

Commission on Faculty Affairs Minutes  
27 September 1996  
Approved: 25 October 1996

Present: Jim McKenna (chair), Dave Beagle (scribe), Barry Bond, Greg Brown, Donna Dunay, Bill Greenberg, Darlene Grega, Pat Hyer, Deborah Mayo, Peggy Meszaros, Mary Denson Moore and Kit Kane for Bob Bates.

Guests: Mike Lambur

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:00 PM.
2. Agenda. The agenda was adopted without modification.
3. Announcements.

A. Listserv. A CFA listserv, COMMFA-L, has been created for member discussion and the distribution of minutes and other documents. When added initially to the list, CFA members received a notification e-mail message warning that "this list is confidential" and that "you should not publicly mention its existence, or forward copies of information you have obtained from it to third parties." This is a generic message that is generated by the creation of a private listserv and is not indicative of any secretive intentions by CFA. The list will remain private, though, because its only function is as an internal commission communications medium. As always, CFA meetings are open to interested guests.

B. Scribe. Dave Beagle has agreed to serve as scribe for the 1996-1997 term.

C. Minutes. The minutes of the 25 April 1996 meeting were distributed. If the scribe receives no substantive changes within one week, the minutes will stand as written and be passed on to Bobbi Lowe for its journey through the governance system. The minutes from the 13 September 1996 meeting will be distributed later for review and approval.

4. Resolution on faculty ethics.

Mike Lambur, current chair of the Committee on Faculty Ethics (CFE), summarized the events that have led to the current revised draft document on "Principles of Ethical Behavior" for possible inclusion in the Faculty Handbook. The document replaces sections of the Handbook defining the CFE (1.5.3) and the Statement of Professional Ethics and Responsibilities (2.7).

The draft policy document broadens the scope of what the committee can consider as legitimate ethics violations. The existing policy uses very specific language that does not cover every situation, so committee members often end up arguing about semantics and not taking appropriate actions. The new draft language provides more flexibility in determining whether there is an ethical issue at stake and whether there is a violation.

Mike asked for reactions to the draft document.

Bill Greenberg questioned the wording of one of the sentences in the section on students: "We do not engage in any consensual relationships with or make sexual overtures to students whom we are in a position to evaluate by virtue of our teaching, research, or administrative responsibilities." He asked whether the word "consensual" is in a sexual sense since the university cannot unilaterally forbid all consensual relations between faculty and students. Some clarification is needed. Mike Lambur replied that the intent of that wording is to prohibit certain romantic or sexual relations and not all consensual relations.

Pat Hyer brought up the issue of collegiality. She suggested that the document's "Colleagues" section may need stronger language and broadening; e.g., include harassment and discrimination. Bill cautioned that there must be room for honest disputes between faculty. Pat offered to compose some language changes that address her concerns.

Given the long gestation period of this document, there was agreement to send out the existing draft immediately to the deans, General Counsel's Office, and to Faculty Senators with a call for comments to Mike Lambur (lamburmt@vt.edu; postal code 0452) by 31 October 1996. Mike will produce a revised document that reflects comments from all parties and present it for a final review at a future CFA meeting.

#### 5. Post-tenure review.

Copies of prototype post-tenure review minimal standards documents from several volunteer departments (Statistics, Forestry, Crop and Soil Environmental Sciences, and Management Science and Information Technology) and one college (Engineering) were distributed for comment. Jim stated that CFA's role is advisory only. Pat will consolidate comments and notify the appropriate departments of the commission's input.

Bill asked why the Engineering document has no peer input on the assignment of an Unsatisfactory rating. He objected to the possible loss of tenure without the explicit recommendation of the departmental personnel committee. In the Mathematics draft, it is proposed that the personnel committee recommend an Unsatisfactory before the department head can do so.

Pat responded that the annual performance evaluations, of which post-tenure review will be a part, are done by the department heads in most cases, although the pattern varies across the university. The Mathematics department's prototype document outlines a joint responsibility, which is at variance with the Handbook where the department head is independently, or ultimately, responsible for annual evaluations, including the assignment of an initial Unsatisfactory rating. If two successive Unsatisfactory ratings are given by the head and a post-tenure review is conducted, the PTR committee can overrule that assessment and find the faculty member's overall performance "satisfactory." This maintains a checks-and-balances arrangement. In addition, the faculty member may grieve an annual evaluation which he or she deems unfair, arbitrary, capricious, or discriminatory.

Bill identified a major concern with the Mathematics draft in the section that defines an "Unsatisfactory" rating:

"Before the beginning of each academic year, it is expected that the department, through the action of the Head or other agency, will inform each faculty member of the percentage of total workload to be allocated to each of the three areas of Instructional Activity, Research and Scholarship, and Service and Outreach. An overall rating of Unsatisfactory is appropriate when:

1. a faculty member fails to meet minimal expectations in one or more of these three areas, and
2. those areas in which he faculty member's performance fails to meet minimal expectations comprise the majority of the individual's assigned workload, and ..."

He noted that the use of the term "majority" in item 2 means that someone whose assignment is 40% or 50% teaching, a typical arrangement in this department, can never be deemed Unsatisfactory for terrible teaching no matter how bad since the post-tenure review policy would not be relevant in such cases. As an example, someone who is a stellar researcher could fall down completely on teaching performance but be protected from the post-tenure review process, which is in fact intended primarily to address

deficiencies in teaching since there are remedies for other poor performances. The policy should in fact be hard to implement, but it should be fair as well.

Pat agreed that Bill raises an important issue. The Mathematics department document could in fact exempt an incompetent teacher from ever receiving an Unsatisfactory rating simply because instruction was less than the "majority" of their assignment.

Deborah Mayo observed that the Crop and Soil Environmental Sciences prototype document includes a valuable section on "mitigating factors for post-tenure review" that provides the department with flexibility in judging faculty performance. Peggy Meszaros and Pat both objected to this listing of mitigating factors since the items included should be central to a faculty role and not require special protection to be valued. They recommended that this section be eliminated.

6. Future agenda items. Several topics for future meetings were identified: severe sanctions, administrative review, and the self study.

7. Adjournment. The meeting was adjourned at 3:45 PM. The next meeting will be on Friday, 11 October 1996 in room 400D Burruss beginning at 2:00 PM.

Respectfully submitted,  
Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

11 October 1996

Approved: 25 October 1996

Present: Jim McKenna (chair), Bob Bates, Dave Beagle (scribe), Greg Brown, Donna Dunay, Bill Greenberg, Pat Hyer, Mary Denson Moore, Don Mullins, Megan Schwartz, Peter Shires

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:05 PM.

2. Announcements.

A. Advising. Jim McKenna received an e-mail message from John Seiler of the Commission on Undergraduate Studies and Policies seeking volunteers from other commissions to join an ad hoc group in examining the issue of advising within the University.

Bob Bates suggested that we not reinvent the wheel. Other units and departments have looked at this issue many times in the past, so there is lots of knowledge about the problems with advising. It is the solutions (e.g., changing the faculty rewards system) that remain elusive. Unless there is a new focus that this group can provide, its usefulness will be limited.

Pat Hyer named John Muffo (Academic Assessment) and Elizabeth Guertin (Academic Advising) as resource people that should be involved in some fashion.

3. Minutes. The minutes of the 13 September 1996 meeting were approved.

4. Agenda. The agenda was adopted without modification.

5. Severe sanctions.

The latest version of the draft severe sanctions policy (CFA Resolution 1996-97 A) was discussed. The post-tenure review policy that was approved by the Board of Visitors allows for severe sanctions other than the ultimate sanction, dismissal for cause. This document is intended to operationalize that part of the post-tenure review policy.

In addition to post-tenure review, the draft policy specifies other triggers for a severe sanction: "... investigations by the Ethics Committee, Internal Audit, the EO/AA Office, and panels concerned with Scholarly Misconduct or other issues may lead to discoveries of unacceptable conduct or serious breach of university policy which may be most appropriately addressed in a manner short of dismissal."

The Faculty Handbook does not document sanctions other than reprimands or dismissals for cause; there is no middle ground, which this policy addresses. Bob Bates agreed that the limited sanctions currently available are not always appropriate and that certain past cases might have been handled differently had there been in place a broader range of administrative actions.

In the draft policy, "a severe sanction generally 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.

"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, removal of an administrative stipend, or verbal

or written reprimand do not constitute a severe sanction within the meaning of this policy.

"Recommendation of a severe sanction may be made by the department head or higher administrator, or following an investigation by an appropriately charged committee or administrative unit. Imposition of a severe sanction shall be preceded by a meeting with the faculty member, department head, dean, and provost to discuss the facts which would lead to the imposition of the sanction and to provide an opportunity for the faculty member to respond. The sanction to be imposed shall be the decision of the senior administrator (either the provost or executive vice president as appropriate) or the president.

"Imposition of a severe sanction constitutes a valid issue for a grievance (see relevant grievance policies for various types of faculty). If a grievance is filed, the sanction will be held in abeyance until a final determination is made."

Don Mullins asked about benefits in a case involving suspension. Pat answered that an individual on suspension could buy benefits, much like someone on leave without pay can do now.

Don also asked whether a salary reduction would affect retirement benefits and whether such a reduction would be legal. Pat replied affirmatively to both questions.

Bill Greenberg stated his concern that the draft policy allows for a severe sanction to be imposed unilaterally. If there is a serious disagreement between the provost and a faculty member, the provost has the absolute authority to impose a severe sanction.

Pat responded that the policy was written to prevent unilateral action by a department head. And, while the precise form of a severe sanction is imposed at the senior administrator level, the decision to impose sanctions comes at a lower level.

