 1995

APPROVED

Present: Paul Metz (chair), Bob Dyck, Billie Cline, David Conn, Janet Johnson, Bernie Jortner, Don Mullins, Sam Riley

1. Call to order, Handouts, and Agenda. Chair Paul Metz called the meeting to order at 3:00 pm. The members present introduced themselves. A handout containing the CFA charge and a roster was distributed and briefly reviewed. An agenda for the meeting was also distributed and adopted.
2. Selection of secretary for the meeting. Bob Dyck agreed to serve as secretary for the meeting. Paul Metz agreed to check with Dave Beagle about serving as secretary for the semester or academic year.
3. Minutes. The minutes of the April 21, 1995 meeting were approved as submitted; the minutes of the April 27, 1995 meeting were approved using the amended language for the statement on post-tenure review that had been circulated for review prior to today's meeting.
4. Identification of Pending Business for 1995-96 A.Y. Items discussed included the following:
 - a. Draft RIF Policy 2.11.2. Tabled indefinitely.
 - b. Draft RIF Policy 2.11.3. Still pending before the Faculty Senate.
 - c. Faculty Ethics.
 - d. Post-tenure Review.
 - e. Project Enable (not a likely agenda item).
 - f. Self Study. Links to Senate as a whole through Tom Sherman.
 - g. University Decision-Making Process.
 - h. Faculty Teaching and Public Perceptions.
5. Subgroups for work on the above agenda items. Don Mullins volunteered to continue his work with the RIF Subcommittee, and Sam Riley volunteered to work with a Post-tenure Review Subcommittee.
6. Employee Benefits Committee. Bob Dyck volunteered to serve as the CFA representative on the Employee Benefits Committee.
7. Meeting Schedule. The group agreed tentatively to meet, beginning September 1, 1995, on the first and third Fridays of each month, from 2-4 pm in a conference room in Wallace Hall to be confirmed by Janet Johnson (probably 230 Wallace Hall). The first two meetings therefore would fall on Sept. 1 and 15, respectively.
8. Information for CFA Membership. Paul Metz agreed to send a packet to all members on the subject of post-tenure review. He also agreed to send, on request, materials on Faculty Ethics, RIF Statements 2.11.2 and 2.11.3, and the one-page statement of CFA charge and roster.
9. Adjournment. The meeting was adjourned at approximately 4:20 pm.

Commission on Faculty Affairs Minutes
01 September 1995
APPROVED

Present: Paul Metz (chair), Dave Beagle (scribe), Billie Cline, Bob Dyck, Darlene Grega, Bernard Jortner, Andy Martin, Mary D. Moore, Sam Riley, Bob Sumichrast

1. Call to order. Paul Metz called the meeting to order at 2:00 PM.
2. Approval of minutes. The minutes of 28 July 1995 were approved without modification.
3. Introduction of new members. The members of the Commission identified themselves. Paul announced the names of the student representatives: Reginald Thabede for the Graduate Student Assembly and Andy Martin for the Student Government Association. He distributed revised copies of the CFA roster.
4. Announcements.
 - A. Faculty Senate Retreat. Paul summarized the three issues that were selected at the recent Senate Retreat as the main agenda items for the 1995-1996 term: post-tenure review, distance education, and the role and voice of the Senate within the overall University governance system.
 - B. Senate listservs. Interested Senators can join one of the three listservs that were set up to facilitate discussion of the three key Senate issues.
5. Post-tenure review.

Paul announced that Provost Peggy Meszaros will attend the next meeting to discuss post-tenure review. He also announced that he has asked Sam Riley to serve as the Commission's "point person" on this issue.

The Provost wants to respond quickly to a letter from SCHEV Director Gordon Davies that all Virginia colleges conduct regular, rigorous performance evaluations on faculty, particularly those protected by tenure. The SCHEV letter implies that University funding could be jeopardized by non-compliance with post-tenure review.

The Provost's response will emphasize what we already do here at Virginia Tech and the fact that post-tenure review has been in place for several years and has always been taken very seriously. She intends to send a response to the Council Director by 01 October 1995.

The Council wants to know what we do with our "bad" faculty. What are the procedures for dealing with a clearly non-productive faculty member? One element of the Provost's letter to Gordon Davies will outline post-tenure review procedures, either new ones or supplemental ones, that are aimed at dealing with this issue. Paul recommended that CFA should be a major progenitor of any post-tenure review procedures and policies.

Paul distributed a draft document from Sam Riley that outlines 11 general principles for post-tenure review. See the Appendix for the complete text of this document. Sam's original version was amended slightly based on input from Commission members.

Sam acknowledged point 6 in the draft principles document as the first significant decision point: "Whenever possible, any additional post-tenure

review should be performed not on all tenured faculty in a department or program, but only upon those tenured faculty members whose annual evaluations are customarily and significantly below expectations."

Sam's recommendation that we do not impose additional post-tenure review procedures on all faculty corresponds to the University of Kentucky (UK) system, which is described in an article written by Richard Edwards ("Toward Constructive Review of Disengaged Faculty") for the AAHE Bulletin (October 1994, page 6+). This article was distributed earlier in a packet of reading materials on post-tenure review..

Sam characterized the Kentucky system as "if it ain't broke, don't fix it." The UK premise is to use faculty time wisely by concentrating post-tenure review on those who really need it. Only when there are bad evaluations over several years does the process begin.

He contrasted the Kentucky system of post-tenure review with the one at Old Dominion University. The essential difference is in who gets reviewed. In the UK scheme, only "bad" faculty are reviewed, whereas in the ODU system all faculty go through a comprehensive post-tenure review every five years.

Bob Dyck suggested that we rename our present system of annual performance reviews as post-tenure review and then add to it an administrative procedures section that addresses remedies for low performing faculty (e.g., reassignment, termination, and salary decreases).

Paul Metz stated that a five-year review, if implemented here, likely would be of a greater magnitude than our current system of annual performance reviews for faculty, perhaps involving outside reviewers.

Bob Dyck countered that an extra outside review as routine procedure is unnecessary unless the regular annual performance evaluations are negative.

Sam suggested that it is unlikely that any review, whatever its form, will ferret out many truly incompetent faculty. He noted that while it is not right to hide gross incompetence behind tenure, most "bad" faculty are either disengaged or burned out and could be encouraged to start performing again.

Bob Sumichrast recommended that we learn more about our current system before we can conclude which of these two options (UK-ODU) makes the most sense for Virginia Tech

The second point in the draft principles document that Sam identified as possibly controversial was point 11: "The process of post-tenure review must be entirely free of gender or ethnic considerations." He asked whether it should be retained in the document.

Paul observed that there is a real backlash against affirmative action stemming from its perceived seeming support for the truly incompetent. Mary Moore warned that should we adopt a Kentucky style review-for-cause, it would be important to note whether there are any patterns over time to the review; e.g., are women or minorities being targeted for this selective review?

Point 11 can be construed in different ways, either as a rebuke against an uncritical application of affirmative action or as a caution that the review process should not involve bias.

Several foci for the next CFA meeting were proposed:

(1) Rehearsing the principles document with the Provost to generate a clearer view of the University administration's viewpoint concerning post-tenure review.

(2) Obtaining a factual basis on several matters, including the mechanics of the current system of annual performance evaluations, the appeals

process, and SCHEV's bottom line position on post-tenure review.

(3) Identifying the procedures that fall into place upon the triggering of post-tenure review and the structure of the review process (who does it and how is it done?).

6. Adjournment. The meeting was adjourned at 3:20 PM. The next meeting will be on Friday, 15 September 1995, from 2:00 - 4:00 PM in room 230 Wallace Hall.

Respectfully submitted,
Dave Beagle, scribe

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DRAFT
Post-tenure review
A Statement of General Principles
Drawn Up for the Virginia Tech Faculty Senate

1. If post-tenure review is to be used as a means of moving toward abolishing the institution of tenure, we the faculty want nothing to do with it.
2. We the faculty realize that if the important institution of tenure is to remain viable, it cannot be used to justify incompetence or continued substandard performance.
3. Post-tenure review should be used in a positive and constructive way, not as a means of summarily dismissing under-achieving faculty but rather as a way to encourage improved performance.
4. Whatever form of post-tenure review we might adopt should make full use of existing annual performance evaluations of tenured faculty, which have always constituted a form of post-tenure review.
5. Whatever form of post-tenure review we might adopt should be economical as to both time and money and should not necessitate the hiring of additional administrative or support staff or the creation of any new administrative office.
6. Whenever possible, any additional post-tenure review should be performed not on all tenured faculty in a department or program, but only upon those tenured faculty members whose annual evaluations are customarily and significantly below expectations.
7. Faculty should be allowed to participate in deciding upon the procedures to be followed in conducting post-tenure review.
8. Post-tenure review information should be regarded as internal personnel records under the Privacy Protection Act of 1980 and as such are not to be released to press or public.
9. All faculty should enjoy the right to request a voluntary post-tenure review.
10. Faculty subject to mandatory post-tenure review should enjoy all ordinary rights of appeal as specified in University regulations. In addition, the Faculty Senate shall create a Post-Tenure Review Appeals Board to hear appeals coming out of the several colleges and to make recommendations that will be forwarded to the Provost for final disposition.
11. The process of post-tenure review must be entirely free of gender or ethnic considerations.

Bobbi J. Lowe
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Commission on Faculty Affairs Minutes
15 September 1995
Approved: 06 October 1995

Present: Paul Metz (chair), Dave Beagle (scribe), Bob Dyck, Darlene Grega, Pat Hyer, Janet Johnson, Andy Martin, Mary D. Moore, Don Mullins, Sam Riley, Bob Sumichrast, Reginald Thabede

1. Approval of minutes. The minutes of 01 September 1995 were approved with minor modifications in wording.

2. RIF policy. At the last CFA meeting of the 1994-1995 term, a draft document of Faculty Handbook section 2.11.3 (Reduction in Force Associated with Discontinuance or Reorganization of Programs) was distributed to members with the understanding that its consideration would be resumed in the Fall. The document was posted to the campus Gopher and WWW servers, placed on Reserve at the Library, and published in the Spectrum.

The present Commission will have to deliberate the RIF issue at some point, although the original time frame for its closure has been extended, so there is not the urgency that faced last year's Commission. Pat Hyer recommended a mailing to the Deans, Directors and Department Heads list with a cover letter from CFA. Paul asked Don Mullins, a member of the sub-committee that drafted the document, to present the policy to the Deans. The Faculty Senate will discuss the RIF document at its 17 October 1995 meeting and Senate President Tom Sherman will be invited to the 20 October 1995 CFA meeting to help rehearse a presentation of the policy in preparation for its release to the governance system. There will be a general call for comments campus-wide.

3. Post-tenure review.

Sam has added another point to his original "Statement of General Principles." See the Appendix for the complete list. Point 11: "Thorough, written feedback, plus a face-to-face conference with the appropriate chair, head, or higher administrative official must be provided faculty who are subject to any new post-tenure review procedures." Point 11 in the original draft that appeared in the Appendix of the 01 September 1995 CFA minutes concerned affirmative action, but it has been eliminated in this version.

Pat asked for a rewording of Sam's point 3, cautioning against the use of the phrase "summarily dismissing," which can be viewed as a red flag. Point 3 was rewritten to read as follows: "Post-tenure review should be used in a positive and constructive way, not primarily to dismiss under-achieving faculty but rather to encourage improved performance."

Pat Hyer asked for a clarification of Sam's point 4: "Whatever form of post-tenure review we might adopt should make full use of existing annual performance evaluations of tenured faculty."

Paul responded that point 4 is a crucial decision juncture. We can either recommend a universal review or a triggered review. A selective, triggered review is what is being done at the University of Kentucky while a post-tenure review that applies to all faculty is in place at Old Dominion University. The UK and ODU systems are being used as models by the Commission during its consideration of post-tenure review options.

Pat wondered whether the UK model would be acceptable to SCHEV since Gordon Davies' letter to academic institutions mandating post-tenure review stated that post-tenure review must apply to all. Our position that annual performance evaluation = post-tenure review may not be sufficient alone. Likely, an additional review for clearly deficient faculty will be

required.

Bob Sumichrast asked about the intended outcome of a triggered post-tenure review. He observed that the bottom line of the SCHEV request appears to be the elimination of unproductive faculty. If this premise is correct, then a triggered process like the one at UK would work well.

Paul stated that the outcome of any post-tenure review should be for legitimate reasons and that it not be used to collect "pelts" for the wall.

Pat noted that there is a theoretical linkage between post-tenure review and dismissal for cause and that a post-tenure review policy could be written to link to existing grievance procedures.