Bill asked that the document be edited so that it is clearer who can do what when. We must be sure to protect faculty from having severe sanctions imposed upon them unilaterally.

Pat agreed that some rewording in the document (e.g., adding a clause such as "upon recommendation of severe sanctions from the dean...") should satisfy Bill's concerns.

Donna Dunay asked about the meaning of the word "permanently" with regard to salary reduction. This implies there is no opportunity for resolution. Pat answered that a reduction in one's base salary does not mean there will be no future merit raises. A salary reduction sanction would be a one-time adjustment. Future merit raises would depend entirely on a faculty member's future performance.

The question of additional review was raised. It was agreed that the Faculty Senate should have an opportunity to discuss the document. A revised version that incorporates the suggestions from today's CFA's meeting will be sent to all senators. Jim will bring back the Senate commentary for further consideration by the Commission.

## 6. Tuition fee waivers.

The Commission on Classified Staff Affairs (CCSA) has initiated an effort to obtain tuition benefits for spouses and dependents. They are in the process of obtaining information on tuition assistance at our peer institutions. At this time, CCSA is approaching other commissions to alert them to this initiative and to gauge the level of interest and support on campus.

A major argument for pursuing this initiative is that tuition benefits for spouses and dependents serve as a valuable recruitment and retention incentive.

The proposal specifies that the funding will come from a private endowment outside the conventional budget, thereby avoiding the problem that current Virginia law expressly forbids the use of state funds for such purposes.

Bob Bates stated that a tuition program, whether partial or full, would be very expensive. It is an issue that keeps recurring and since there has been no systematic study of its costs and consequences, further study would be very useful.

Jim volunteered to send a note to CCSA that summarizes the discussion at CFA.

7. Adjournment. The meeting was adjourned at 3:15 PM. The next meeting will be on Friday, 23 October 1996 in 400D Burruss beginning at 2:00 PM.

Respectfully submitted,  
Dave Beagle (scribe)

COMMISSION ON FACULTY AFFAIRS

Minutes

October 25, 1996

Present: Jim McKenna, Peter Shires, Deborah Mayo, Donna Dunay, Pat Hyer, Peggy Meszaros, Bob Bates (also Kit Kane representing Bates for part of meeting), Bill Greenberg, Darlene Grega, Don Mullins, Mary Denson Moore

Absent: Greg Brown, Dave Beagle, Megan Schwartz, Brian Bond, Billie Cline

Guest(s): David Conn, Special Assistant to the Provost

I. Approval of Previous Meeting Minutes

The minutes from the October 11 meeting were approved as read.

II. Reaccreditation Process (Presentation by David Conn)

The university has already begun its multi-year preparation for reaccreditation by the Southern Association of Colleges and Schools (SACS). There are two parts to the self-study. The first, called "Institutional Effectiveness," focuses on documenting institutional adherence to a set of "must" statements concerning policies and operations of the institution. The President stated at the outset that we will be in compliance with all of the SACS "must" statements, no exceptions. Responses to certain "must" statements concerning faculty employment and credentials will eventually be routed through CFA to ensure completeness and validity.

Discussion of the "must" statements concerning faculty credentials reflected anxiety by a few faculty colleagues and confusion by others as to what was required and why. David Conn clarified instructions that have been disseminated to departments stating that if an official transcript or diploma is readily available, it can be photocopied and the copy notarized to indicate that the original was produced by the individual. This is expected to satisfy the requirement for documentation of highest degree earned. Conn's office will coordinate the request for documentation from home institutions for faculty whose credentials are not readily available. A list of such faculty needs to be provided by the department or college to David Conn no later than November 22. Only in very unusual cases, such as graduates of some non-U.S. institutions, will faculty members have to request documentation from their institutions if the university is unable to obtain it on their behalf. Department heads are responsible for verifying that faculty have the appropriate credentials to teach the subject matter and level they are assigned, as defined in the SACS criteria.

The second component of the self-study is a non-traditional, or strategic component. Virginia Tech has chosen to focus on information technology and has formed a steering committee and a number of task forces to look at issues of incorporating technology into all aspects of our learning and teaching.

III. Severe Sanctions Discussion:

Pat Hyer addressed issues raised by the Faculty Senate as a whole at their October meeting and by the Faculty Senate work group, particularly concerning where the severe sanctions language would be included in the Handbook, why it was needed, and how it related to other policies. She distributed a table with attached excerpts from other policies (EO/AA and Internal Audit Office investigations, Scholarly

Misconduct, Ethics, and Post-Tenure Review) to summarize and illustrate the relationship of the severe sanctions language to existing policies and investigatory procedures.

The committee aired a concern about associating sanctions for post-tenure review, which generally involve incompetence, with other policies and procedures where malfeasance was involved (ethics, fraud, discrimination, etc.). Some CFA members felt that it would be better to repeat the severe sanctions language directly in the post-tenure review policy so that that policy would stand alone. The Commission would then seek to develop acceptable language concerning sanctions for other situations. Based on the input, Pat offered to revise the Post-Tenure Review policy with this object in mind and present it at the next CFA meeting.

Considerations were also discussed concerning what constitutes "severe sanctions," and for what type(s) of behavior would severe sanctions apply. Commission members urged that a range of sanctions be developed for misconduct (from minor to severe). This language is expected to be included along with the policy on dismissal for cause in the Faculty Handbook.

IV. Next meeting: Given the importance of addressing concerns and developing language on severe sanctions, members agreed to postpone the discussion of the ethics policy revisions with Mike Lambur until a later date. The November 8th meeting would then focus on the revised language for the post-tenure review policy and discussion of language for minor and severe sanctions in cases of misconduct.

Prepared by:

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Commission on Faculty Affairs Minutes

08 November 1996

Approved: 22 November 1996

Present: Jim McKenna (chair), Dave Beagle (scribe), Bob Bates, Bill Greenberg, Pat Hyer, Deborah Mayo, Peggy Meszaros, Don Mullins, Megan Schwartz

Guests: Kay Heidbreder, Tom McAvoy

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:00 PM.
2. Agenda. The agenda was adopted without modification.
3. Minutes. The minutes of the 25 October 1996 meeting were approved.
4. CCSA Proposal.

Tom McAvoy of the Commission on Classified Staff Affairs (CCSA) had asked to attend a CFA meeting to introduce an initiative regarding tuition fee waivers for dependents and spouses of university employees that is being investigated by a CCSA task force. Task force members have been visiting other commissions to gather feedback, to garner support for the initiative, and to recruit volunteers. He distributed a questionnaire that the task force has devised as one possible avenue for identifying local interest in this initiative.

CFA members offered several suggestions:

- \* Aim high.
- \* Include reciprocity with other institutions as a feature of the program.
- \* Seek cooperation with other state institutions.
- \* Present ideas to likely gubernatorial candidates.
- \* Prepare a detailed financial analysis before presenting a plan to university administrators.
- \* Get participation figures from other schools, preferably peer institutions, that offer tuition programs. Data from actual programs is likely to be a far better predictive measure of what the tuition initiative might cost here than data generated from this questionnaire.
- \* Contact SCHEV to see what information they have on hand.
- \* Read relevant state statutes concerning "special benefits" for limited groups.

A motion to support a Staff Senate initiative to investigate the feasibility of Virginia Tech offering tuition fee waivers for the dependents and spouses of university employees passed unanimously.

5. Severe sanctions.

Pat distributed two versions of a draft resolution on severe sanctions, one that ties explicitly into the existing post-tenure policy and a second that serves as a "generic" policy. The latest drafts reflect comments from the Senate workgroup.

A number of issues were discussed.

A. Suspension without pay.

Deborah Mayo questioned the inclusion of suspension without pay for (no more than) one year as an appropriate post-tenure review sanction.

Others agreed that suspension without pay is not a credible scenario for post-tenure review and could be eliminated as an example in the enumeration of sanctions. Bob Bates observed that such a sanction could serve a useful purpose in forcing the faculty member to use that period of imposed absence from the university to make some important life decisions, so leave it in

the document.

Peggy Meszaros suggested that we leave suspension without pay as an option in the range of sanctions, albeit in a reordered list from least to most severe: "A severe sanction generally involves a significant loss or penalty to a faculty member, such as but not limited to a demotion in rank, reduction in salary, and suspension without pay for a period not to exceed one year."

#### B. Wording and terminology.

Bob Bates asked whether we must wholly incorporate wording from the generic version of the severe sanctions policy into the post-tenure review document. Also, the use of the term "severe sanction" was questioned as suitable nomenclature.

No agreement was reached concerning the need for exactly equivalent language in the different drafts of the policy.

Don Mullins reminded commission members that the intent of severe sanctions as just that -- a very serious penalty that falls just short of actual dismissal. Dave Beagle stated that the term "alternative sanctions" was used in some of the initial draft language during last year's CFA discussions but that it was abandoned ultimately in favor of the current terminology that more accurately reflects its purpose.

A few minor changes in wording were recommended: (a) to eliminate the word "specific" from the sentence "The specific sanction to be imposed shall be the decision of ..." ; (b) to eliminate the phrase "for a defined period or permanently" from the reduction in salary sanction.

#### C. Authority.

Deborah identified some ambiguity in the draft post-tenure review policy regarding who decides which sanctions are imposed. She recalled from discussions at the Senate workgroup that the intent was to have a post-tenure review committee decide on a specific sanction. In the current draft wording, there is a sentence indicating that the provost and president decide the sanction.

Pat replied that she is uncomfortable with having a post-tenure review committee decide a faculty member's ultimate fate. Bill commented that throughout the discussion of post-tenure review there has always been an understanding that the committee makes recommendations only to the provost or president. Kay reminded commission members that sanctions involving a change in rank or pay must be approved by the Board of Visitors.