She outlined the usual scenario involving a poorly performing faculty member who has been identified through our existing review process: (1) the faculty member is threatened with dismissal for cause; (2) the faculty member hires an attorney; (3) there is negotiation; and, (4) a buyout settlement is arranged.

Bob Sumichrast commented that if post-tenure review can in fact lead to dismissal for cause, then the bottom line outcome that SCHEV seeks is in place.

Sam urged that any post-tenure review policy should address not only the worst case situation, but be concerned as well with obtaining a positive outcome by successfully rehabilitating disaffected, disengaged, or burned out faculty. Post-tenure review, then could be viewed as a means of transforming "pelts" into "trophies."

Paul distributed a document he wrote called "Goals Guiding Discussion of Post-Tenure Review Policies." He briefly summarized the points. See the Appendix for the complete text.

Pat returned the discussion to Sam's point 10: "Faculty subject to any new post-tenure review procedures should continue to enjoy all rights of appeal as specified in existing University grievance policy."

She outlined the present faculty grievance procedure: (1) a decision is grieved; (2) grievant meets with the 1st level supervisor; (3) grievant meets with the Dean if the grievance remains unresolved; (4) peer review committee investigates if the grievance remains unresolved; (5) peer review committee makes a recommendation to the Provost; (6) Provost renders a decision; (7) if there is agreement between the Provost and the peer review committee, then there is no further review; if there is disagreement, then there is a final appeal to the President.

Darlene asked about the present evaluation procedures for faculty.

Pat responded that the procedures vary by college. Every college has a rating of some kind, often involving numbers and all departments do require an annual performance evaluation document of some sort. Veterinary Medicine has a matrix organization that is complex. Some departments have executive committees that assess the evaluation documents, others leave the review to department heads. The criteria vary as well. Some departments rate teaching, generally through student evaluations, some do not.. In some colleges there is a measurement against funding levels. The College of Education has experimented with teaching portfolios, where a faculty member collects packets representing student work.

Sam concluded that there can be no standard system of evaluation across different departments within the University.

Don expressed an interest in exploring the use of teaching portfolios as a means of moving toward more standardization in performance evaluations as

well as a means of eliciting a positive outcome from post-tenure review.

Sam agreed that teaching portfolios merit a more widespread consideration, but warned against mandating the collection of large amounts of data that are filed in a black hole. He argued for practical procedures that do not overly burden the faculty nor cost the institution excessive administrative overhead.

Bob Sumichrast argued that, if we do a regular post-tenure review, then something related to teaching might be beneficial with the corollary effect of being relatively inexpensive and easy to do. He echoed Sam's recommendation that any regular review must not be onerous to faculty who are performing well.

Paul took a straw poll of one post-tenure review scenario: Peer based review triggered by the department head after several consecutive deficient annual performance evaluations, with a benchmarked probation (e.g., 2 years) and benchmarked expectations including an outcome of possible remediation. There was general consensus that this is a reasonable scenario to consider further.

Paul asked at what point peers should get involved. A department head might trigger the post-tenure review, then get a departmental peer review committee (e.g., personnel, promotion & tenure) involved in some way. If the faculty member is found deficient after a few years, then dismissal for cause could be pursued. A paper trail of supporting documentation would be already completed.

Don questioned the need for a peer committee in every department. In those colleges where the department heads present the annual performance evaluations to the Dean, there is a structure in place that, over time, constitutes a rigorous post-tenure review. Further, a second layer of review at the departmental level is likely to involve promotion & tenure committees, which can be politically based, so there is the potential for abuse.

Paul reminded us that the Old Dominion University scheme has no requirement for peer review.

In summary, the Commission recognizes that tenure should not shield gross incompetence. Something from CFA, with different or new components, with a plausible path from incompetence to dismissal for cause, is a strong possibility. There is no agreement yet on whether the review will be triggered or universal.

4. Adjournment. The meeting was adjourned at 4:00 PM. The next meeting will be on Friday, 06 October 1995, from 2:00 - 4:00 PM in the President's Boardroom.

Respectfully submitted
Dave Beagle, scribe

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APPENDIX

DRAFT Goals Guiding Discussion of Post-Tenure Review Policies

Our goals can be arrayed on a 2 x 2 table according to whether they are internal or external and pertain to outcomes or processes.

	Internal Goals	External Goals
Outcome Goals	A	B

A. Internal Outcome Goals:

- 1. Tenure is inviolate. The institution remains committed to long-term employment of tenured faculty, with a positive presumption about individual performance and a decisive shifting at the point of tenure of the burden of proof respecting judgments of individual performance.
- 2. Faculty whose performance has been chronically deficient and not susceptible to remedy are dismissed and their positions freed for new hires.
- 3. If possible, there is some mechanism within post-tenure review to recognize and reward excellence (not just negative outcomes).

B. External Outcome Goals:

- 4. SCHEV is content ("off our backs"); continued funding is not at risk.
- 5. The general public is assured that faculty are accountable, proficient and productive, not on life-long sinecures.

C. Internal Process Goals:

- 6. The extra burden on an already over-worked and over-papered faculty and administration is minimized.
- 7. A mechanism and resources are provided to revitalize and refocus stalled faculty careers.
- 8. Decisions are equitable, reached mainly by peers following due process on the basis of well understood criteria.

D. External Process Goals:

- 9. If possible, post-tenure review procedures are consistent with procedures adopted by the other state-supported colleges and universities in response to SCHEV.

Drafted by Paul Metz
September 1995

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3rd DRAFT
Post-Tenure Review
A Statement of General Principles
Drawn Up for the Virginia Tech Faculty Senate

Note: These are referred to as "Sam's points" in the minutes.

- 1. If post-tenure review is to be used as a means of moving toward abolishing the institution of tenure, we the faculty want nothing to do with it.
- 2. We the faculty realize that if the important institution of tenure is to remain viable, it cannot be used to justify gross incompetence.
- 3. Post-tenure review should be used in a positive and constructive way, not primarily to dismiss under-achieving faculty but rather to encourage improved performance.
- 4. Whatever form of post-tenure review we might adopt should make full use of existing annual performance evaluations of tenured faculty.

5. Whatever form of post-tenure review we might adopt should be economical as to both time and money and should not necessitate the hiring of additional administrative or support staff or the creation of any new administrative office.
6. For economy of time and money, any add-ons to the annual performance reviews to which all tenured faculty are already subject should concentrate on those faculty whose performance has frequently been judged below average or below acceptable standards.
7. Faculty should be allowed to participate in deciding upon the procedures to be followed in any new post-tenure review activities.
8. Post-tenure review information should be regarded as internal personnel records under the Privacy Protection Act of 1980 and as such are not to be released to press or public.
9. All faculty should enjoy the right to request a voluntary post-tenure review.
10. Faculty subject to any new post-tenure review procedures should continue to enjoy all rights of appeal as specified in existing University grievance policy.
11. Thorough, written feedback, plus a face-to-face conference with the appropriate chair, head, or higher administrative official must be provided faculty who are subject to nay new post-tenure review procedures.

Drafted by Sam Riley
September 1995

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Commission on Faculty Affairs Minutes
06 October 1995
Approved: 20 October 1995

Present: Paul Metz (chair), Dave Beagle (scribe), Greg Brown, Billie Cline, Bob Dyck, William Greenberg, Darlene Grega, Pat Hyer, Janet Johnson, Bernie Jortner, Peggy Meszaros, Mary Denson Moore, Don Mullins, Sam Riley, Reginald Thabede

1. Approval of minutes. The minutes of 15 September 1995 were approved without modification.

2. Post-tenure review.

A. Annual performance evaluation procedures around campus. Paul outlined some of the common elements:

- (i) Peer review process versus department head review process;
- (ii) Face-to-face evaluations between the department head and faculty member versus written feedback only;
- (iii) Dean involvement versus no dean involvement; and,
- (iv) Planning opportunity versus no planning.

Janet Johnson commented that the annual performance evaluation is not just a judgment, but can be an opportunity for the administrator to ask how he or she can help.

Peggy Meszaros noted that there is in place now a rigorous annual performance review of faculty and that most department heads have face-to-face meetings with faculty, though they do not always include a development aspect (setting of goals and objectives).

B. Procedures for the evaluation of department heads and senior administrators. Paul asked the Provost what kind of input faculty have in this "upward" evaluation. There are lots of administrators at senior levels where the accountability is unclear to rank-and-file faculty.

The Provost responded that she has just been involved with her first evaluation of a dean. Usually, the Provost's Office reviews deans every 5 years. Typically, the faculty elect representatives to a committee, who then employ established college procedures for evaluating administrators. Input is gathered in various ways. The Committee meets with the Provost and prepares a summary report. The results are communicated to the Dean and constituent faculty. Feedback is done differently in the various colleges. At the very least, a letter is sent to the faculty that reports on the outcome of the evaluation.

Department head evaluation is universal. Section 2.9 of the Faculty Handbook (Annual Evaluation and Salary Adjustments) spells this out: "Heads, chairs, or directors shall be evaluated annually by the dean and at least every five years by the department."

William Greenberg observed that when there is a serious problem with a department head and the department revolts, the dean intervenes normally. When there is universal contempt, the dean must take action. When there is a perceived problem with the dean, however, there is a real problem because there is no institutionalized procedure for dealing with a poorly performing dean.

Bob Dyck asked whether there is an annual performance review of higher level administrators.

Pat Hyer referred to section 3.9 of the Faculty Handbook (Periodic Evaluation of Deans, Vice Presidents, and Directors of Major Organizational

Units):

"In addition to annual reviews by the supervisor, periodic (approximately every five years) reviews are required for deans, vice presidents, and directors of major organizational units. Periodic evaluations of other administrative faculty are encouraged. The periodic evaluation should be conducted by a small group of senior faculty, administrators, or peers in other units in close consultation with the supervisor. The evaluation be comprehensive and include as participants departmental faculty, staff, representative students where appropriate, and faculty and administrators outside the department. The evaluation should be formative, as well as summative; it should help both the administrator and the department or division improve. The results should be presented to the supervisor, and then the committee conducting the review and the supervisor should determine together how the results will be communicated to the participants."

Pat commented that faculty have considerable clout and that the mandatory 5-year review does not preclude an earlier review if one is needed.

Paul asked about those senior administrators who work outside the purview of the faculty. Do faculty have any formal input in these evaluations? Pat replied that these administrators are never reviewed without relevant faculty input from ad-hoc committees.

C. SCHEV expectations and peer institutions' plans/progress on post-tenure review. Don Finley of SCHEV, who is affiliated with the Financial Advisory Committee, has stated that faculty salary increases in the 1996-1998 biennium are contingent on an institution meeting SCHEV's plans for a regular, rigorous, pre-and post-tenure review for all faculty. Virginia Tech faculty are recommended for a 6% annual increase over this period. If effected, the faculty mean salary would increase from its present level of \$55410 to \$62260 in 1997-1998. The goal is to adjust salaries to the 60th percentile within our peer group by the year 2000.

Sam met recently with the executive committee of the Faculty Senate of Virginia. He serves as secretary of this group. At this meeting, he discovered that Virginia Tech is in front on the post-tenure review issue. He will try to get some written documentation on post-tenure review from other colleges and universities in the Commonwealth.

D. Paul passed out a document entitled "DRAFT of new sections of Faculty Handbook pertinent to Post-Tenure Review." This document represents an effort to draft the actual language through which the Faculty Handbook would describe post-tenure review procedures. Sections 2.9 (Annual Evaluation and Salary Adjustments) and 2.10 (Retirement, Resignation, and Non-Reappointment), including a new section (2.10.4) covering post-tenure review, would be affected.

Several items in the document were discussed.

The only rating that would be standard across departments is one of "unsatisfactory." Other ratings could vary in terminology (e.g., satisfactory, very satisfactory, excellent, etc.). The unsatisfactory rating is the standard triggering mechanism for a peer review.

The draft document specifies a 3-year trigger. If someone is very incompetent, though, there is no need to wait for 3 years of unsatisfactory ratings before dismissal for cause could be pursued. One year of probation may be required before a recommendation of dismissal for cause. The Faculty Senate discussion group favors this probation condition.

Once there are three unsatisfactory evaluations by a department head, a peer review process is automatically set in motion, even if in the following year (assuming there is a year 4) the department head writes a

good evaluation.

The clock is re-zeroed if a peer review committee disagrees with the assessment of the department head. It is possible for a faculty member to get into a loop if the peer committee asks for a recurring review.