Pat asked for a sense of the group. It was agreed that she revise the draft document so that the post-tenure review committee makes recommendations for specific sanctions, which are then subject to modification by the provost, if appropriate, and referred to the Board of Visitors for final approval. The draft wording was revised to read: "The sanction to be imposed shall be the decision of the provost or president subject to the approval of the Board of Visitors."

#### D. Appropriately charged faculty committees.

One of the paragraphs in the generic version reads: "A severe sanction must be recommended by an appropriately-charged faculty committee. In the case where existing policy and procedures charge a faculty committee with investigation of allegations or reviewing evidence collected by others, such as Scholarly Misconduct, Ethics, or a hearing panel requested in the case of sexual harassment, the committee shall be responsible for recommending an appropriate sanction. Where allegations of misconduct or breach of university policy have been investigated and validated by an administrative unit or officer, the report of such an investigation or evidence upon which the charge is based shall be provided to the Ethics Committee which in turn will review the evidence, conducting a hearing in

which the principals may support or contest the evidence, and prepare a recommendation for action and sanction, if appropriate, to the provost."

There were several questions about the meaning of this paragraph.

Don stated that the term "appropriately charged committee" is vague. Faculty must know what the triggers are for a severe sanction and where the actions go.

Bill Greenberg asked about the inclusiveness of the "appropriately charged committees" as enumerated in the second whereas clause in the generic version of the severe sanctions resolution : " ... severe sanctions can be referred to, investigated, and substantiated by the Ethics Committee, Internal Audit, the EO/AA Office, or panels concerned with Scholarly Misconduct ..." He suggested that the document be revised to clearly state the behaviors for which a faculty member can receive a severe sanction and the routes that will be taken along the way.

Pat stated that the principle in this paragraph is to establish that a peer process will be in place before the imposition of a severe sanction. While several avenues exist now to handle specific types of faculty malfeasance (scholarly misconduct, ethics, sexual harassment), there is no body generally empowered to review other allegations of serious misconduct or breaches of university policy. As a practical matter, using an existing committee seems preferable to establishing a new committee. She selected the Ethics Committee as the most suitable faculty group to handle this task.

Peggy asked how the Ethics Committee would respond to a possible expanded role. Pat replied that she had spoken with the current chair, Mike Lambur, who reports ambivalence from the membership, some of whom feel that severe sanctions are the proper province of the university administration.

Don questioned empowering the Ethics Committee with these additional duties that involve a satellite charge outside the realm of ethical issues.

If the Ethics Committee is not an acceptable venue, then what are the alternatives? The Faculty Review Committee was named as one possibility. There can be a new standing committee or a special committee formed for each case. Pat stated that the severe sanctions policy applies to research associates and professional & administrative faculty as well, so whatever review committee is selected should have proper representation from all possible affected constituencies.

Peggy suggested that if we are unwilling to expand the charge of the Ethics Committee, we could simply add the phrase "or another appropriate committee" to the existing enumeration of investigating bodies: "In the case where existing policy and procedures charge a faculty committee with investigation of allegations or reviewing evidence collected by others, such as Scholarly Misconduct, Ethics, a hearing panel requested in the case of sexual harassment, or another appropriate committee shall be responsible for recommending an appropriate sanction."

While there was some agreement that empowering a standing committee that has established rules, membership, and expertise makes good sense, there was no resolution regarding which group should provide the necessary peer review. The matter will be pursued at the next CFA meeting. In addition, the policy, although still clearly in draft format with several issues unresolved, will be reviewed at the November Faculty Senate meeting. Pat will attend to answer questions.

There was also general agreement that this part of the generic draft policy is sufficiently unclear to warrant a full rewrite.

The bottom line of the discussion was that faculty do not want a policy

that would abet the arbitrary and capricious actions of an administrative witch-hunt and that there must be a peer review process as part of any severe sanctions policy.

6. Adjournment. The meeting was adjourned at 4:00 PM. The next meeting will be on Friday, 22 November 1996 in room 400D Burruss beginning at 2:00 PM.

Respectfully submitted,  
Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

22 November 1996

Approved: 13 December 1996

Present: Jim McKenna (chair), Bob Bates, Dave Beagle (scribe), Bill Greenberg, Pat Hyer, Deborah Mayo, Mary Denson Moore, Don Mullins

Guests: Dixon Hanna (associate provost)

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:10 PM.
2. Approval of minutes. The minutes of the 08 November 1996 meeting were approved.
3. Agenda. The agenda was approved without modification.
4. SCHEV performance indicators.  
Dixon Hanna provided some history for several SCHEV projects currently underway.

SCHEV initiated several "indicator" projects a few years ago, including one on students that was completed and one on faculty that was not completed. The uncompleted projects had been on hold until recently when the Department of Planning and Budget (DPB) was asked to resume them.

At their June 1996 meeting, SCHEV approved six core performance measures: (1) graduation and progression rates; (2) transfer rates; (3) percent of graduates who are employed in program-related work, pursuing further study, or identify their program of study as having contributed significantly to their functioning as workers and citizens; (4) dollars expended on instruction as a percent of total E&G expenditures; (5) institutions successfully meeting the Decentralized Management Standards for Higher Education; and, (6) classroom utilization rates as defined by SCHEV's standards for classroom and laboratory utilization. In addition, SCHEV authorized the development of a seventh performance measure: faculty productivity.

Dixon shared a 21 October 1996 memo to vice presidents for finance from Phyllis Palmiero of DPB that lists four ways to measure faculty productivity: (1) undergraduate student credit hours generated per full-time equivalent faculty; (2) graduate student credit hours generated per full-time equivalent faculty; (3) total student credit hours generated per full-time equivalent faculty; and, (4) research and public service expenditures per full-time equivalent faculty.

Faculty productivity is one of four components of a resurrected faculty indicator study: (1) Who are the state-supported faculty? (2) What do they teach? (3) What do they do? (4) Faculty developments and rewards.

In attempting to answer what faculty do, SCHEV has devised a faculty activity survey form. A sample of Virginia Tech faculty will be asked to fill out this survey sometime in late February or early March. The form asks for the average hours/week and percent of time spent during the academic year on various teaching, research and service activities.

Bob Bates observed that the performance indicators undermine ongoing restructuring efforts and that Virginia Tech may not be accurately represented by this survey instrument. Jim agreed that the "one size fits all" approach may hurt our statistics and Dixon stated that since a lot of our utilization is not being captured or reported, we may have to change the way we count, collect statistics, and write reports in this current climate of accountability.

Virginia Tech has submitted its data for the six core measures, which have been accepted, and is preparing the data for faculty productivity.

5. Severe sanctions. The continuing discussion of severe sanctions resumed.

A. Variant language.

There are two versions of a draft severe sanctions policy, one as part of post-tenure review and the other as a separate, generic policy. One unresolved question remains whether there must be parallel wording in both versions. Pat Hyer stated her objection to having variant language.

B. Faculty review.

Pat reported that Elyzabeth Holford, director of EOAA, has several objections to the current draft procedures, particularly the requirement that reports of investigations conducted by her office would then be turned over to a faculty committee which would be responsible for recommending a sanction if they felt it was warranted. She believes that faculty members are not well enough informed of our legal obligations and relevant case law to make the appropriate judgments in such cases. Also, many complaints she receives come from staff who fear that there will not be adequate fairness in a system that judges faculty misbehavior with faculty committees. She fears that such a system will not treat victims fairly, both because faculty will favor faculty colleagues at the expense of staff and because it is highly unlikely, given our demographic profile, that the committees will have adequate representation of women and minorities on them. She also stated that some faculty who have faced charges in recent years have not wanted to have faculty colleagues involved in reviewing their cases. They preferred to have them handled as confidentially as possible and to settle with administrators rather than exercise their right to a hearing. Requiring the involvement of a peer committee may not be what these faculty members actually want to occur.

C. College committee review.

At the November Faculty Senate discussion, several senators asked that the college committee review a departmental recommendation for a severe sanction in the case of post-tenure review.

Bill Greenberg offered his view that the departmental committee should make the specific sanction decision since the rating of "Unsatisfactory" is a departmental matter. He asked who makes the specific sanction recommendation in a post-tenure review decision.

Pat responded that the current draft calls for the post-tenure review committee to recommend a severe sanction that is then reviewed by the college committee. Post-tenure review is a multiple level decision; it does not end with a departmental review.

D. Escalation of sanctions.

Deborah Mayo stated that it looks like the provost can undo the lower-level post-tenure review decision of a departmental committee, which is worrisome, and that if it is possible for college level review of a departmental post-tenure review decision to escalate into the most serious outcome -- dismissal for cause -- then there is no peer review of a decision to terminate.

Bill asked where is that authority in the draft policy for the college level committee to recommend more severe sanctions than those recommended by the departmental post-tenure review committee. Is the college review a safeguard or a place to initiate a decision? The college level review should be a protection and not a re-analysis.

Pat suggested that if a department is unwilling to make a decision appropriate for the evidence, then there is a college-and institutional-level responsibility for equity. There must be some checks and balances. If there is disagreement at the college level with the

initial departmental decision, then more severe outcomes, including dismissal for cause where warranted, should be available.

Don suggested that increasing the penalty is analogous to a criminal case where a judge renders a death penalty decision after the jury deliberations when it had not been an option beforehand.

Bill argued that burden is a key issue and that the burden is on the university. Unlike tenure, the onus in post-tenure review is on the administration rather than on the faculty.

#### E. Compromise.

Pat suggested that we can address some of the concerns about college-level review and the escalation of sanctions in the draft post-tenure review document by mirroring the procedures and language of the dismissal for cause section (2c) in the alternative sanctions section (2b).