In the University of Kentucky post-tenure review, which has been used as a possible model for our plan, the peer committee tells poorly performing faculty how to improve. This seems a bit condescending, so we may not incorporate this element into our document.

Sam Riley inquired about the omission of service activities in the description of what a post-tenure review dossier would normally encompass. Teaching and research are enumerated, but not service. A broader term ("current activities") was substituted to address his concern.

Bob Dyck asked about the definition of the unsatisfactory rating. Does it represent the lowest rating category or does it refer to someone who is performing at the bottom end of the evaluation scale? It is intended to mean those faculty who have failed to meet the minimal obligations and standards the department or unit holds for its faculty.

Bill Greenberg asked whether a department is supposed to allow for a lower level of performance in cases of illness since there is a statement in the draft document that obligates the chair to "mention any known personal circumstances such as illness which might mitigate the observed deficiencies in the faculty member's performance."

Pat Hyer answered that the University has a flexible policy that deals with accommodations, but does not excuse a faculty member forever from meeting expectations. Ordinarily, in the case of illness, there is a likelihood of disability being declared. Perpetual accommodation of poor performance is not acceptable.

Peggy asked why three consecutive unsatisfactory annual evaluations were selected as the triggering mechanism. Paul indicated that the Senate discussion group agreed that three is a reasonable number.

Peggy suggested that it would be important for the faculty member who receives an initial unsatisfactory rating to get adequate feedback for possible remediation.

Pat asked why the dean and department head is written out of these procedures. Once a review is triggered, the faculty assume responsibility. She expressed a concern with the lack of an administrator role. The dean is not involved where one might reasonably expect him or her to have an interaction.

Sam responded that there was no intention to cast out an administrator role in post-tenure review. Usually, a drastic outcome is an administrator responsibility, so perhaps we should change the wording of the draft document to include a recommendation to the dean or department head when dismissal for cause is the outcome.

Bernie Jortner objected to the department head being the initiator of the post-tenure review process. This strikes at the heart of the tenure system; it allows a department head to seek reprisals against tenured faculty.

Pat noted that grievance procedures can address academic issues such as an unsatisfactory rating.

Paul suggested that we could rewrite the draft document so that whoever decides the rating -- peer committee or department head -- can award an unsatisfactory evaluation; it does not have to come from the department

head

Pat reiterated her concern that the role of the deans and department heads be put back into the draft policy. She also noted that since much of the draft concerns procedural matters, it may need to be codified in the Faculty Handbook. Do we put the policy in the Faculty Handbook and then leave the details to individual departments? The level of detail in the Faculty Handbook could be very prescriptive or very flexible allowing for idiosyncrasies across departments.

Don stated the importance of clear guidelines for the unsatisfactory rating and for the trigger procedures.

Pat asked whether we can we regard previous years' 0% raises as a constitution of an unsatisfactory rating and use it retroactively to trigger an immediate post-tenure review of chronic non-performing faculty. She argued that we don't want to be prohibited from moving on dismissal for cause cases that are exigent now.

Paul responded that such an ex-post facto application would be dangerous and an invitation for litigation.

Paul asked that Commission members send him their comments on the draft document. Paul will summarize the work on post-tenure review to the Faculty Senate at the October meeting. The draft document will not be distributed to that body, nor will it be attached to these minutes at this time.

3. RIF 2.11.3. A call for comments was announced in yesterday's issue of the Spectrum (05 October 1995 and deans, directors, and department heads have received a mailing. Tom Sherman will attend the 20 October 1995 CFA meeting to discuss RIF. Don Mullins will present the draft RIF policy at the 17 October 1995 Faculty Senate meeting.

4. Statement of Faculty Ethics. Paul will distribute copies to Commission members for consideration at a future meeting. Peggy asked that the matter not get pushed too far back since there are cases now that involve faculty ethics.

5. Adjournment. The meeting was adjourned at 3:55 PM. The next meeting will be on Friday, 20 October 1995, at 3:00 PM in room 236 Wallace Hall.

Respectfully submitted,
Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

20 October 1995

Approved: 03 November 1995

Present: Paul Metz (chair), Dave Beagle (scribe), Greg Brown, Darlene Grega, Pat Hyer, Janet Johnson, Don Mullins, Sam Riley, Reginald Thabede

Guests: Tim Luke, Tom Sherman

1. Approval of minutes. The minutes of 06 October 1995 were approved with a few modifications in wording.
2. Reduction in Force Policy.

Paul thanked Don Mullins for coordinating the call for comments on draft policy 2.11.3 and for presenting it at the October Faculty Senate meeting.

Don passed out several documents to aid the discussion:

- * Draft of Section 2.11.3 of the Faculty Handbook, Reduction in Force for Program Reduction or Discontinuance;
- * Summary of faculty comments on RIF Policy 2.11.3; and,
- * Faculty Senate Report: Reduction in Force Policies (see Appendix).

Tom Sherman, President of the Faculty Senate, had been invited by the chair to attend today's meeting to lend his perspective to the RIF discussion. As a member of CFA last year, he served on the subcommittee that wrote the document. The other members of the subcommittee (Pat Hyer, Don Mullins, and Bob Sumichrast) are currently serving on CFA.

Tom began by reminding the committee that there is an existing policy in the Faculty Handbook that will remain in force unless a replacement policy is passed. There are important differences between the proposed and existing versions. If the new policy moves us forward, then it should be accepted; if not, it should be rejected.

Don started through the list of issues from the campus-wide call for comments.

A. Extraordinary circumstances.

One comment concerned with this sentence: "However, where extraordinary circumstances require more rapid change, it may be necessary to restructure or discontinue programs or departments, resulting in involuntary termination or alteration of appointments of tenured faculty." This individual was uncomfortable with the phrase "extraordinary circumstances." Since the RIF Steering Committee composition is determined jointly by the Provost and the President of the Faculty Senate and the Steering Committee must agree with the Provost before a restructuring or discontinuance of academic programs can be considered, it was decided to leave this text as written.

B. Initiators.

Another comment concerned this sentence: "Restructuring or discontinuing an academic program may be initiated by the Provost or President, by the college dean, by the collegiate faculty, or by an appropriately charged commission." This individual asked why the 'department' has been excluded as an approved initiator of program restructuring and discontinuance. There was agreement that because a department is a subset of "collegiate faculty" that the text should not be changed.

C. Steering Committee membership.

Another comment addressed the membership on the Steering Committee: Does "faculty members" always mean only members of the teaching and research faculty? Tom stated that library and extension faculty would be eligible to serve on this committee but that administrative and professional faculty

would not be eligible. Since administrative and professional faculty, as well as staff, have the opportunity in this draft document to review a restructuring plan, the composition of the Steering Committee was left as written:

"The Steering Committee shall be composed of nine members determined jointly by the Provost and the President of the Faculty Senate: two faculty members selected from the membership of the Commission on Faculty Affairs; two faculty members selected from the membership of the Commission on Undergraduate Studies and Policies; two faculty members selected from the membership of the Commission on Graduate Studies and Policies; one faculty member selected from the University Advisory Council on Strategic Budgeting and Planning; one member selected from nominations by the Faculty Senate; and, the Provost, or an administrative designee."

Tom stated that the subcommittee felt very strongly that the constitution of the Steering Committee would be an important element in the success of any restructuring plan. The issue of appearance is important, thus the specification of a joint determination of the membership.

D. Program definition.

The question of program definition was raised by several faculty. The draft policy contains this language: "For the purpose of developing specific plans, an academic program should meet one or more of the following criteria: a) has 'program' as part of its title, b) grants a degree or a credential, c) has a sequence of courses with a common prefix, or d) has been identified as an academic program in official university documents. A program is generally smaller than a department and shall be larger than the activities of a single faculty member."

Tom commented that program definition is an issue of considerable concern and is one area where the subcommittee spent much time. He stated that the reorganization or discontinuance of any program is possible without ever invoking this policy, provided the affected faculty are reassigned or retrained. This policy is only germane when the elimination of filled positions is involved. Further, in a restructuring or discontinuance plan that involves the elimination of faculty positions, a program that is identified as a single individual cannot be selected.

Sam suggested that we eliminate the last sentence of the paragraph that defines a program ("... and shall be larger than the activities of a single faculty member.") because it is feasible that the program most in need of elimination is the one with a single faculty member. This is sort of a reverse Noah's Ark.

Paul agreed with Sam that the protection of one-person programs seems arbitrary. We should trust our colleagues to find those areas that are least productive. If there is going to be a reduction of one person and that one person is protected as a single position program, then we have to eliminate another program that has more merit. Greg stated that it is constraining to protect single faculty programs.

Tom replied that the idea of changing the University by firing people is a bad practice and should not be embraced as a strategy. This draft policy makes it hard for the University to fire people. This policy should be used as an avenue of absolute last resort and not as an instrument of change.

Don recommended leaving the wording alone. It was written expressly to protect isolated individuals who might be the most vulnerable in program reduction efforts.

Tom reiterated his point that you can eliminate any program anytime as long as faculty are not fired.

The discussion of this issue was halted so that comments on other sections of the draft document could be reviewed.

E. Affirmative action.

One of the issues raised at the October Faculty Senate meeting was the affirmative action provision: "Within programs identified for reduction, tenured faculty members must not be terminated before untenured faculty members, except that affirmative action should be considered. Among tenured and untenured faculty members, rank and affirmative action must be considered."

Paul asked whether affirmative action can serve as the rationale by which tenured faculty could be eliminated before untenured faculty .

Tom noted that the policy does not mandate that affirmative action be put into place; rather, it makes an affirmative action role possible.

Pat stated that affirmative action is an important institutional commitment. She read some suggested revisions of the affirmative action sentences. Possible rewordings were debated.

Sam reminded the group that the intent of the 1994-1995 CFA was to provide flexibility in the document so that individual departments might be allowed to take affirmative action into consideration in their own ways.

Bernie observed that tenure is also an important institutional priority and asked whether affirmative action is deemed to be a higher priority. He stated his view that tenure should be paramount.

Tom commented that he feels comfortable with affirmative action being included. The key feature of this draft policy is that it mandates early and significant involvement of the faculty. This policy does not allow for unilateral decisions like the one to reduce the size of the College of Education. This policy makes it difficult for an autocratic administrator to operate unopposed. Restructuring can only be accomplished with the consultation and assent of the Steering Committee, which is composed of faculty members.

He also observed that it may not be possible to modify the wording sufficiently to satisfy those opposing the inclusion of any affirmative action statement in the document and that we should be prepared for a vocal and aggressive opposition if we believe that affirmative action rightfully belongs.

Don suggested that we replace the affirmative action section with one that focuses on the diverse needs of the students instead.

A motion to reword the affirmative action section of the document as follows was passed: "Within the tenured faculty as a group and the untenured faculty as a group, rank and affirmative action must be considered."

F. Notice.

Don brought up a question concerning notice. President Torgersen has indicated in previous meetings with representatives of CFA that three years notice would be acceptable to him. The deans, however, prefer a notice period of two years. Recognizing that the Board of Visitors is the ultimate arbiter of this issue, the general consensus was to preserve three years notice. A motion to retain three years was passed with one negative vote.

G. Reappointment.

Don presented another issue from the call for comments: clarity on when the clock begins for reappointment. The draft document specifies that: "In all cases of termination of appointment because of program reduction or

discontinuance, the position of a faculty member with tenure or continued appointment will not be filled by a replacement within a period of three years unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline."

Tom asserted that the clock for reappointment does not start until a faculty member has actually departed the institution. Assuming a three years notice period and a faculty member who stays here for the maximum time allowed, it is possible that a position targeted for termination could not be refilled for six years.

H. Transition assistance.

The section on transition assistance was discussed and left intact.

I. Appeals.

The appeals section was discussed thoroughly at Faculty Senate. The draft document sets the grounds for appeal as "substantial failure to follow the procedures and standards" set forth in section 2.12 (or 3.11 for administrative and professional faculty) of the Faculty Handbook. Excluded as a basis for appeal is the "determination of which programs or departments will be affected." One senator was particularly alarmed about this exclusion. A motion to retain the appeals section as written was passed.

Paul asked that the remaining members from the original subcommittee (Pat Hyer, Don Mullins, and Bob Sumichrast) review the suggestions from the general call for comments as well as the discussion from today's CFA meeting and rewrite the document. This revised document would be distributed and discussed one more time at the November Faculty Senate meeting and then returned to CFA for final deliberation and action.

3. Adjournment. The meeting was adjourned at 5:00 PM. The next meeting will be on Friday, 03 November 1995, at 2:00 PM in room 236 Wallace Hall.