This is how section 2c of the post-tenure review policy now reads:

"Dismissal for cause -- If dismissal for cause is recommended, the case shall be referred to the college-level promotion and tenure committee as described in section 2.8.4.2, which shall review the case as presented to the departmental committee and determine whether the recommendation is consistent with the evidence. If the college-level committee upholds the recommendation for dismissal, then the procedures specified in section 2.11.1 of the Faculty Handbook will begin immediately. The committee review satisfies the requirement in section 2.11.1 for an informal inquiry by a standing personnel committee. If the President decides to proceed with dismissal, the faculty member shall be provided a statement of charges and notification of a right to a formal hearing in accordance with section 2.11.1."

If we replace "dismissal for cause" in the above paragraph with "severe sanction," then there is wording for section 2b that makes the two outcomes parallel. This is the AAUP procedure. The downside is that it would make severe sanctions bureaucratically cumbersome.

Bill noted that there is still an unresolved issue: who makes the specific severe sanction recommendation in post-tenure review cases? He argued for the departmental committee to make an initial recommendation, even if it can be changed by a later review.

Pat answered that she is not opposed to having a departmental committee make specific sanctions as long as we don't say you cannot increase the level of severity at a higher level of review. The college-level committee should have some responsibility in deciding whether the evidence is justified.

Bob Bates suggested we work within sanction "modules" where there is a degree of latitude. There was general agreement with this concept provided the sanction does not include dismissal for cause.

#### F. Summary.

Several changes to the draft post-tenure review policy document were agreed to by commission members: (1) to use dismissal for cause procedures for severe sanctions procedures; (2) to reorder paragraphs in section 2b so that the new paragraph comes first; (3) to add wording that the departmental committee makes specific sanction recommendations; (4) to allow the college-level review to alter the departmental-level recommendation as long as dismissal for cause is not in the range of outcome options; (5) to add to the certification of deficiencies section that there be a single period of remediation not to exceed two years.

Pat will write draft resolutions for the next CFA meeting and will prepare a revised post-tenure review policy with the changes suggested at the

November Faculty Senate meeting and at today's CFA meeting.

6. Adjournment. The meeting was adjourned at 4:00 PM. The next CFA meeting will be on Friday, 13 December 1996, beginning at 2:00 PM in room 400D Burruss Hall.



Commission on Faculty Affairs Minutes  
13 December 1996  
Approved: 24 January 1997

Present: Jim McKenna (chair), Bob Bates, Greg Brown, Dave Beagle (scribe),  
Donna Dunay, Darlene Grega, Pat Hyer, Peter Shires

Guests: Mike Lambur (chair of Committee on Faculty Ethics)

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:10 PM.
2. Approval of minutes. The minutes of the 22 November 1996 meeting were approved as modified.
3. Agenda. The agenda was approved without modification.
4. Announcements.
  - A. Committee minutes. Jim distributed copies of the past few meetings of the University Committee on Equal Employment and Affirmative Action.
5. Ethics policy.

Jim welcomed Mike Lambur, who had been asked to attend to present the latest draft of the professional ethics policy.

Mike had sent out prior to the meeting copies of a draft resolution on faculty ethics along with proposed changes in the wording of sections 1.5.3 ("The Committee on Faculty Ethics") and 2.7 ("Principles and Convictions of Ethical Behavior") of the Faculty Handbook. The most substantive changes in the latest revision are in the "Colleagues" portion of section 2.7.

A. Section 1.5.3

Pat Hyer stated that the policy revision began while E. Fred Carlisle was provost and that he had asked for the addition to section 1.5.3 of a "reasoning" for the committee's findings. There is no such wording in the latest draft. Mike responded that a section of processes and rationale could easily be added.

B. Section 2.7

Bob Bates suggested that the title of this section be changed to eliminate the word "convictions," which has many different connotations, including a legal one that may not be appropriate.

Peter Shires inquired about the intent of the "University" section: "We seek above all to be effective in our assigned responsibilities. We give paramount importance to these responsibilities in determining the amount and character of work done outside of Virginia Tech. Although we observe the Faculty Handbook, we maintain our right to criticize and seek revision of University policy."

Mike commented that the revised ethics policy is no longer proscriptive, but open to interpretation by the Committee. The intent is a flexible policy that provides latitude to judge behavior in context, something that hasn't always been possible with the restrictions of the old policy.

Peter stated that if the intent of this section is to address the issue of consulting, then it should be clearly written as such. Mike answered that consulting was a primary concern in writing this section but not the sole concern.

Peter asked about the inclusion in the "Colleagues" section of a prohibition against faculty engaging in "romantic and sexual relationships

with employees whom we are in a position to supervise or evaluate." Pat stated that in such cases faculty should seek to make appropriate changes by taking themselves out of a supervisory loop.

Pat voiced her support for the inclusion of collegiality as an ethical issue in the policy.

A motion to support the draft faculty ethics policy passed unanimously.

The next steps are reviews by CAPFA and by the Faculty Senate and then a final review and approval by the Commission.

#### 6. Severe sanctions.

Pat had distributed prior to the meeting copies of resolutions pertaining to a revised post-tenure review policy and a revised generic sanctions policy. In preparing these revisions, she incorporated several conditions that the provost has indicated must be included in the policy for it to receive her support:

(1) The provost must have the flexibility to set the final sanction to ensure that sanctions are consistently and fairly applied across the university.

(2) The dean and department head must be involved in sanctions decisions along the way. (3) If faculty members are willing to accept a sanction, then there is no need for a committee to review or ratify the investigation and decision.

#### A. Post-tenure review version.

In this latest revision, the severe sanctions steps mirror those in the dismissal for cause policy.

There is now involvement of a college-level promotion and tenure committee in section 2.b ("sanction other than dismissal for cause"): "A departmental recommendation to impose a severe sanction shall be referred to the college-level promotion and tenure committee, which shall review the case as presented to the departmental committee and determine that the recommendation is consistent with the evidence. The college-level committee may reject, uphold, or modify the specific sanction recommended by the departmental committee. If the college-level committee also recommends imposition of a severe sanction, then the same procedures used for dismissal for cause (specified in section 2.11.1 of the faculty Handbook) will guide the process."

Peter asked how the deans and department heads are involved. Pat answered that committee deliberations do not include the department head or dean but that final action and notification of the faculty member is the responsibility of the head or chair and dean, with the concurrence of the provost.

Jim stated that this version seems to be generally acceptable now that there is a parallel to the dismissal for cause procedures, where there are many safeguards and protections for faculty, and a period of remediation of up to two years as one possible outcome of a post-tenure review.

#### B. Generic version.

Like the post-tenure review policy, the procedures for imposing a generic sanction follow those used in dismissal for cause. There are two levels of severity: a severe sanction and a minor sanction.

Peter pointed out that the severe sanctions section includes examples, whereas the minor sanctions section does not. Examples would be very useful, especially to distinguish routine personnel actions from sanctions.

Pat agreed to revise the draft so that each of these three sections -- routine personnel actions, minor sanctions, severe sanctions -- are clearly distinguished from one another and include appropriate examples.

The revised drafts of both the post-tenure review and severe sanctions versions will be sent to Faculty Senate for discussion at their January meeting. Senate input then can be embedded into the discussion at the next CFA meeting.

7. Adjournment. The meeting was adjourned at 3:40 PM. The next CFA meeting will be on Friday, 24 January 1997, beginning at 2:00 PM in room 400D Burruss Hall.

Commission on Faculty Affairs Minutes

24 January 1997

Approved: 14 February 1997

Present: Jim McKenna (chair), Greg Brown, Dave Beagle (scribe), Brian Bond, Donna Dunay, Bill Greenberg, Pat Hyer, Deborah Mayo, Peggy Meszaros, Don Mullins

Guests: Terry Swecker (chair of Commission on Outreach), Virginia Reilly (ADA Coordinator)

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:10 PM.

2. Approval of minutes. The minutes of the 13 December 1996 meeting were approved without modification.

3. Agenda. The agenda was approved without modification.

4. Announcements. The proposal for tuition fee waivers for dependents and spouses of Virginia Tech employees that was presented to CFA at an earlier meeting by Tom McAvoy has been sent to Minnis Rinenour. A copy of the proposal was distributed.

5. Outreach.

Jim McKenna introduced Terry Swecker, chair of the Commission on Outreach, who came to present a resolution from that commission on the definition of "outreach" and to seek the support from the Commission on Faculty Affairs for the resolution.

After much discussion by the Commission on Outreach, this definition has been proposed:

"Outreach is scholarly sharing of the teaching, research, and service efforts of the university to society outside the traditional campus classroom."

The resolution specifies that "implementation should include:

1) Annual faculty review, and promotion and tenure consideration should include outreach.

2) Outreach should be considered a function of every academic unit in the university, but not necessarily every faculty member.

3) Outreach should be embraced as a vital mechanism to integrate information from external environments into the university setting that can be applied to teaching, research, and service.

4) Outreach opportunities are limitless, however, successful university outreach depends on planned prioritization and implementation of activities."

Discussion of the resolution revolved around several issues: (a) the definition; (b) who judges which activities constitute legitimate outreach; (c) the role of outreach in the missions of the university; and (d) rewards.

Definition: Bill Greenberg stated that should be some direction from the university regarding the definition of outreach. In certain fields it is quite clear what outreach means, but how broadly can it be defined? As an example, a mathematician who spends time teaching mathematics to mentally retarded children is certainly performing outreach. But what about this same professor who gets involved with community activism?