Respectfully submitted,
Dave Beagle (scribe)

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APPENDIX

Faculty Senate Report: Reduction In Force Policies
October 11, 1995
Don Mullins

I. History of the RIF Policies in the Faculty Handbook

2.11 Termination For Cause of Reduction in Force

Completed in 1986 after three years of development. Was initiated as a mandate to all Virginia governmental agencies.

II. The current policy contains three parts:

2.11.1 Due Process for Dismissal for cause

Provides a mechanism to remove bad and incompetent faculty

2.11.2 Reductions on Force under Conditions of Financial Exigency

Provides a mechanism for reducing the university work force due to a financial crisis: (financial exigency)

2.11.3 Reduction in Force Associated with Discontinuance or

Reorganization of Programs

Provides a mechanism for reducing the work force or reorganizing the work force (programs) for reasons other than financial exigency

III. Fall 1994, The Board of Visitors identified two concerns with regard to the RIF policies:

2.11.1 Due Process for Dismissal for Cause:

Appeared to be too generous to very undesirable faculty, it appeared to guarantee those individuals with one year employment after a decision to dismiss had been reached.

2.11.3 Reduction in Force Associated with Discontinuance or Reorganization of Programs

Appeared to be too generous in guaranteeing employment for up to 5 years after a RIF had been implemented.

IV. CFA: Activities regarding RIF in 1994-95:

2.11.1 Due Process for Dismissal for Cause

The language in this section was strengthened: Faculty who are dismissed for cause are not provided with one years employment after their case has been decided

2.11.2 Reductions on Force under Conditions of Financial Exigency

Because the current policy is unworkable and will most likely never be invoked, the CFA spent a considerable amount of time developing a new policy. This policy provided an orderly process for reducing force under circumstances where there was a bona fide financial crisis.

When a draft of the revised policy was sent out for review, several problem areas were identified by faculty at large, and by the Faculty Senate. The CFA has tabled discussions on the revised policy indefinitely.

2.11.3 Reduction in Force Associated with Discontinuance or Reorganization of Programs

Late in the year, the CFA began work on this section. It was intended that this policy be made more workable, and the issue of the 5 year guaranteed employment after a RIF decision be addressed:

The proposed policy contains language that:

- * ensures joint decision-making between university officials and affected programs' faculty members

- * details the precise procedures to be followed in restructuring or discontinuing program

- * clarifies the meaning of "program"

- * underscores the reciprocity of faculty and university interests

- * changes the period of notice for tenured faculty members to three years

It calls for early involvement of faculty in the process of making decisions on program reorganization or discontinuance.

The draft of this policy has been published twice in the Spectrum (May 4 and October 5) and sent to University Administrators, Deans and Department Heads, with a call for comment.

The CFA will review and consider all comments which are received before

sending a revised version forward for approval

Bobbi J. Lowe
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Commission on Faculty Affairs Minutes
17 November 1995
Approved: 01 December 1995

Present: Paul Metz (chair), Dave Beagle (scribe), Bob Dyck, Bill Greenberg, Pat Hyer, Janet Johnson, Bernard Jortner, Mary Denson Moore, Don Mullins, Bob Sumichrast

1. Approval of minutes. The minutes of 03 November 1995 were approved without modification.
2. Committee minutes. Paul distributed minutes from the 5 October 1995 and 7 September 1995 meetings of the University Committee on EOAA.
3. Vice-chair. Bob Sumichrast agreed to serve as Vice-chair of the Commission.
4. RIF policy. A revised draft dated 3 and 7 November 1995 was discussed. Nearly all of the remarks concerned the "Guidelines for Development of College Plans" section of the document.

This is the wording from the current version:

"If restructuring requires the termination of faculty members, then the following guidelines must be used:

When programs are identified for discontinuance, all faculty assigned to the program, both tenured and untenured, will be potentially subject to reassignment or termination. A primary consideration in all decision making should be the program needs of students.

Within programs identified for reduction, tenured faculty must not be terminated before untenured faculty, except that college plans should consider affirmative action. Within the tenured faculty as a group and the untenured faculty as a group, rank, affirmative action, and merit must be considered."

Bill Greenberg objected to the primacy placed on the "program needs of students." He suggested that we add a second sentence: "Additional considerations should be the ability of the faculty to contribute to the research and service missions of the University." He argued that without the second sentence adding research and teaching, teaching alone appears to have pre-eminence in restructuring decisions.

He also argued that the inclusion of "merit" as a guideline is problematic because it is a vague term. Others felt that merit is more or less understood as contributing in a positive way to the three missions of the University and that it is not necessary to explicitly enumerate all of its components.

Sam Riley had sent written comments on affirmative action to Paul since he could not attend the meeting. He prefaced his memo with this statement: "First, I am of the opinion that affirmative action is still needed in order to attract more minority faculty to our campus and, in programs where there are few women faculty, the same would hold true."

He stated that the policy as currently written is a misuse of affirmative action and listed four reasons for his opposition:

- 1) It is illegal. One gender should not be deemed more tenured than the other. Likewise, tenure's protection should not be determined by race.
- 2) If RIF policy is driven by race and gender, large lawsuits are a certainty. The University would be unlikely to win such suits.
- 3) It sends a poor message -- that profs who are not white males need not worry too much about their actual job performance, inasmuch as they are protected.
- 4) It is insulting to women and minority faculty. It seems to assume that they are unable to compete on equal footing and that they need special protection. I do not believe this to be the case. The women and minority faculty I know are doing quite well on their own and do not require a "protector."

After lengthy debate of the guidelines section, the following language was proposed that removes the "program needs of students" sentence, retains merit, and reworks the affirmative action sentences:

"If restructuring requires the termination of faculty members, then the following guidelines must be used:

When programs are identified for restructuring or discontinuance, all faculty assigned to the program, both tenured and untenured, will be potentially subject to reassignment or termination.

Within programs identified for restructuring or discontinuance, tenured faculty must not ordinarily be terminated before untenured faculty. Termination decisions within the tenured faculty as a group and the untenured faculty as a group should ordinarily be based on rank and merit. In all of the above cases, however, departments or programs whose diversity would otherwise be threatened should consider affirmative action as additional grounds for decision-making."

A few other non-controversial changes were made. Don will produce a new draft incorporating these changes. Pat Hyer will arrange for a first reading of the policy at University Council on 4 December 1995. Faculty Senate will discuss the draft at its 28 November 1995 meeting. Senate comments can be added to an amended version of the document at the second University Council reading.

This latest draft of RIF section 2.11.3 of the Faculty Handbook will be posted on the University's Web and Gopher servers and placed on Reserve at the Library.

5. Post-tenure review.

Tom Sherman has suggested that the use of the word "minimal" to describe departmental obligations and standards could be subject to criticism and that we might consider alternative wording. Commission members decided not to change the terminology.

Paul had received a note from a faculty member who inquired about the role that leave might play in determining who is eligible for a post-tenure review. A sentence was added so that "annual reviews for years spent on leave without pay shall be disregarded for the purpose of this calculation."

Don suggested an addition to the draft policy that reminds faculty of their recourses to an unsatisfactory annual performance rating. This provision was added: "Faculty members may respond in writing with a letter to the head or chair for inclusion in their personnel file, or they may seek redress through either the reconciliation or grievance procedures."

Bob Sumichrast expressed a desire to review the final outcome of a post-tenure review. In the current draft of the policy, the peer review committee who finds a faculty member to be deficient after a specified period of remediation can recommend that dismissal for cause procedures be initiated. He asked that the Commission consider alternative disciplinary actions other than the ultimate sanction of dismissal for cause. He asked whether the outcome of post-tenure review is to improve the University or simply to fire people.

Dave Beagle will distribute two versions of the policy for Commission members to review, one with dismissal for cause as the final outcome and a second with alternative sanctions included.

Faculty Senate will discuss post-tenure review at its 28 November 1995 meeting.

6. New business. Paul briefly mentioned several future items of business for the Commission: ethics policy, appointed promotion & tenure committees, and a policy for research faculty to convert salary.

7. Adjournment. The meeting was adjourned at 4:00 PM. The next meeting will be on Friday, 01 December 1995, at 2:00 PM in room 230 Wallace Hall.

Respectfully submitted,
Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

01 December 1995

Approved: 14 December 1995

Present: Bob Sumichrast (vice-chair), Dave Beagle (scribe), Greg Brown, Bob Dyck, Pat Hyer, Janet Johnson, Bernard Jortner, Peggy Meszaros, Mary Denson Moore, Don Mullins

Guests: Jacobeth Thabede (substituting for Reginald Thabede)

1. Approval of minutes. The minutes of 17 November 1995 were approved with one minor correction.

2. RIF policy.

Vice-chair Bob Sumichrast asked for a report on the discussion of the draft RIF policy at the November Faculty Senate meeting. There were two items that produced changes in the document.

A. The first item concerned the voting rights of the Steering Committee. One senator wanted clarification of the voting issue, specifically whether the fundamental decision on reduction in force would be decided by majority voting of committee members or whether the Provost would have the final authority. One sentence was rewritten to clarify this matter: "The Steering Committee will elect a chair by vote of all members of the committee."

B. The second item also involved the issue of authority. A senator asked whether the Steering Committee could veto a restructuring plan. He expressed his belief that a faculty committee would never vote to discontinue a program, hence the need for these sort of tough decisions to be made by an administrator. Wording in one sentence was altered to more clearly identify the role of the Steering Committee as advisory to the Provost: "If after these preliminary discussions and upon considering the advice of the Steering Committee, the Provost decides to proceed, the Provost will prepare a more detailed proposal including ..."

Since the wording changes did not fundamentally alter the intent of the original draft, the Commission voted unanimously to accept the changes suggested at the Faculty Senate meeting and to forward this draft to University Council for first reading. A second reading at University Council would occur at the 15 January 1996 meeting and the policy should be referred to the Board of Visitors at their 19 February 1996 meeting, barring its deferral or referral back to the Commission.

3. Post-tenure review.

A. Section 2.9. Annual Evaluation and Salary Adjustments.

Bernie Jortner raised an objection to the "minimal obligations" wording in the draft document ("Failure to meet the minimal obligations and standards the department has stipulated for its faculty will result in an 'unsatisfactory' rating."). He asked whether it is reasonable to come up with such standards. He also expressed reservations about allowing the department head to make the evaluative judgments that trigger post-tenure review and worried that tenure could be eroded.

Dave Beagle commented that the minimal standards are not envisioned as a check-list where failure to meet one of the items automatically triggers a post-tenure review; there should be plenty of flexibility in the standards. Janet Johnson noted that the Faculty Handbook speaks to a faculty member being excellent in two of the three missions when undergoing a tenure or promotion review.

B. Alternative sanctions.

Two versions of a draft post-tenure review policy ("dismissal for cause" and "alternative sanctions") were distributed earlier to CFA members and to senators. At the November Faculty Senate meeting, there was strong support for the "alternative sanctions" version.

The initial drafts of a post-tenure review policy specified three outcomes: (1) certification of satisfactory performance; (2) certification of deficiencies with mandatory improvements specified; and, (3) certification of deficiencies sufficient to initiate dismissal for cause. The alternative sanctions approach replaces the "dismissal for cause" outcome with "disciplinary actions," one of which can be dismissal for cause.

The original wording of the "certification of deficiencies sufficient to initiate disciplinary

actions" outcome reads as follows:

"In those cases where the faculty member's competence and professional contributions fail to meet the department's minimal expectations, the committee may recommend various disciplinary actions:

o Where there has been some improvement during the period of remediation and there remains the possibility that the faculty member's performance can meet the department's minimal expectations, the committee may recommend a severe sanction (such as reduction in pay or reassignment of duties) instead of dismissal for cause. The faculty member would be eligible for another post-tenure review following two successive annual ratings of unsatisfactory performance.

o Where willful non-performance, incapacity, the exhaustion of all reasonable remedies, or some other cause make it unlikely that the faculty member's professional performance will improve, dismissal for cause is recommended.

The committee's findings and recommendations are reviewed by the college promotion and tenure committee for procedural correctness and to ensure that they were based on substantive professional matters. The committee's report, if sustained by the head or chair, Dean, and Provost, automatically initiates the disciplinary actions.

The committee's report fulfills the requirement in section 2.11.1 for an informal inquiry by a standing personnel committee, when dismissal for cause has been recommended. Section 2.11.1 outlines the faculty member's right to appeal in such cases."

Both Bob Sumichrast and Pat Hyer handed out their reworked versions of this final section of the post-tenure review policy.