Greg Brown suggested that a loose rule can be applied. If one's outreach activities are applied with "expertise," then this is legitimate outreach.

Peggy Meszaros argued that the crux of the matter in the definition is scholarship. "Scholarly sharing" implies that you are coming from some research base and extending this scholarly base to some external audience. The extension of one's scholarly base is outreach.

Bill suggested that in implementation item 3, the phrase "embraced as a vital mechanism to integrate information from external environments into the university setting..." is unclear. Outreach is a means to get information flowing in both directions, not necessarily only from the university to somewhere else. Don Mullins agreed that outreach is bi-directional.

Judgment: There was general agreement that the definition of outreach is a nebulous area, but that the department level is the best place to determine whether activities are suitably defined as outreach. Peggy stated her view that departments should address outreach as part of the strategic restructuring planning currently underway.

Missions: The Commission on Outreach has proposed that outreach be regarded as a function of all three university missions. In certain colleges outreach is valued more than in other colleges. The resolution is an effort to strengthen its importance everywhere.

Terry asked whether CFA members support the changes in the model that outreach, formerly regarded as part of a third mission (service), is now being defined as part of all three university missions (research, teaching, service).

Rewards: Greg suggested that what is required is a cultural shift over time. An earlier task force on outreach concluded that until there is recognition and rewards for performing outreach, it will not be accepted as important.

Pat Hyer asked whether the Commission planned to go through the Faculty Handbook to see what changes will need to be made (assuming the resolution passes successfully through the governance system). The Commission should identify the specifics regarding the major documents and processes that will need updating.

Jim asked that CFA members send any comments or suggestions for illustrative examples to Terry Swecker (cvmwss@vt.edu), who will return at a later meeting to revisit this whole issue.

6. Resolution on accommodation of disabilities. Jim introduced Virginia Reilly, the campus ADA Coordinator who came to present a resolution from the Commission on Classified Staff Affairs on the "accommodation of students, employees, and applicants with disabilities."

The resolution has been reviewed by the ADA Advisory Panel, the EOAA Committee, the General Counsel's Office, and the Commission on Classified Staff Affairs.

Virginia began by stating that the university does not have a broad statement on disabilities. This resolution provides for an umbrella policy formalizing what we currently do into one statement. The university's obligations in this area stem largely from a 1990 federal law, although disability accommodation requirements have been in place since 1973.

Greg inquired about the amount of flexibility the university has to provide accommodation. Is there sufficient discretion in what can be done?

Virginia responded that the university must provide "appropriate accommodation" and not always the exact same experience, although we should endeavor to get as close as possible. There is an issue of undue hardship. However, the university can not justify not providing accommodation for its disabled population. Further, appropriate accommodation must be "effective" accommodation. ADA cases are one-on-one accommodation decisions. We cannot write a simple recipe because there will be so many variations.

Deborah Mayo asked about the faculty responsibility to provide accommodation.

Virginia replied that there is a shared responsibility between the university and the faculty. There must be program access, but this is not always physical access.

A motion to approve the resolution passed unanimously. The EOAA Committee reports jointly to the CFA and to the CCSA. Now that both commissions have endorsed the resolution, it is ready to be presented to University Council.

Peggy requested that the budget ramifications be made clear when this resolution reaches University Council.

#### 7. Ethics policy.

Mike Lambur, chair of the Committee on Faculty Ethics attended a recent CAPFA meeting to discuss the issue of ethics charges against administrative and professional faculty, which are not addressed in the draft policy approved at the previous CFA meeting.

While not all of the issues relevant to CAPFA were resolved at this meeting, it was decided that the policy should move forward through the governance system as originally written with the addition of a friendly amendment. The amendment adds a paragraph to section 1.5.3 ("The Committee on Faculty Ethics") on the composition of a panel to hear ethics allegations against administrative and professional faculty.

"When the allegation is against an administrative or professional faculty member without tenure or continued appointment, the committee shall compose a special panel of five members: the chair or an experienced designee from CFE, one additional member from CFE, and three administrative and professional faculty by the chair of CAPFA. All potential members should be polled to insure that there is no conflict of interest in their participation in the case. Operating procedures for the CFE will be followed in the investigation and disposition of the charges to the extent possible and appropriate for the circumstances."

A motion to support this friendly amendment from CAPFA passed unanimously.

A motion to approve the overall faculty ethics policy, including the friendly amendment, passed unanimously.

#### 8. Sanctions as part of post-tenure review.

Jim reported that a Faculty Senate taskforce had met to discuss the sanctions portion of the post-tenure review document. Most of the discussion centered around section 2.11.1 of the Faculty Handbook (Dismissal for Cause) since the latest draft of the severe sanctions policy stipulates that "if the college-level committee also recommends imposition of a severe sanction, then the same procedures used for dismissal for cause will guide the process."

The most volatile issue concerned the possible escalation of severe sanctions by the president or provost.

Peggy stated that the review at the university level must be fair and that her continuing problem is to ensure that there is a university level review

where faculty or departments are not placed at a disadvantage. There must be fairness for similar offenses regardless of the department or college. The real bottom line is "who" has the final word. What are the fears of the Faculty Senate?

Jim answered that there is a concern on the part of some faculty that the provost could take a reduction in pay sanction and escalate it all the way to dismissal for cause or that the sanction decision could be reversed. If the original penalty is not deemed acceptable by the provost, per university-wide standards, could it be remanded back to the original committee?

Jim had distributed a rewrite of the second half of paragraph 2 of CFA Resolution 1996-97 B (Severe Sanctions for Post-Tenure Review).

The original language reads: "A departmental recommendation to impose a severe sanction shall be referred to the college-level promotion and tenure committee, which shall review the case as presented to the departmental committee and determine that the recommendation is consistent with the evidence. The college-level committee may reject, uphold, or modify the specific sanction recommended by the departmental committee. If the college-level committee also recommends imposition of a severe sanction, then the same procedures used for dismissal for cause (specified in section 2.11.1 of the Faculty Handbook) will guide the process. The committee review satisfies the requirement in section 2.11.1 for an informal inquiry by a standing personnel committee (Step 2)."

The rewrite reads: "A departmental recommendation ...departmental committee. If the college-level committee also recommends imposition of a severe sanction, then the college committee shall attempt to effect an adjustment and, failing to do so will furnish the President (in what follows, the President may delegate the Provost to serve instead). The President will review the recommended sanction. If the sanction is extreme, the President can ask the College and Department Committees to reconsider their recommendation. The President cannot impose a more severe sanction than that recommended by the College P&T Committee. The recommendation can be either altered or unchanged and then returned to the President for imposition of severe sanction."

Bill noted that there are two protections for faculty because the college P&T committee must agree with the departmental committee. We could add an additional level of protection by forbidding severe sanctions from turning into dismissal for cause, similar to a judge constrained by sentencing guidelines.

Deborah stated that CFA has agreed that severe sanctions cannot turn into dismissal for cause. The sentiment at Faculty Senate was that severe sanctions not be increased in severity over the college committee recommendation; e.g., to change a reduction in rank penalty to a reduction in rank and salary.

Peggy stated that the university P&T committee makes "recommendations" only to the provost. The severe sanctions scenario proposed by Faculty Senate is completely different.

Pat reminded commission members that AAUP guidelines specify the use of dismissal for cause procedures in cases involving severe sanctions. If a faculty member felt that the president had elevated a severe sanction unfairly, there is still recourse. There are appeal mechanisms as part of the well-established dismissal for cause procedures. Further, most cases are decided at the first step.

If we follow the dismissal for cause procedures after a college P&T committee recommends a severe sanction, these are the steps:

(1) There are "discussions between the faculty member and the department head or chair, the dean, and/or the Provost, looking toward a mutual settlement"; faculty member meets with the dean and department head; then if no resolution

(2) There is "informal inquiry by a standing (or, if necessary, ad hoc) faculty committee having concern for personnel matters (this committee shall attempt to effect an adjustment and, failing to do so, shall determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the President's decision whether to proceed)"; then if no resolution

(3) There is "the furnishing by the President (in what follows, the President may delegate the Provost to serve instead) of a statement of particular charges, in consultation with the department head or chair and dean. The statement of charges will be included in a letter to the faculty member indicating the intention to dismiss, with notification of the right of a formal hearing. The faculty member will be given a specified reasonable time limit to request a hearing, that time limit to be no less than ten days."

(4) "If a hearing committee is to be established, the President will ask the Faculty Senate, through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members should be nominated on the basis of their objectivity and competence and of the regard in which they are held in the academic community; they shall be determined to have no bias or untoward interest in the case and to be available at the anticipated time of hearing. The faculty member and the President will each have a maximum of two challenges from among the nominees without stated cause. The President will then name a five-member hearing committee from the remaining names on the nominated slate. The hearing committee will elect its own chair."

Deborah reiterated the primary problem for faculty as being the possible increase in severity by upper-level administrators. The college committee determines the specific sanction and it should not be increased later. It might be possible for the president to lessen a sanction in the interest of fairness, but not the reverse.

Bill observed it is not very likely that any president would agree to give up the right to increase the severity of a sanction.

Don argued that there needs to be fairness tempered with protections for faculty interests. Negotiation is the key. The ultimate authority for all decisions resides with the Board of Visitors, but the president's view is a crucial issue. It is important for us to focus on "who" determines the specific sanctions.

Pat suggested that a flowchart of the dismissal for cause procedures would be useful in seeing the various steps and protections that would be involved in a severe sanction.

9. Adjournment. The meeting was adjourned at 4:00 PM. The next CFA meeting will be on Friday, 14 February 1997, beginning at 2:00 PM in room 400D Burruss Hall.



Commission on Faculty Affairs Minutes

14 February 1997

Approved: 28 February 1997

Present: Don Mullins (chair), Dave Beagle (scribe), Brian Bond, Donna Dunay, Bill Greenberg, Darlene Grega, Pat Hyer, Deborah Mayo, Peggy Meszaros

Guests: Michael Denbow (Committee on Academic Support)

1. Call to order. The meeting was called to order by acting Chair Don Mullins at 2:10 PM.
2. Approval of minutes. The minutes of the 24 January 1996 meeting were approved.
3. Agenda. The agenda was approved without modification.
4. Resolution to change time between classes. Mike Denbow from the Committee on Academic Support (CAS) handed out copies of draft resolution 1996-1997B from the Commission on Undergraduate Studies and Policies (CUSP), which recommends that the time between classes on Monday, Wednesday, and Friday be changed from 10 minutes to 15 minutes. The first class on these days would begin at 8:00 AM as before, but all other class starting and ending times would be altered. The second class would begin at 9:05 AM, the third class at 10:10 AM, etc.

The gist of the resolution is that the campus has grown significantly in physical size and student population size, rendering on-time class arrival impossible for many students enrolled in consecutive classes. The late arrivals and early departures disrupt the learning effectiveness of all students in these classes.

This issue has surfaced many times in the past. In this current investigation, various alternatives have been proposed, including the possibility of reducing each class period by five minutes. CAS members feel strongly that the standard 2200 minutes per semester of class contact should be maintained.

Survey data has been collected to assess the number of students who have experienced difficulties in arriving to class on-time. The numbers are consistently high, close to 90%, so this is not an isolated problem affecting a handful of students.

Before recommending this alteration of the class schedule, attention was given to its effect on extra-curricular student activities, sports, satellite classes, afternoon and evening classes, and the Blacksburg Transit operation. It is believed that there will be minimal disruption in all areas.

Peggy Meszaros asked about possible effects on classroom utilization, which is one of the areas where institutional data is being collected for SCHEV's performance indicators study. She identified Dwight Shelton as the appropriate contact person who could assess what impact the new schedule would have on Virginia Tech's classroom utilization indicators.

The ideal solution to alleviate the on-going problem of student tardiness due to both distance and scheduling obstacles is a registration system that avoids scheduling students into sequential classes. In the meantime, expanding the transition time between classes is the simplest, most practical remedy.

A motion to support the CUSP resolution passed unanimously.

5. Severe sanctions for post-tenure review. Pat Hyer distributed copies of a flowchart that outlines the steps in imposing a severe sanction as a consequence of a post-tenure review.

The flowchart begins with the recommendation of a severe sanction by a departmental post-tenure review committee, which is then reviewed by the college P&T committee. The college committee reviews the case to determine if the departmental recommendation is consistent with the evidence. The college committee can reject, uphold, or modify the specific sanction. The college committee then recommends a sanction that is forwarded on to the head/chair, dean, and provost.

The next step is a discussion among the faculty member, head/chair, dean, and provost looking toward a mutual settlement. If agreement is reached, then the process is over subject to approval of the specific sanction by the Board of Visitors (BOV). This is analogous to step 1 in the dismissal for cause procedures, which are being mirrored here in the severe sanctions procedures.

In the dismissal for cause procedures, step 2 is the formation of an ad hoc or standing committee. Since post-tenure review is conducted initially by a departmental faculty committee and further reviewed by a college faculty committee, this step is not needed in the severe sanctions procedures.

The next step in the severe sanctions procedures is analogous to step 3 of the dismissal for cause procedures, where the president provides to the faculty member an official statement of charges and the university's intent to sanction as well as a notification of the faculty member's right to a formal hearing. A sanction imposed by the president is subject to approval by the BOV.

If the faculty member exercises the right to a hearing, then a Formal Hearing Panel (FHP) consisting of 5 persons chosen from among 9 nominations made by the Faculty Senate president is selected. The hearing panel's written recommendation is sent to the president and the faculty member.

If dissatisfied with the president's intended action, the faculty member can request an additional review by the BOV. A full written record is provided to the Board. Oral arguments can be heard as well. If the recommendation of the FHP is not sustained, it is sent back with specific objections and a request to reconsider the findings.

The BOV makes the final determination following a reconsideration by the FHP.

Pat added that the post-tenure review policy passed last year includes this statement:

"Nothing in this section should be interpreted as abridging the University's right to proceed directly to dismissal for cause as defined in 2.11.1, or the right of individual faculty members to pursue existing mechanisms of reconciliation and redress."

Deborah Mayo stated that the flowchart is not sufficiently clear; more detail is required to understand exactly what happens when and who makes what decisions.

Don Mullins reported on the discussion from the most recent faculty focus group meeting. The approach to the sanctioning process is important. Faculty members set a department's minimal performance standards, undertake a post-tenure review when these minimal standards are allegedly unmet, make the initial judgment, and recommend a sanction when appropriate. This is a peer process, so there are protections for faculty.

There is concern, however, about the possibility of an increase in the severity of a sanction following the reviews by faculty groups. The focus group would like to see a provision added whereby any change at any level

during the review process is documented and included in the report that is sent forward to the BOV for a final decision.

Bill Greenberg agreed, but suggested that the president be required to forward summaries of the recommendations from all levels of review regardless of whether there have been changes along the way.

Deborah Mayo argued that the flowchart as written does not indicate the provost's decision options. The fact that the provost can change the sanction is not explicitly stated. Further, that authority remains a stumbling block on the part of many in the Faculty Senate who would like to see the specific sanction decision remain unchanged after the college-level review.

Don Mullins noted that recommendations of all kinds pass through the provost in her role as chief academic officer. In the promotion & tenure process, peer committees meet and make judgments, but those judgments are always in the form of recommendations to the provost.

Peggy Meszaros expressed puzzlement over fears that she as provost would consider anything other than fairness when deciding severe sanctions cases.

Pat agreed to rewrite the draft resolution and the flowchart in time for the upcoming faculty Senate meeting on 18 February 1997. Revisions will include the following:

- (1) To embed a summary of the dismissal for cause steps in the severe sanctions section of the post-tenure review policy rather than simply reference the Faculty Handbook.
- (2) To clarify that the provost can change the level of severity of the specific sanction recommended by the lower-level committees.
- (3) To include a section that the recommendations of all levels of review are forwarded to the BOV.
- (4) To add a provision that the president can end the post-tenure review process by rejecting the findings that a severe sanction is appropriate.

6. Severe sanctions policy. Further discussion of the generic severe sanctions policy was postponed pending the outcome of the debate about the post-tenure review version at Faculty Senate.

7. Adjournment. The meeting was adjourned at 3:30 PM. The next CFA meeting will be on Friday, 28 February 1997, beginning at 2:00 PM in room 400D Burruss Hall.

Respectfully submitted,  
Dave Beagle (scribe)

Commission on Faculty Affairs Minutes  
28 February 1997  
Approved: 14 March 1997

Present: Jim McKenna (chair), Dave Beagle (scribe), Donna Dunay, Bill Greenberg, Pat Hyer, Deborah Mayo, Don Mullins, Peter Shires

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:10 PM.
2. Approval of minutes. The minutes of the 14 February 1996 meeting were approved.
3. Agenda. The agenda was approved.
4. Research assignments.

Pat Hyer distributed copies of her report on research assignments. Section 2.14.3 of the Faculty Handbook specifies that "the Provost's Office will submit an annual report to the Commission on Faculty Affairs regarding the number of research assignments granted by each college." The Handbook describes a research assignment as "a special category of study-research leave that is awarded to a tenured academic faculty member for one semester of intensive study or research which increases the quality of the individual's professional stature and future contribution to the University. It may be taken in lieu of an ordinary, year-long study-research leave."

While there has been a quota of 5% of the tenured faculty in a college who can take research assignments simultaneously, the total number of faculty across the university who have participated in this program has been less than the maximum allotment in recent years. Of the 55 available slots, 38 research assignments were granted during the 1996-97 term and 43 have been granted for the 1997-98 term. When the policy was originally written, it was expected that there would be lots of competition for these study-research leaves. In actual practice, their popularity has varied considerably by college.

5. Ethics policy.

Pat reported that some administrative and professional faculty have expressed an interest in providing feedback on the proposed faculty ethics policy. She and Mike Lambur, chair of the Faculty Ethics Committee, will meet with these groups soon. If there are extensive concerns by these administrative and professional faculty, the policy may be forwarded through the governance system as a policy applicable to instructional faculty only. Revisions pertinent to administrative and professional faculty would be made at a later time.

6. Severe sanctions.

A. Administrative and Professional Faculty.

Pat handed out documentation pertinent to the imposition of a severe sanction for administrative and professional faculty. These are the proposed steps:

- (1) Charge or allegation. An investigation finds a serious violation of university policy or unacceptable conduct. A severe sanction is recommended.
- (2) The reasons for the severe sanction are presented in writing to the employee.
- (3) There is a meeting with the supervisor, the next-level administrator, and the employee.
- (4) The employee has three days to respond to the supervisor.

(5) The supervisor makes a decision and communicates it to the faculty member.

This personnel action is grievable using standard grievance procedures.  
Pat emphasized that any appeal is after the supervisor's decision.

B. Post-tenure review.

Jim reported that he had updated the Faculty Senate at their February meeting concerning the post-tenure review version of the draft severe sanctions policy.

The draft policy was published in the Spectrum of 27 February 1997 (pages 3, 7; available electronically at this URL:  
<http://scholar4.lib.vt.edu/spectrum/spectrum.html>).

All faculty are urged to review the policy carefully and to send comments directly to Jim McKenna.