Bob's version:

"The committee may recommend disciplinary actions, including dismissal for cause, in cases where the faculty member's competence and professional contributions fail to meet the department's minimal expectations and where willful non-performance, incapacity, the exhaustion of all reasonable remedies, or some other cause make it unlikely that the faculty member's professional performance will improve. The committee's findings and recommendations are reviewed by the college promotion and tenure committee for procedural correctness and to ensure that they were based on substantive professional matters. The committee's report, if sustained by the head or chair, Dean, and Provost, automatically initiates sanctions. If those sanctions include the initiation of dismissal for cause procedures, then the committee review satisfies the requirement in section 2.11.1 for an informal inquiry by a standing personnel committee. Section 2.11.1 outlines the faculty member's right to appeal in such cases."

Pat's version:

"In those cases where the faculty member's competence and professional contributions fail to meet the department's minimal expectations, the committee may recommend various disciplinary actions:

o Where there has been some improvement during the period of remediation and there remains the possibility that the faculty member's performance can meet the department's minimal expectations, the committee may recommend a severe sanction such as, but not limited to, reduction in pay, reassignment of duties, withholding of merit increases, or suspension without pay.

In such a case, the faculty member's performance shall remain under close scrutiny by the head and the committee until the faculty member achieves a satisfactory performance evaluation, or either the head or the committee initiates dismissal for cause proceedings.

o Where willful non-performance, incapacity, the exhaustion of all reasonable remedies, or some other cause make it unlikely that the faculty member's professional performance will improve, dismissal for cause is recommended.

The committee's report, if sustained by the head or chair, Dean, and Provost, automatically initiates dismissal for cause. When the committee recommends dismissal for cause, its report shall fulfill

the requirement in section 2.11.1 for an informal inquiry by a standing personnel committee. Section 2.11.1 outlines the faculty member's right to appeal in such cases."

Pat argued that there is a need for a serious sanctions policy in the Faculty Handbook that authorizes penalties other than dismissal for cause and that such a policy need not be tied to post-tenure review, although post-tenure review is one place where it could fit. She noted that in Bob's scenario there is no explicit enumeration of sanctions, which might require the companion task of writing a severe sanctions policy. She referred to ODU where dismissal for cause and severe sanctions are part of the same policy. There, reduction in pay and suspension with or without pay constitute some of the severe sanctions.

Peggy agreed that we need more tools between reprimand and dismissal, but questioned why a person who doesn't meet minimal expectations gets another chance.

Bob stated that it is better not to write in specific punishments, but to provide ample flexibility for the departmental committee to match the penalty with the deficiency.

Greg Brown stated that the policy should have closure. Flexibility is fine, but there needs to be an ending point to a post-tenure review.

Bob responded that in most cases where remediation has not resulted in a satisfactory rating, dismissal for cause will be the recommendation and the first step in the dismissal for cause process will be complete. If there is an alternative severe sanction, the process is over and there is closure to the post-tenure review.

Pat suggested a rewording of her original draft that eliminates the "close scrutiny" sentence and substitutes this one: "An unsatisfactory rating at the next performance evaluation automatically triggers dismissal for cause proceedings."

Bob expressed opposition to this extra year. He wondered whether the additional year would produce any improvement given that the individual has failed to meet minimal standards during the period of remediation. He repeated his proposal that the serious sanction deemed appropriate by the committee serve as the final action for post-tenure review. If alternative penalties are not appropriate as the final resolution, then dismissal for cause can be recommended. The proposed alternative sanctions are not intended to help you along; sanctions are punishment. He suggested that if the choice is between satisfactory performance and dismissal for cause, then we could leave it in outcome 2. He recommended that we either allow for: (A) No more review after severe sanctions have been imposed; or, (B) If severe sanctions are not deemed sufficiently punitive, then move to dismissal for cause.

Bob asked for a straw poll to get a sense of the group regarding his proposal: "Can post-tenure review procedures end with a severe sanction other than dismissal for cause as a final outcome?" There were five "no" votes and four "yes" votes.

If we proceed based on the straw poll, then the final outcome will be either a satisfactory rating or dismissal for cause. Assuming these outcomes, there was another straw poll on Pat's reworded "certification of deficiencies sufficient to initiate disciplinary actions" outcome, which received seven "yes" votes. This would allow for intermediate sanctions to be imposed prior to a final resolution of satisfactory performance or dismissal for cause.

The modified wording now reads as follows:

"In those cases where the faculty member's competence and professional contributions fail to meet the department's minimal expectations, the committee may recommend various disciplinary actions:

- o Where there has been some improvement during the period of remediation and there remains the possibility that the faculty member's performance can meet the department's minimal expectations, the committee may recommend a severe sanction such as, but not limited to, reduction in pay, reassignment of duties, withholding of merit increases, or suspension without pay. An unsatisfactory rating at the next performance evaluation automatically triggers dismissal for cause proceedings. The committee's report, if sustained by the head or chair, Dean, and Provost, automatically initiates the disciplinary actions.

- o Where willful non-performance, incapacity, the exhaustion of all reasonable remedies, or some other cause make it unlikely that the faculty member's professional performance will improve, dismissal for

cause is recommended. The committee's report, if sustained by the head or chair, Dean, and Provost, automatically initiates dismissal for cause proceedings.

When the committee recommends dismissal for cause, its report shall fulfill the requirement in section 2.11.1 for an informal inquiry by a standing personnel committee. Section 2.11.1 outlines the faculty member's right to appeal in such cases."

The Commission will continue debate on post-tenure review at its next meeting.

4. UDP Selection Committee. Pat asked for membership suggestions for the University Distinguished Professor Selection Committee. There was agreement to retain the constitution of the previous committee: one current alumni distinguished professor, one current university distinguished professor, 1 member from the Academy of Teaching Excellence, one member of CFA, and the Provost or designee.

5. Adjournment. The meeting was adjourned at 4:00 PM. The next meeting will be on Thursday, 14 December 1995, at 2:00 PM in room 230 Wallace Hall.

Respectfully submitted,
Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

14 December 1995

Approved: 05 January 1996

Present: Paul Metz (chair), Dave Beagle (scribe), Bob Dyck, Darlene Grega, Pat Hyer, Don Mullins, Bob Sumichrast, Reginald Thabade

1. Approval of minutes. The minutes of 01 December 1995 were amended with a few minor changes and then approved.

2. Post-tenure review.

The initial drafts of the policy permitted only two outcomes: certification of satisfactory performance or certification of deficiencies sufficient to initiate dismissal for cause. At the previous meeting, however, there was ample sentiment for considering alternative severe sanctions in addition to dismissal for cause. Several issues relating to sanctions were discussed.

A. Intermediate sanctions. One of the draft versions discussed at the previous meeting allowed for a sanction following remediation and then another sanction (dismissal for cause) if the next performance evaluation is unsatisfactory. Bob Sumichrast argued against this "intermediate" sanction stating that it is unlikely to produce the desired effect, namely, an improved performance. He stated his preference for either a severe sanction that ends the review process or else a removal of the alternative sanctions option entirely.

B. Ending the review process. Bob's view that alternative sanctions should end the post-tenure review process was discussed at length at the previous meeting. A straw poll was nearly evenly divided between support and opposition, so the issue was debated again. Pat Hyer argued against the proposal as originally written because a serious sanction is possible only after remediation. She suggested that an agreeable compromise would be to allow for the imposition of a severe sanction earlier in the process and not solely following an unsuccessful remediation.

C. Listing of sanctions. Two of the draft versions discussed at the previous meeting included a listing of alternative sanctions (reduction in pay, reassignment, leave with or without pay). Bob Sumichrast advocated the elimination of specific sanctions from the policy so that the review committee would have maximum flexibility in selecting the most appropriate one. Pat commented that the advice from the University General Counsel staff on Faculty Handbook language ordinarily is a recommendation for the inclusion of specific outcomes so that complications in future litigation can be minimized.

D. College level review. In an effort to provide due process for faculty undergoing post-tenure review, previous drafts have included several layers of appeal. Pat argued that the college level review should be removed because it adds an unnecessary procedural step. We have a grievance policy in place and there is an appeals step in the dismissal for cause policy, so protections are adequate. One of the faculty in the Senate discussion group asked for this review as protection from departmental retribution. Bob Dyck noted that if the college review offers some new perspective that affords more fairness, then it has value, but he favors a departmental review based on the principle of subsidiarity. Paul set a goal of writing a document that could be illustrated with a sensible flowchart.

E. Faculty Handbook. If severe sanctions other than dismissal for cause are introduced into the document, then an addition must be made to the Faculty Handbook since there is no such policy at present. There is a dismissal for cause policy.

A few other matters not related to severe sanctions were discussed.

F. Communication. Don Mullins brought up the matter of communication, voicing a concern about the need for clear communication and the possibility of miscommunication between a faculty member and the review committee during remediation.

G. Minimal standards. Bob Sumichrast raised another issue on behalf of Bernie Jortner who was unable to attend the meeting. He remains unhappy with the minimal standards provision of the draft policy and would like it discussed further.

H. Timeline. After the 05 January 1996 CFA meeting, a revised draft will be made available for public comment in the usual places (Spectrum, Library Reserve, University Gopher, WWW, and Filebox servers). The proposed timeline calls for a second reading at University Council no later than 01 April 1996 and an approved policy to be ready for the Board of Visitors meeting of 22 April 1996.

Paul suggested that the chair and scribe revise the document incorporating the suggestions from today's meeting and that the scribe distribute copies via campus mail. There was agreement to write a severe sanctions policy for the Faculty Handbook. There was agreement that this latest draft of the post-tenure review document will include a review process that is both fair and devoid of unnecessary steps, will not enumerate specific sanctions other than dismissal for cause, and will allow an alternative severe sanction to end the post-tenure review process. The new draft will permit two final outcomes: certification of satisfactory performance or certification of deficiencies. If deficiencies are certified, there are three possible options: dismissal for cause, alternative severe sanctions, or a single period of remediation. Following remediation, there can be a recommendation of dismissal for cause or alternative sanctions. The review process is then complete.

3. Future agenda items. Paul enumerated several pending topics for the Commission: guidance for departments in writing minimal standards; continuum of sanctions; faculty ethics policy; upward evaluation of administrators; administrative appointments; appointed promotion & tenure committees; courtesy review of draft policies from other commissions ("Policy and Procedures for Calendar-Year Research Appointments" and "Policies and Procedures for appointing COTA Fellows"). Pat suggested that the most crucial task is the minimal standards guidelines.

4. Adjournment. The meeting was adjourned at 4:00 PM. The next meeting will be on Friday, 05 January 1996, at 2:00 PM in room 230 Wallace Hall.

Commission on Faculty Affairs Minutes
05 January 1996
Approved: 19 January 1996

Present: Paul Metz (chair), Dave Beagle (scribe), Bob Dyck, Darlene Grega, Pat Hyer, Mary Denson Moore, Sam Riley, Bob Sumichrast

1. Approval of minutes. A few changes were made to the minutes of 14 December 1995 and then approved.

2. Announcements.

A. The second reading of the RIF policy at University Council will be on 15 January 1996.

B. Bernard Jortner has resigned from Faculty Senate because of a conflict with the scheduling of the School Board. His membership on CFA was as a senator, so he will be replaced on the Commission as well.

C. There are 10 candidates for University Distinguished Professor (UDP) status. The Faculty Handbook specifies that the CFA and the incumbent distinguished professors provide advice and counsel to the Provost concerning new UDP appointments. Accordingly, Paul and three of the current UDPs will review the applicants' credentials and send recommendations to Provost Meszaros.

D. The Faculty Recognitions Committee is sponsoring a program to recognize those Virginia Tech faculty (57 known individuals) who have been Fulbright Scholars

3. Post-tenure review.

Pat Hyer reminded the Commission that a resolution needs to be written that will precede the introduction of this policy at University Council and she volunteered to compose it.

Bob Sumichrast opened the discussion by stating that an underlying principle in writing this policy has been that post-tenure review is not new at this institution. To this end, he suggested that the first sentence in section 2.a be modified to include a phrase that underscores the connection with existing policy: "If dismissal for cause is recommended as the appropriate sanction, then the procedures specified in 2.11 of the Faculty Handbook will begin immediately."

Pat suggested that one of the "whereas" clauses in the resolution also could serve to affirm the fact that post-tenure review is not an entirely new policy.

Dave Beagle raised a terminology question. We have used various terms to describe the aftermath of a negative post-tenure review: severe sanction, alternative sanction, alternative severe sanction. The intention was that dismissal for cause, a severe sanction, is but one outcome and that there are other, alternative severe sanctions (currently unspecified) that can be invoked. The term alternative severe sanction was selected to distinguish punishments other than dismissal for cause.