A thorough review of the draft policy will wait until after faculty have had an opportunity to provide commentary. Faculty input will be compiled and distributed to Commission members in preparation for a final reworking of the document at its next meeting.

7. Adjournment. The meeting was adjourned at 2:50 PM. The next CFA meeting will be on Friday, 14 March 1997, beginning at 2:00 PM in room 400D Burruss Hall.

Respectfully submitted,  
Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

14 March 1997

Approved: 28 March 1997

Present: Jim McKenna (chair), Bob Bates, Dave Beagle (scribe), Greg Brown, Billie Cline, Donna Dunay, Pat Hyer, Deborah Mayo, Don Mullins, Peter Shires

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:05 PM.
2. Approval of minutes. The minutes of the 28 February 1997 meeting were approved.
3. Agenda. The agenda was approved without modification.
4. Severe sanctions, post-tenure review version.

Jim McKenna identified three concerns that were expressed at the most recent Faculty Senate focus group discussion:

(1) Conformity with AAUP guidelines. AAUP guidelines recommend the use of dismissal for cause procedures in the imposition of a severe sanction other than dismissal for cause. The Virginia Tech draft document follows these guidelines.

(2) Documentation. What portion of post-tenure documentation goes forward? Does it all proceed through the levels of review or just a summary of results? Some faculty have argued that the full package should go to the Board of Visitors even if they are not acting on an appeal. Pat Hyer has argued that the Board of Visitors should not see the full package if there has been a resolution at an earlier step since a decision on sanctions has been made. This remains an unresolved issue.

(3) Encouragement of punitive actions. Does expanding the array of severe sanctions beyond what is in the Faculty Handbook already (i.e., dismissal for cause) open a Pandora's Box of disciplinary actions against faculty? Some faculty are worried that one consequence of this document will be to encourage punitive actions against faculty. Don Mullins recalled that the original intent of adding severe sanctions other than dismissal for cause to the post-tenure review document was to enhance faculty protections.

Don Mullins also raised the issue of who represents the faculty member in a post-tenure review? Pat Hyer answered that the faculty member represents himself or herself.

Pat agreed to edit the latest draft version (published in the 27 February 1997 issue of the Spectrum) to incorporate these changes:

- (1) Add a clarification that the faculty member would have an opportunity to address the college-level committee directly.
- (2) Add a statement that the full record of the case shall be forwarded to the decision-maker or committee at each step of appeal requested by the faculty member.
- (3) Add a statement that the Board of Visitors will be informed of recommendations proposed at earlier steps if they differ from the President's final recommendation.

There was unanimous approval in concept of the post-tenure review version of the severe sanctions document as revised.

This revised document will be sent to the Faculty Senate membership so that

it can be discussed at their March 1997 meeting. If there are no substantive changes to the current version, then the document will proceed to University Council and into the governance system.

#### 5. Severe sanctions, generic version.

Pat stated that there are no explicitly defined guidelines for severe sanctions in the Faculty Handbook. The post-tenure review policy that was adopted last year specifies the possibility of severe sanctions other than dismissal for cause, which has led to the creation of this document.

The language in the generic severe sanctions document will appear directly below the dismissal for cause section in the Faculty Handbook. The steps for a severe sanction mirror those in dismissal for cause except that if a faculty committee has already been involved, step 2 is skipped. If no faculty committee has been involved, then all steps are undertaken.

Several commission members asked for clarification regarding the genesis of a severe sanction. Where are the starting points? Who makes the first decision? Don Mullins suggested that a diagram might help explain how one gets from one step to another.

Pat will produce a flow chart of the severe sanctions process for the next CFA meeting and also will bring back copies of the policies pertaining to the various "trigger" mechanisms (EOAA, internal audit, sexual harassment, Ethics Committee, scholarly misconduct) as well.

One point of contention is whether one can get to a severe sanction without a faculty committee being involved in the review process. Elyzabeth Holford of the EOAA Office has argued against having faculty committees involved in every instance.

Pat noted that EOAA and internal audits are means of starting a severe sanction where faculty committees would not typically be involved. In the case of sexual harassment, what if a faculty committee does not see any offense? A very real and serious problem could be ignored.

#### 6. Emeritus Extension positions.

Pat introduced a proposal that was submitted to CAPFA to modify the Faculty Handbook policy on emeritus status. The proposal is in the form of a resolution: "The title of emeritus is conferred on retired full professors and associate professors, administrative officers, librarians and extension faculty with continued appointment, extension agent faculty, and exceptional staff members who have given exemplary service to the University, and who are specifically recommended to the Board of Visitors by the President and approved. The names are carried in the University catalog until death."

Don suggested that there should be some discrimination in who gets the status and that the criteria should mirror what is done with the teaching faculty. The agents should write the exact language and then bring the matter forward to the appropriate commission.

#### 7. Evaluation procedures for promotion and tenure.

Rick Fell, chair of the Reconciliation Committee, sent a letter to Jim McKenna asking for a review by the CFA of the sections in the Faculty Handbook on evaluation procedures for promotion and tenure and on the right of faculty members to appeal a promotion decision.

Section 2.8.5 of the Faculty Handbook (Appeals on Decisions on Reappointment, Tenure, Continued Appointment, or Promotion) states that "a faculty member ... who has been notified of a negative decision and who believes the decision has been improperly or unfairly determined may appeal

for review of the decision under conditions and procedures specified in this Section." An appeal of a negative promotion decision, however, is provided "only if the faculty member has been in rank for at least six years and if the faculty member has formally requested, in writing, consideration for promotion in a previous year."

Rick Fell will be invited to attend the next CFA meeting to pursue this matter further.

8. Adjournment. The meeting was adjourned at 4:00 PM. The next CFA meeting will be on Friday, 28 March 1997, beginning at 2:00 PM in room 400D Burruss Hall.

Respectfully submitted,  
Dave Beagle (scribe)



Commission on Faculty Affairs Minutes

28 March 1997

Approved: 11 April 1997

Present: Jim McKenna (chair), Dave Beagle (scribe), Barry Bond, Greg Brown, Donna Dunay, Bill Greenberg, Pat Hyer, Deborah Mayo, Peggy Meszaros, Don Mullins

Guests: Paul Metz (Faculty Senate president)

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:20 PM.

2. Approval of minutes. The minutes of the 14 March 1997 meeting were approved.

3. Agenda. The agenda was approved without modification.

4. Faculty ethics.

A revised section 1.5.3 of the Faculty Handbook (The Committee on Faculty Ethics) was distributed prior to the meeting. The revisions were made as a result of its review by CAPFA.

The revised version adds a paragraph concerning the composition of the Committee on Faculty Ethics: "When an allegation is against an administrative or professional faculty member without tenure or continued appointment, a special panel of five administrative or professional faculty members shall be selected to review the charges and hear the case if appropriate."

A second addition is to the "Purpose" section which clarifies the role of the Committee on Faculty Ethics: "The CFE will not act on matters which have been or should be referred for investigation and action to an administrative officer, supervisor, or another appropriately charged committee in accordance with university policies and procedures. Complaints concerning personnel actions taken by a supervisor are to be handled by the applicable grievance procedure. If ethical issues arise from, or remain unresolved following such proceedings, the CFE will be available to receive or consider charges of violations of the principles in section 2.7."

Pat Hyer reported that there were some administrative faculty who expressed a view that the proposed faculty ethics policy should not apply to administrative and professional faculty, or that a separate, more appropriate policy should be developed. This position was not accepted by CAPFA.

A motion to approve the revised section 1.5.3 passed unanimously.

The revised faculty ethics policy will be presented at the 07 April 1997 University Council meeting for its second reading.

5. Affirming responses for the Self Study.

Marcia Harrington, Institutional Effectiveness Manager, asked that CFA affirm some of the "must" statements in the Self Study that relate to faculty. CFA members read through the long list of statements and suggested a few minor changes.

6. Severe sanctions, post-tenure review version.

At the previous CFA meeting, the draft severe sanctions policy pertaining to post-tenure review was approved in principle. A final vote was

postponed pending review by the Faculty Senate at its March 1997 meeting. Jim McKenna reported on the Faculty Senate discussion.

One senator raised a concern about the level of the minimal standards "bar." What happens if the bar gets raised? Would this result in a larger number of faculty being placed into the post-tenure review system? If severe sanctions is added as an outcome option, will the number of faculty entering the loop increase? The opposite view that the minimal standards are set too low was voiced as well.

Another senator suggested that we divorce severe sanctions entirely from post-tenure review.

Bill Greenberg stated that since the post-tenure review policy was passed last year and approved by the Board of Visitors and by SCHEV, it is not appropriate to redebate the whole matter now. What is appropriate is for the Faculty Senate to review the document to see if the procedural mechanisms are fair.

Paul Metz wondered whether removing severe sanctions from the document now would result in additional scrutiny by the Board of Visitors and by SCHEV.

The discussion of the severe sanctions policy occurred at the end of the Senate meeting when there wasn't adequate time for a full debate, so the issue was tabled.

Don Mullins suggested that some of the senators may not have realized that the policy was developed collectively by faculty and that it was placed in the context of peer review. It is a collegial process. Further, the severe sanctions provision was included as a protection to faculty who otherwise might face the ultimate sanction, dismissal for cause. The intent was to protect faculty and not to punish them.

An extra CFA meeting will be held on the day following the April 1997 Senate meeting to gauge the tenor of that debate. A final vote on the severe sanctions, post-tenure review policy will take place at this meeting.