Pat asked that one sentence of section 2.c be altered to emphasize that there are several possible outcomes to remediation: "... the committee will either certify satisfactory performance or recommend dismissal for cause or an alternative severe sanction."

Sam Riley reported that, based on his meetings at the Faculty Senate of Virginia, several other institutions are considering the adoption of the Virginia Tech triggered review approach.

A call for comments period will begin shortly with a deadline of 31 January 1996. Dissemination will be through the usual channels (Spectrum, Gopher, WWW, Library Reserve, FBox). Paul will write a short introduction for a Spectrum article that puts post-tenure review into the appropriate context. It will include a sentence about the need for departments to devise their own minimal expectations. Comments should be directed to Paul (pmetz@vt.edu; 231-5663).

Bob Sumichrast noted that the Commission has not talked about whether departmental expectations should be sanctioned by a higher authority. Pat responded that it is likely that there would be a dean's review to ensure some consistency within the college.

A motion to approve the revised document was passed unanimously.

4. COTA Fellows.

Pat had distributed at an earlier meeting draft recommendations (prepared by Hyer, Edwards, and Johnson) concerning "Policies and Procedures for Appointing COTA Fellows." COTA stands for the Center for Organizational and Technological Advancement, which "was established to design, deliver, and evaluate programs consistent with the scholarly disciplines of Virginia Tech to serve Virginia's industrial, commercial, governmental, and professional organizations in their need for comprehensive and focused professional and executive development. The legislature provided funds and five positions for faculty of named-professor status to be involved in the development and delivery of COTA programs primarily at the Hotel Roanoke and Conference Center."

According to the draft policy, "COTA fellows may be selected from either the Virginia Tech faculty (designated as internal fellows), or from among corporate, civic, education, governmental leaders (denoted as external fellows)." There is a proposed two-year COTA appointment, with renewal a possibility.

The external fellows have no ongoing salaries. They will be given an affiliation with Virginia Tech. There has been one program already with an external fellow and several additional candidates have been identified.

Pat stated that the intention is to develop a set of programs that puts Virginia Tech on the map. Part of this policy addresses selection procedures. There is a screening committee to review proposals that percolate up through the departments and deans. The screening committee is made up of members (or their designees) from the Commission on Public Services and Extension and from the Academic Council. Internal fellows need to be full or associate professors with evidence of national eminence.

Bob Sumichrast asked whether one could be a 100% COTA fellow. Pat replied that there can not be a complete buyout for an internal fellow.

Bob Dyck suggested that it might be valuable to designate external fellows with an adjunct status in a department.

Barring substantial changes to the policy, there was agreement that this policy does not need any further review by CFA. It will proceed through normal channels, which in this case do not include the University Council-Board of Visitors route because this is not a Faculty Handbook policy.

5. Calendar-year research appointments.

Pat had distributed at an earlier meeting copies (prepared by Stout and Hyer) of a draft document entitled "Policy and Procedures for Calendar-Year Research Appointments." The document begins as follows: "The conversion of an appointment to calendar-year for an academic-year faculty member who is typically fully supported on sponsored funding during the summer allows retirement contributions to be made on that summer income from an outside source."

The draft policy then lists several conditions for the conversion, the first of which is that the "faculty member must have assurance of funding to support his/her full summer salary plus fringe benefits costs for two consecutive summers. The source of such funds will usually be sponsored grants and contracts, but there may be other sources depending on the work assignment."

Pat introduced the topic by stating that the College of Engineering has been actively seeking ways to find retirement benefits for summer earnings of academic-year faculty. The State of Virginia does not pay benefits for summer teaching or summer research. The University of Virginia does offer this conversion, mostly in the College of Engineering, to faculty who can buy themselves out for at least 40% of their new calendar year salary; the conversion rate is 1.33 for engineering faculty.

Sam argued that the controversial issue here is that faculty could be divided up into contingents of "teaching faculty" and "research faculty" with two classes of retirement benefits. One result could be the imposition of an additional burden on an already low morale problem.

Pat agreed that there are some inequities. There is no way to provide similar retirement benefits for teaching faculty in the summer. In addition, earnings for teaching are capped at 30%, while earnings for sponsored research during the summer may reach 33%.

Bob Sumichrast stated that anything to increase faculty salaries is probably a good thing, although

if there are fewer graduate students funded as a consequence of this policy being implemented, as suggested by the experience at the University of Virginia, then that is troubling.

Bob Dyck quoted Minnis Ridenour as having speculated that the loss of senior faculty, through the recent retirement incentives, has resulted in a loss of grant money. If we do not allow this policy, then are we hurting ourselves by not bringing in enough research dollars?

Paul guessed that one reason the State does not want sponsored money to inflate summer salaries is that they could be used to bloat the base salaries of VRS participants whose retirement totals are based on the last three years of employment.

Bob Dyck asked whether it is time to reevaluate the incentives for summer school given declining enrollments and revenue losses. Pat replied that summer school is in fact under study. However, rather than increasing enrollments, paying faculty more may do nothing more than cost us money. The argument from the research faculty, of course, is that this is an incentive to bring in more outside funding.

Sam noted that there are hundreds of faculty on campus who are mainly teachers without big research grants and who depend on the summer school salaries.

Paul summarized the discussion as "mixed feelings." The major sticking points are faculty equity and morale. CFA will be happy to participate further, if needed, in any discussion of this policy, although the Commission on Research will broker this policy. Pat will convey the mixed feelings of the CFA to that group.

7. Future agenda items. The faculty ethics policy has been languishing on the Commission's docket for many months, so it was agreed to move it to the top of the list. and to discuss at the next meeting. Paul will invite John Christman to attend.

8. Adjournment. The meeting was adjourned at 3:52 PM. The next meeting will be on Friday, 19 January 1996, at 2:00 PM in room 230 Wallace Hall.

Respectfully submitted,
Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

19 January 1996

Approved: 16 February 1996

Present: Paul Metz (chair), Dave Beagle (scribe), Pat Hyer, Janet Johnson, Mary Denson Moore, Don Mullins, Reginald Thabede

Guests: John Christman

1. Approval of minutes. A few changes were made to the minutes of 05 January 1996 and then approved.

2. Announcements. Paul distributed the minutes of the 07 November 1995 meeting of the University Committee on Equal Opportunity and Affirmative Action.

3. Faculty ethics policy.

Paul welcomed John Christman, past-chair of the Committee on Faculty Ethics. A new set of "Principles of Ethical Behavior" for possible inclusion in the Faculty Handbook was drafted during the previous term of the Committee and submitted to then-president of the Faculty Senate Larry Shumsky.

John distinguished between the draft policy and the present Handbook policy. The new document specifies ideals and statements of values whereas the old document outlined a checklist of unacceptable behaviors; the new emphasis is on rights and responsibilities rather than on normative strictures. Thus, the new document is referred to as a "Statement of Principles" rather than as a "Code of Conduct."

Janet Johnson asked whether there is coordination with the scholarly misconduct policy; do the two policies work in concert? John replied that the Committee wants to maintain a complementarity between the policies.

Paul asked whether it is likely that a move from great specificity (old policy) to generality (proposed new policy) will generate lots of frivolous charges because of the lack of detail. John replied that such a consequence is not anticipated.

Pat Hyer commented that a persuasive case can be made for an ideals approach, but suggested that some of the items from the old checklist could be included somewhere in chapter 4 (Instruction-Related Policies) of the Faculty Handbook since there are some important behaviors in the current ethics policy that should continue to be prohibited/encouraged.

As an example, the current Handbook language prevents the exploitation of students through dating behavior and provides a link to the sexual harassment policy. This policy is effective because it does not require a formal complaint by a grievant to insist that such behavior stops. Pat suggested that chapter 4 of the Faculty Handbook be modified to pick up some of these specific statements.

Pat volunteered to meet with Susan Brooker-Gross, Associate Provost, to match up the checklist behaviors in the current Handbook policy with problems in section 4. A joint CUS-CFA subcommittee could be formed also to work on a revision of chapter 4.

Pat noted that there is no provision in the draft policy for the Committee to work on cases over the summer, so cases could fester over the summer. She asked that the draft document be amended to allow for summer meetings by the Committee on Faculty Ethics.

Another issue raised by Pat concerned the definition of days. Most Faculty Handbook policies refer to work days. The draft procedures don't specify whether the reference is to "work" or "calendar" days. John responded that they intended them to be calendar days and he would revise the text accordingly.

Pat also asked about the distribution of the report. It does not go to the department head, which is a surprising omission. John answered that the finding of the committee sometimes is "no finding." The policy is weighted heavily toward confidentiality. When someone is exonerated, there is a concern that this individual's reputation could be severely damaged with excessive reporting, which is one reason for the omission of an automatic routing of findings to department heads and deans. Instead, the Provost has the discretion to notify the most appropriate parties.

Pat identified another issue: sanctions. There seems to be no formal connection with the dismissal for cause policy. She stated that we could build in a connection between severe sanctions (a policy yet to be written) and ethics investigations. John responded that the Faculty Ethics Committee is not a sanctioning body. He indicated his belief that faculty ethics procedures should not become entwined with dismissal for cause procedures.

John closed the discussion with a promise that the Committee will meet again to discuss the friendly amendments to the operating procedures that were offered in today's dialogue and to parse out those issues before other bodies that may belong more appropriately to this committee.

4. Post-tenure review.

A. Resolution.

Pat had distributed electronically copies of a draft resolution that would be used to introduce the post-tenure review policy at University Council. It was discussed briefly; no revisions were offered.

B. Senate discussion.

Paul summarized some of the major points from the discussion of post-tenure review at the January Senate meeting. The meeting was attended by a few members of the local AAUP chapter, who raised several concerns and handed out copies of a letter from Jonathan Knight, Associate Secretary of AAUP. Mr. Knight had been asked by Peter Rony to react to the proposed draft language. These points were raised:

- 1) That departmental politics and intellectual fads could sweep out deserving faculty and that dismissal for cause could become perfunctory.
- 2) That deficiencies in a single area of a faculty member's performance could trigger a post-tenure review and ultimately dismissal for cause.
- 3) That there is no peer based review in the current draft post-tenure review policy.
- 4) That dismissal for cause is the de facto outcome of a post-tenure review.
- 5) That the policy uses vague language. One AAUP member advocated using great specificity to classify unacceptable behaviors.

Paul responded to each of the objections and noted that some of the concerns were based on faulty presumptions and a fundamental misreading of the document's language.

C. Minimal expectations for departments.

Paul offered some guidelines for departments to consider when undertaking the writing of a minimal expectations document:

1) That the document is a restatement of academic policy, not an abridgment of it.

2) That post-tenure review involves the examination of one's professional performance taken as a whole (although we do not want to preclude the possibility that egregious performance in one domain could trigger a post-tenure review).

3) That there should be candor with respect to what constitutes "minimal." It is not in any sense the same standards used for tenure; it falls far below those high standards and is not a set percentage at the bottom of the scale.

4) That there be full adherence to the Faculty Handbook.

Paul expressed a hesitancy to specify in much detail the various rubrics of academic life. A statement like "active participant in the intellectual life of ..." may be as detailed as we can expect. He volunteered to write an initial draft of departmental minimal expectations.

Don Mullins agreed that we should not get too specific in specifying assignments; faculty jobs change a lot over time and it might be dangerous to be overly prescriptive. We need to avoid possible misunderstandings. Departmental standards do change over time.

Pat envisions a negotiation between faculty and department head regarding what is expected; this agreement should be explicit and in writing with annually developed goals and objectives.

Paul summarized the agreed upon assignments for future meetings:

1) Paul will write an initial draft of a departmental minimal expectations policy.

2) Pat will work on an initial severe sanctions draft and will consult with Susan Brooker-Gross about a rewrite of the Faculty Handbook chapter 4.

3) Paul will review the proposed post-tenure review policy with the faculty association presidents and update them on the minimal expectations effort.

5. Adjournment. The meeting was adjourned at 4:00 PM. The next meeting will be on Friday, 02 February 1996, at 2:00 PM in room 230 Wallace Hall.

Commission on Faculty Affairs Minutes
16 February 1996
Approved: 05 April 1996

Present: Paul Metz (chair), Dave Beagle (scribe), Bob Dyck, Bill Greenberg, Pat Hyer, Janet Johnson, Peggy Meszaros, Mary Denson Moore, Don Mullins, Sam Riley, Bob Sumichrast, Reginald Thabede

1. Approval of minutes. The minutes of 19 January 1996 were approved.
2. Post-tenure review.

Paul Metz and Pat Hyer have been working on a draft document that outlines minimum standards for faculty performance and post-tenure review. There were a few issues that Paul wanted discussed by the full commission.

A. Draft guidance statements for departmental minimum standards.

Paul and Pat disagree about the language of one of the guidance statements. In Pat's version, "departmental statements must include the expectation that tenured faculty will adhere to ethical standards and university policies as stated in the Faculty Handbook and/or promulgated through other official channels." In Paul's version, "departmental statements must include the expectation that tenured faculty will adhere to standards of conduct and ethical behavior as stated in the Faculty Handbook and/or promulgated through other official channels."

Pat stated that following the Faculty Handbook is not an elective choice. In her view, because Paul's statement does not include all university policies, it could be interpreted as referring to Handbook section 2.7 only, which is too narrow in scope. "By including the expectation that faculty will "adhere to university policies" in the minimum standards guidance document, departmental standards thereby incorporate extant university policy on appropriate faculty behavior related to the conduct of scholarly inquiry, consulting, conflict of interest, many aspects of the instructional role, and so on, without having to reiterate each separately."

Bill Greenberg replied that faculty do not blindly follow all university policy, particularly in cases where he or she feels such policy is wrong. He suggested that we keep a narrow focus for conduct issues.

Bob Sumichrast noted that post-tenure review is a matter of doing your job rather than not following all university policies. I expect to follow university policies; this is not objectionable. If you say that to violate any university policy means you are deemed Unsatisfactory and therefore in queue for a post-tenure review (with a second consecutive Unsatisfactory annual performance evaluation rating), then that is objectionable.

Paul prefers "standards of conduct," which are intended to be broad. Not all transgressions of Handbook policies should be actionable for a post-tenure review.

Pat agreed to yield if no one else objects to the narrowly construed guidelines. Commission members accepted Paul's terminology.

Bill questioned the wording of one of the draft guidance standards: "Departmental standards should typically address the degree to which the individual contributes to the collective life of the department, college, and university through responsible and tolerant citizenship." The last part of the sentence that refers to responsible and tolerant

citizenship is a flag and should be dropped. Also, should we acknowledge contributions to society?

Paul commented that "tolerant" means distinguishing between strong, determined argumentative behavior and destructive, intolerant behavior. The word "civil" could be added to one of the other guidance statements and the "through responsible and tolerant citizenship" phrase eliminated.

The modified guidance statement now reads: "Departmental statements should affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and the potential for honest and civil disagreement with administrative actions."

Pat suggested a new statement that would address the matter of societal responsibility: "Departmental standards should typically address the individual's activity in and contributions to the University's outreach mission."

B. Disposition of the post-tenure review policy.

Paul believes that this policy has such gravity that it is best included in the Faculty Handbook. As a Handbook policy, it will remain in force until a legitimate body makes authorized changes which are guaranteed to travel through the governance system.

Pat has suggested that the post-tenure review document be distributed either as a policy directive or a presidential policy memorandum. She explained that anytime University Council passes something, it is not official until approved by the president. She distributed drafts of how the post-tenure review policy would look if published as a presidential policy memorandum and as a numbered policy.

Policies carry more information than the Faculty Handbook; often, only a portion of what is in a numbered policy is published in the Faculty Handbook. Numbered policies always have set sections (purpose, policy, procedures, definitions, references, and approvals and revisions). The Faculty Handbook can refer back to a numbered policy. Not all presidential policy memorandums end up in the Faculty Handbook.

Paul reiterated his preference that the Faculty Handbook is the one place for important policies. Sam Riley agreed with Paul's assessment.

Pat noted that currently we have targeted post-tenure review for section 2.10 of the Faculty Handbook, but that it might more appropriately fit into section 2.9 (Annual Evaluation and Salary Adjustments) since post-tenure review is triggered by the annual performance evaluations. The section heading could be renamed and new sections on minimum standards and post-tenure review added.

C. Schedule for implementation.

Peggy urged that an analysis and identification of implementation issues be undertaken before the policy comes to University Council so that there is informed voting by that group.

Pat outlined a possible implementation schedule:

- 1) Schedule for review and approval of post-tenure review policy through governance.
 - a. March 4 (or 18) -- First Reading at University Council.
 - b. March 18 (or April 1) -- Second Reading at University Council.
 - c. April 22 -- Board of Visitors.

- 2) Schedule for development of departmental minimum standards.
 - a. Summer

-- Pilot projects in several departments varied in type of faculty assignments and expectations. b. September -- Review and distribution of departmental expectations from pilots to all programs. c. December 1 -- Departmental drafts submitted to dean for review and revision if necessary. d. January 30 -- Deans submit approved departmental statements for review and approval by Provost. e. February -- Approved standards distributed to all faculty in department; evaluation of faculty activity for 1996 conducted using approved departmental standards for determining Unsatisfactory performance.

If volunteer departments can draft some policies, then there would be samples for other departments to follow. Then, could use policies during Spring 1997 evaluations.

Bob Sumichrast recommended that minimum standards be approved by a vote of all faculty in a department.

Bill observed that some departments may have trouble in meeting this schedule. In the Mathematics department, for example, the promotion-and-tenure committee meets during the semester break. Using this timetable would mean that in the first year of implementation, personnel committees in those departments that meet early in the P & T review cycle, like Math, might have to meet twice (the second time only if there are Unsatisfactory post-tenure review candidates).

Paul worried about ex post facto claims if this timeline is followed. In the first year, if you do not know what constitutes an Unsatisfactory rating, then it is unfair to be judged by standards that are unknown. Don Mullins agreed. The bottom line must be minimum standards that have been set by the faculty and agreed to by the department head; only then can the post-tenure review clock begin fairly. The faculty must know and understand the rules and be informed completely.

Janet Johnson said that since the clock has already started for 1996, it will not be possible to evaluate faculty by standards developed in the Fall of this year.

The proposed timeline was changed from 1996 to 1997.

Pat brought up another implementation issue: small departments like the agricultural experiment stations. Janet suggested that outside faculty be invited to join the post-tenure review committee in those departments with few faculty.

3. Continuum of sanctions. Pat has been investigating the issue of severe sanctions. She reported that AAUP documents distinguish between "minor sanctions" and "severe sanctions" and asked that we provide examples of both types and identify which behaviors trigger which sanctions. The AAUP severe sanctions follow the dismissal for cause procedures.

Paul observed that even reprehensible behaviors are characterized by degrees. To develop a complete taxonomy of misbehavior is a fool's errand; it cannot be done.

Several sanctions scenarios were reviewed. A reprimand (e.g., letter in one's personnel file) is a minor sanction. Actions that change a professional reputation or result in an economic penalty are more likely to be defined as major sanctions.

Bob Sumichrast offered a solution to the classification dilemma. We should pursue severe sanctions only. Minor sanctions like letters of reprimand are part of an administrator's prerogative now and do not require a Handbook section. Don Mullins agreed that we should concentrate only on severe sanctions short of dismissal. The dismissal

for cause procedures are already in the Handbook.

Paul asked Pat to write a draft for discussion at a future meeting.

4. Announcements.

A. Faculty ethics policy. Pat met with Susan Brooker-Gross (Associate Provost) and Mike Lambur (Chair, Faculty Ethics Committee) to match up the old and new ethics policies. A sexual relations section will be added to the proposed new policy and there will be some additions to chapter 4 of the Handbook. We can move forward with the revised policy.

B. Retirement benefits. John Duke (President, Engineering Faculty Organization) sent Pat a note to clarify the motives of the College of Engineering regarding the proposed "Policy and Procedures for Calendar-Year Research Appointments." While this is a policy for sponsored research only, they did not intend to disenfranchise any faculty. While the college supports the concept that benefits should be based on all earnings for all employees, it is not legally possible to give the same benefits to faculty who teach during the summer.

5. Adjournment. The meeting was adjourned at 4:00 PM. The next meeting will be on Friday, 08 March 1996, at 2:00 PM in room 230 Wallace Hall.

Respectfully submitted, Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

08 March 1996

Approved: 05 April 1996

Present: Paul Metz (chair), Dave Beagle (scribe), Greg Brown, Bob Dyck, Bill Greenberg, Darlene Grega, Pat Hyer, Janet Johnson, Sam Riley, Bob Sumichrast

Guests: Kamal Rojiani, Civil Engineering

1. Post-tenure review.

A. AAUP concerns. Paul distributed copies of a March 7, 1996 memorandum to the members of University Council from the officers of the local AAUP chapter which recommends several action items for the post-tenure review policy draft. He advocated the establishment of a good working relationship with the local AAUP chapter and stated that there has been no intention to steamroll faculty regarding post-tenure review.

Bill Greenberg said that he has not received any negative feedback against the CFA draft policy from his colleagues in the Math department. He suggested that the number of truly concerned faculty is small. He also objected to the idea of undertaking a special, determinative relationship with AAUP.

Paul again addressed the issue of timing and the importance of having an approved policy to the BOV for their April 1996 meeting. SCHEV is very serious about withholding this year's faculty pay raises at any institution where a rigorous post-tenure review policy is not in place. Pat noted that the next BOV meeting will be in August, so there would have to be a compelling argument to delay implementation of the post-tenure review policy.

B. Senate concerns. A number of issues were discussed at the March Senate meeting.

1) College-level review. The question is whether there should be a college-level review for: (a) all cases regardless of the recommended disposition; (b) those cases with negative outcomes (remediation, sanction other than dismissal for cause, dismissal for cause); or (c) those cases involving the most severe outcome only.

The Senate work group has recommended that all negative outcomes be subjected to a college-level appeal. After considerable discussion, the Commission decided on a selective college-level review to be invoked only when there is a dismissal for cause recommendation. A motion to reaffirm the language in the 29 February 1996 Spectrum version of the post-tenure review document passed unanimously (with Paul abstaining).

2) Dossiers. Some senators questioned whether three weeks is a sufficient time to assemble a post-tenure review dossier. It was agreed to increase the time-frame to four weeks.

3) Language. There was an appeal for greater clarity in the document. Several stylistic suggestions were offered (e.g., to change all occurrences of "minimum" to "minimal" when used as an adjective) as well as capitalization and various word use changes.

The section of the document dealing with departmental minimal standards contains one guideline prefaced by the word "must" while all others use the word "should." Since no one guideline is meant to be predominant,

all guidelines are now written in a parallel fashion using the auxiliary verb "should."

One sentence in section 2.9.2 of the policy was criticized as excessively normative and was rewritten to read: "It should be recognized that a single Unsatisfactory evaluation indicates a serious problem which should prompt remedial action."

C. Other concerns.

1) Process. Kamal Rojiani had asked to attend this CFA meeting to express his view that the schedule is being rushed. This policy will affect us for years to come, so it is crucial that it receive a fair and thorough review before being implemented. The Engineering Faculty Association, for example, next meets on 20 March 1996, several days after the first reading at University Council. He suggested that a series of open forums be held and that a full-scale reconsideration of the policy take place at the next Senate meeting.

2) College-level role in establishing minimal standards. A faculty member suggested that colleges not be involved in the writing of minimal standards.

3) University responsibilities. Tom Sherman had sent Paul an email message outlining the issue of University responsibilities: "The University is responsible for providing sufficient resources and support to meet successfully all stated minimal obligations and standards expected of faculty. The University is also responsible to protect its heritage of academic freedom, professional curiosity, and intellectual creativity. Thus, judgments regarding faculty members' competence and professional contributions must include considerations of the resources, support, and protections made available."

Bob Sumichrast stated that University resources are likely to change over time. If the above statement is incorporated into the minimal standards guidelines, then departments could set such high standards for what is needed that no one will ever be held accountable. This is not a helpful statement.

Pat objected to this language being added to the policy. Anyone who feels they have been judged harshly due to inadequate resources can put this explanation in the appropriate documentation (e.g., annual performance review rebuttals, post-tenure review dossiers).

Bill voiced a worry that such language, although well intentioned, invites litigation.

Sam suggested that Tom may be looking to put a positive spin on the document, which has been criticized as overtly negative in tone. We should try to soften the policy.

It was agreed to leave the University responsibilities statements out of the policy.

4) Minimal standards guidelines. Bob Sumichrast suggested that we reorder the guidelines so that the first one is an overview guideline that addresses the primary reason for post-tenure review, namely, to find faculty who are no longer doing their jobs.

5) Honest and civil language. The word "potential" was deleted from one of the guidelines for minimal departmental standards. It now reads: "Departmental statements should affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and honest and civil disagreement with administrative actions."

6) Ordering of outcomes. The post-tenure review outcomes were reordered to place remediation first and the most severe outcome last.

7) Authority. Tom Sherman asked several questions about a college-level review: "If we put the college level review back into the process, we have to specify its authority. The department review can end the post-tenure review as 'satisfactory'; will the college level review have the same authority? Will it be able to reverse an 'unsatisfactory' and/or 'satisfactory' judgment? Will it only be able to judge the 'fairness' of the review and thus be able to 'accept' or 'mandate' another review due to 'unfairness'?"

8) Terminology. The phrase "alternative sanction" was replaced by "sanction other than dismissal for cause" throughout the document.

9) Negativity. Sam observed that the policy sounds more negative than it was intended. Pat remarked that the negativity comes from it being a triggered policy; if all faculty were to be evaluated, then there would likely be a more explicit professional development tone.

MOTION: To accept the present version and to send it on to University Council for first reading on 18 March 1996.

MOTION: The CFA commends its chair, Paul Metz, on his handling of the difficult matter of the post-tenure review policy. The motion passed unanimously (with Paul abstaining).

3. New business. Bill brought up a question that had been referred to him as a member of CFA: term limits for administrators above the department head level. Where can this issue be raised and how can it be placed into the appropriate queue?

Paul responded that it can be brought up at CFA. He recalled that Tom Sherman had intended for CFA to consider upward evaluation of senior administrators as an agenda item for this term. That issue and the term limits issue can be added to the CFA docket for future consideration.

4. Adjournment. The meeting was adjourned at 3:00 PM. The next meeting will be on Friday, 05 April 1996, at 2:00 PM in room 230 Wallace Hall.

Respectfully submitted, Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

05 April 1996

Approved: 25 April 1996

Present: Paul Metz (chair), Dave Beagle (scribe), Greg Brown, Bob Dyck, Pat Hyer, Mary Denson Moore, Don Mullins, Sam Riley, Reginald Thabede

1. Approval of minutes.

The minutes of 19 February 1996 and 08 March 1996 were approved.

2. Minutes of subordinate committees.

Pat Hyer summarized some of the topics discussed recently by the EO/AA Committee.

A. E-mail harassment.

There has been an instance of sexual harassment (specifically "gay bashing") on e-mail. The Committee spoke with Bill Saunders of the Computing Center, who oversees compliance with the "Acceptable Use of Computer and Communication Systems" policy. His view is that the medium is irrelevant. E-mail harassment is not a different kind of problem. The Committee is satisfied with the Computing Center's handling of this kind of problem.

B. Minority scholarships.

A court decision (Podberesky v. Kirwan; 38 F.3d 147) in the U.S. Court of Appeals for the Fourth Circuit, reviewed the Banneker scholarship program at the University of Maryland, a merit-based program for which only African-American students are eligible. The appeals court ruled that "the district court erred in finding that the University had sufficient evidence of present effects of past discrimination to justify the program and in finding that the program is narrowly tailored to serve its stated objectives, we reverse the district court's grant of summary judgment to the University."

Since Virginia is included in the Fourth Circuit's jurisdiction, a question has arisen about Virginia Tech's policies and the effect of the judicial ruling.

There is a state statute (Code of Virginia @ 23-7.1:02) that forbids educational institutions from using state money to benefit one group only. Pat stated that the state statute takes precedence over the court case. The statute reads: "Participation in and eligibility for state-supported financial aid or other higher education programs designed to promote greater racial diversity in state-supported institutions of higher education shall not be restricted on the basis of race or ethnic origin and any person who is a member of any federally recognized minority shall be eligible for and may participate in such programs, if all other qualifications for admission to the relevant institution and the specific program are met."

The only program that uses state money that may not be in compliance with the state statute is in the Graduate School, where Asian students are not eligible to participate in a small, special program for underrepresented minority students. This is an unresolved issue. There are certain scholarships reserved for African-American students, but these are from private sources which are not subject to the state statute.

3. Committee appointments.

CFA needs to select someone from the Commission to replace Bob Dyck on the Employee Benefits Committee and Bob Sumichrast on the EO/AA Committee. This will be carried over as an agenda item for the next meeting.

4. Membership continuity.

There are some commissions and committees with a Senate membership requirement. Most CFA members are selected from the Faculty Senate. Since Senate terms do not always coincide with commission terms, there are lapsed senators who represent the Faculty Senate on CFA. Paul encouraged members whose Senate term is expiring this semester to remain on the Commission for the full three-year period. Bob Sumichrast and Sam Riley are finishing their three-year terms. Bob Dyck has asked to step down due to the demands on his time in meeting a book contract deadline. Janet Johnson is finishing her term as a representative from the deans.

5. Post-tenure review.

Pat distributed a summary of General Assembly Language Amendments for the 1996-98 biennium. One section of the appropriations act concerns faculty salary increases: "Faculty salary increases shall be allotted only to those institutions of higher education which have faculty evaluation plans to include regular, rigorous pre- and post-tenure performance reviews acceptable to the Secretary of Education and the State Council of Higher Education." Thus, the requirement for post-tenure review is codified in the Acts of the General Assembly of the Commonwealth of Virginia.

Dave Beagle asked what constitutes "acceptable" to the Secretary of Education and SCHEV. Pat responded that the language of the actual policy is not problematic, but the implementation schedule could be deemed unacceptable in the current political climate. Ideally the post-tenure review policy will take effect beginning fall semester 1997.

Paul announced that the policy was presented for its second reading at University Council. There were no questions. The final step of the review process will occur on 22 April 1996 at the Board of Visitors meeting where approval is expected. See the appendix for the final version of the policy.

Following approval by the BOV, the next stage will be to solicit a diverse group of volunteer departments to write departmental minimal standards.

6. Continuum of sanctions.

Pat passed out an initial draft of a severe sanctions policy ("Imposition of Sanctions Other Than Dismissal"):

"The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. A severe sanction generally involves a 'property' loss or penalty to a faculty member, such as suspension without pay for a period not to exceed two years, a reduction in salary (either permanently or for a defined period), or other similarly serious sanctions imposed for unacceptable conduct and/or violation of university policy.

"Routine personnel actions such as a recommendation for a below-average or no merit increase, conversion from a calendar-year to an academic-year appointment, reassignment, or removal of an administrative

stipend do not constitute a severe sanction within the meaning of this policy.

"The administration may institute a proceeding to impose a severe sanction using the procedures outlined in section 2.11.1 Dismissal for Cause. In cases where a recommendation for a severe sanction has been made following investigation or review by an appropriately charged faculty committee, such as the Faculty Ethics Committee or a departmental post-tenure review committee, the report and recommendation of that committee shall substitute for the 'informal inquiry by a standing (or if necessary, ad hoc) faculty committee' specified in the procedures. The specific sanction to be applied is the decision of the provost or president, with the approval of the Board of Visitors."

This policy follows the same process as the dismissal for cause policy with the same due process rights.

Paul identified his two main issues in the draft document: the two-year chronology and monetary limitations. He also asked how severe a sanction can be before it is defacto dismissal; can a very severe sanction act as a subterfuge for avoiding the full post-tenure review process? Do we build limitations that prevent dismissal in disguise?

Concern was expressed that there should be an upper limit for suspension and maybe for reduction in salary as well; otherwise, there should be a dismissal. Sam Riley suggested that a two-year limit may be too generous when there is a very serious problem. One year may be more appropriate. Greg Brown noted that the NCAA suspends coaches for one year.

Bob Dyck asked about the length of faculty suspensions. Pat answered that she was aware of one semester length suspensions.

Paul suggested that we continue the discussion of severe sanctions at the next CFA meeting. We need to deal with the location of the policy in the Faculty Handbook and the mode for comment. The issue must be aired publicly and with sufficient time for thoughtful response.

7. Adjournment.

The meeting was adjourned at 3:25 PM. The next meeting will be on Thursday, 25 April 1996, at 2:00 PM in room 230 Wallace Hall.

Respectfully submitted, Dave Beagle (scribe)

Commission on Faculty Affairs Minutes
25 April 1996
Approved: 04 October 1996

Present: Paul Metz (chair), Dave Beagle (scribe), Greg Brown, Bob Dyck, Darlene Grega, Pat Hyer, Janet Johnson, Reginald Thabede

Guests: Jim McKenna

1. Approval of minutes. The minutes of the 05 April 1996 meeting were approved as amended.

2. Appointments. Two committee vacancies for the 1996-1997 term will be filled by Dave Beagle (Employee Benefits Committee) and Mary Denson Moore (EO/AA Committee).

3. Faculty Ethics Policy. Paul asked for reactions to the draft faculty ethics policy that he had distributed previously.

The existing "Statement of Professional Ethics and Responsibilities" section of the Faculty Handbook (2.7) is an enumeration of guidelines and prohibitions. The draft faculty ethics policy was written from a perspective of broader principles of faculty behavior that provides a legal rubric for seeking appropriate actions.

Pat noted that some of the sections should be relocated and she volunteered to work with the chair of the Ethics Committee to revise the draft. She also volunteered to work on a resolution to make some additional changes in section 2.7 of the Faculty Handbook that remedy some omissions from the original listing of prohibited behaviors.

Pat asked whether we will need revised procedures linking ethical matters to post-tenure review and dismissal for cause policies.

Bob Dyck asked about the policy's context. Is this a special policy for faculty? Pat replied that the policy should apply to all faculty; staff are covered by state guidelines, which cover ethics as well as other matters.

4. Continuum of sanctions.

Pat distributed the latest draft severe sanctions policy. She stated that while the post-tenure review policy refers to the possibility of a sanction short of dismissal for cause, there is little in the Faculty Handbook between reprimand and post-tenure review.

This version broadly defines the concept of severe sanctions. Earlier drafts referred to a severe sanction as a property right, which has been dropped on the advice of the General Counsel's Office. Now, a severe sanction "involves a significant loss or penalty to a faculty member, such as but not limited to suspension without pay for a period not to exceed one year or a reduction in salary (either permanently or for a defined period), imposed for unacceptable conduct and/or a serious breach of university policy."

Further, "routine personnel actions such as a recommendation for a below-average or no merit increase, conversion from a calendar-year appointment to an academic-year appointment, reassignment, removal of an administrative stipend, or verbal or written reprimand do not constitute a severe sanction within the meaning of this policy."

Another piece of advice from the General Counsel's Office involves the recognition that the "imposition of a severe sanction constitutes a valid

issue for a grievance. If a grievance is filed, the sanction will be held in abeyance until a final determination is made." The grievance policy is the protection (heard by the Faculty Review Committee) for arbitrary or capricious severe sanctions.

Paul asked whether geographic reassignment can be considered a severe sanction. Pat answered that the geographic transfer policy is not to be used for punitive purposes, so it can not be considered a sanction and any misuse of that policy is a grievable issue.

Pat proposed that the severe sanctions policy be applicable to all faculty (teaching, extra-collegiate, research, administrative).

Paul suggested that the severe sanction policy be an early agenda item for the 1996-1997 CFA term.

5. Post-tenure review.

The post-tenure review policy was approved unanimously by the Board of Visitors.

A few volunteer departments (Management Science, Statistics, Mathematics, Crop and Soil Sciences) have been identified to work on draft minimal standards statements. Bob Dyck suggested the addition of a humanities department since all of the volunteer departments are quantitative in focus. Pat will serve as a common link to the pilot departments.

Bob asked about other college plans. Pat described the University of Virginia plan as a very decentralized plan with annual reviews as a focus and no automatic peer review. Their policy will be implemented immediately.

Paul stated that a draft implementation timetable has been faxed to SCHEV and it is likely that this document will become the post-tenure review calendar.

6. Future agenda items.

Some possible agenda items for the 1996-1997 term include the following:

- * Faculty Ethics policy.
- * Continuum of sanctions.
- * Administrative appointment and review. Concern has been expressed by some faculty that associate administrative positions (e.g., associate provost, dean, or vice-president) have been filled in the past without procedural, open searches or without significant faculty participation. Other topics falling into this category include term appointments and administrator evaluation procedures.
- * Post-tenure review implementation issues and possible consultative role for CFA.
- * Pay-evaluation lag. Do we consider changing the calendar?
- * Quality of life for employees at Virginia Tech (e.g., a task force on family friendly policies, flextime, parking, etc.). Pat responded that the provost already has formed a family friendly task force.

7. Adjournment. The meeting was adjourned at 3:15 PM. This was the final meeting of the 1995-1996 term. New members for next term include Bob Bates as a representative from the deans, and Donna Dunay, Deborah Mayo, and Peter Shires as representatives from Faculty Senate.

Paul was thanked for his leadership as chair of CFA.

Respectfully submitted,
Dave Beagle (scribe)