#### 7. Severe sanctions, generic version.

Pat was charged at the last CFA meeting with the task of producing a flowchart of the steps involved in a severe sanction other than post-tenure review. In addition to the flowchart, she brought copies of the policies of those formal "entities" (Ethics Committee, Scholarly Misconduct, EOAA Office, Internal Audit) likely to investigate violations of policy that might result in a recommendation of a severe sanction and synthesized from these policies a table that outlines several key points, including:

- 1) What triggers an investigation?
- 2) Who conducts an investigation?
- 3) Form of output & to whom?
- 4) Who decides sanction if there is a serious violation?
- 5) Are examples or possible sanctions specified?
- 6) Appeal specified?

Pat also brought copies of the AAUP "Procedures for Imposition of Sanctions other than Dismissal." The policy is terse:

"(a) If the administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the administration may institute a proceeding to impose a severe sanction; the procedures outlined in Regulation 5 will govern such a proceeding.

(b) If the administration believes that the conduct of a faculty member

justifies imposition of a minor sanction, such as a reprimand, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a major sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may, pursuant to Regulation 15, petition the faculty grievance committee for such action as may be appropriate."

Pat summarized the procedures of the likely "trigger" entities. In most cases findings only are produced without specific recommendations for sanctions. Some cases end in minor sanctions. Serious matters proceed through more formal steps. Reports involving serious violations go to the provost, while those involving minor violations go to the department. Personnel actions are grievable with appropriate peer review. No matter what happens, there are appeals.

Pat asked that CFA members provide some sense of support for the draft policy before the end of the term, even if a final resolution gets pushed back to Fall 1997.

8. Adjournment. The meeting was adjourned at 4:00 PM. The next CFA meeting will be on Friday, 11 April 1997, beginning at 2:00 PM in room 400D Burruss Hall.

Respectfully submitted,  
Dave Beagle (scribe)

UCOUNCIL MEMBERS: The following commission minutes will be voted upon at the May 5 UCOUNCIL meeting.

Commission on Faculty Affairs Minutes

11 April 1997

Approved: 25 April 1997

Present: Jim McKenna (chair), Dave Beagle (scribe), Bill Greenberg, Pat Hyer, Deborah Mayo, Mary Denson Moore, Don Mullins, Peter Shires

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:15 PM.
2. Approval of minutes. The minutes of the 28 March 1997 meeting were approved.
3. Suspension/removal of principal investigator.

Jim McKenna distributed copies of a memo from L. Leon Geyer, chair of the Faculty Review Committee, concerning an issue that might be appropriate for CFA to address: "when/how to suspend/terminate a Principal Investigator (PI) when there is cause or serious allegations that would remove a PI for cause." The memo included draft language for a possible policy statement that could fit into section 2.7 ("Statement of Professional Ethics and Responsibilities") of the Faculty Handbook.

The memo derives from a request by a faculty member who was relieved of his position as PI during an investigation of alleged impropriety. The case was settled with the individual reinstated in good standing to the faculty, but not reappointed as PI.

Pat Hyer suggested that the existing grievance procedure could be used to adjudicate concerns related to removal of PI status rather than creating a separate policy or process for dealing with what might be a rare occurrence.

She also noted that this issue could be referred to the Research Commission rather than be undertaken by CFA. There was agreement that CFA will not initiate any action on this issue, but will refer the host commission responsibility to the Research Commission. CFA would then react to any policy proposal they might propose next fall.

4. EOAA Committee minutes.

The minutes of the 11 March 1997 EOAA Committee were distributed, which Pat Hyer summarized. She described a series of meetings on campus to encourage and support student learning related to diversity.

5. Other business.

Dave Beagle and Pat Hyer reported on a recent Employee Benefits Committee meeting where a representative from Green Spring of Virginia, the Commonwealth of Virginia's "Coordinated Employee Assistance, Mental Health, and Substance Abuse Program for participants and dependents" outlined their services. Of special interest to EBC members was discovering the breadth of their Employee Assistance Program (EAP) for personal or work place problems.

6. Adjournment. The meeting was adjourned at 2:55 PM. The next CFA meeting will be on Wednesday, 16 April 1997, beginning at 12:00 noon in the President's Boardroom, 210 Burruss Hall.

Respectfully submitted,  
Dave Beagle (scribe)

Bobbi J. Lowe  
President's Office, Virginia Tech  
540-231-6232 FAX: 540-231-4265

Commission on Faculty Affairs Minutes  
16 April 1997  
Approved: 25 April 1997

Present: Jim McKenna (chair), Dave Beagle (scribe), Greg Brown, Donna Dunay, Bill Greenberg, Darlene Grega, Pat Hyer, Deborah Mayo, Don Mullins, E. T. Sturgis (representing Bob Bates)

1. Call to order. The meeting was called to order by Chair Jim McKenna at 12:05 PM.

2. Severe sanctions, post-tenure review version.

At the 14 March 1997 CFA meeting there was unanimous approval in concept of the post-tenure review version of the severe sanctions document. This document is essentially the same one that was published in the 27 February 1997 issue of the Spectrum, with a few additions:

- (1) A clarification that the faculty member would have an opportunity to address the college-level committee directly.
- (2) A statement that the full record of the case shall be forwarded to the decision-maker or committee at each step of appeal requested by the faculty member.
- (3) A statement that the Board of Visitors will be informed of recommendations proposed at earlier steps if they differ from the President's final recommendation.

This revised version was sent to Faculty Senators for consideration at their March 1997 meeting. When it was time for the severe sanctions policy to be discussed, the allotted meeting time was nearly over. Since there was not adequate time for a full debate, the issue was tabled.

The policy was debated fully, however, at the April 1997 Senate meeting. While there was a vocal minority opinion that severe sanctions is not needed as an outcome for post-tenure review, the Senate did vote overwhelmingly in support of the draft document.

Given the positive vote by the Faculty Senate, a motion for CFA to approve the draft severe sanctions, post-tenure review document passed unanimously.

Jim McKenna will present the document for first reading at the next University Council meeting.

3. Departmental minimal standards .

Pat Hyer stated that she has accumulated a large collection of departmental minimal standards documents, which she has been reviewing for the provost. Her role is to look for the inclusion of certain standard statements and to ascertain whether the documents' provisions are measurable, appropriate, and in line with other statements university-wide. She asked whether and in what form CFA might wish to see the approved documents.

Several members expressed interest in seeing the departmental documents assembled somewhere, perhaps in a notebook and placed on Reserve in the Library or included on the university's Web page. Pat agreed to prepare a report for the Fall 1997 CFA and to revisit then the idea of a possible monitoring role for CFA.

The original timetable called for the completion of all departmental minimal standards documents by May 1997. Most departments have complied, but a few are still not quite finished. It is expected that the minimal standards will take effect beginning Fall Semester 1997. This means the first possible Unsatisfactory rating could occur in Fall 1998, the second in Fall 1999, and the first possible post-tenure review initiated in Spring

2000.

4. Adjournment.

The meeting was adjourned at 12:35 PM. The next and final CFA meeting of the 1996-1997 term will be on Friday, 25 April 1997, beginning at 2:00 PM in room 400-D Burruss Hall.

Respectfully submitted,  
Dave Beagle (scribe)

Commission on Faculty Affairs Minutes

Meeting: 25 April 1997

Approved: Sept. 12, 1997

Present: Jim McKenna (chair), Dave Beagle (scribe), Bob Bates, Bill Greenberg, Pat Hyer, Deborah Mayo, Peggy Meszaros, Don Mullins

Guests:

Sigrid Gustafson, 1997-1998 CFA Chair

John Robertson, Reconciliation Committee

1. Call to order. The meeting was called to order by Chair Jim McKenna at 2:10 PM.
2. Agenda. The agenda was adopted.
3. Minutes. The minutes of the 11 April 1997 and 16 April 1997 meetings were approved.
4. Reconciliation Committee report.

John Robertson of the Reconciliation Committee reported on a recent case that generated several issues of potential interest to CFA. The case in question involved a faculty member who was denied promotion from associate to full professor.

Section 2.8.5 of the Faculty Handbook ("Appeals of Decisions on Reappointment, Tenure, Continued Appointment, or Promotion") stipulates that a "faculty member who has been evaluated for a term reappointment during the probationary period, or for a continued appointment, or for a tenured appointment, or for promotion, and who has been notified of a negative decision and who believes that the decision has been improperly or unfairly determined may appeal for review of the decision under conditions and procedures specified in this Section."

"The faculty member who believes that these procedures have been improperly followed may, at any point, seek advice from the Chair of the Faculty Senate Committee on Reconciliation and may subsequently make such a claim in writing to that Committee for its consideration."

According to section 2.8.5.2 of the Faculty Handbook ("Tenure Decision"), "during review following an appeal, the college committee may find reason to believe that the departmental evaluation was biased or was significantly influenced by improper considerations. In that case, the reviewing committee may request that the college dean form an ad hoc committee to re-initiate the evaluation."

However, according to section 2.8.5.3 of the Faculty Handbook ("Promotion Decision"), "appeal of a negative promotion decision is provided only if the faculty member has been in rank for at least six years and if the faculty member has formally requested, in writing, consideration for promotion in a previous year."

The Reconciliation Committee has asked CFA to consider whether an appeal process should be provided for a faculty member whose promotion was denied and who feels that an evaluation was "biased or was significantly influenced by improper considerations" regardless of the number of years in rank.

The improper considerations alleged in this case related to the factors that promotion and tenure committees should be allowed to consider, specifically those regarding such things as interpersonal style, strained working relationships with colleagues and students, and collegiality. The Faculty Handbook does not mention such factors, nor does it state that an



evaluation should be based only on an individual's dossier.

The suitability of the six-years in rank eligibility requirement for appealing a negative promotion decision was briefly reviewed and no conclusions were reached.

Most of the CFA discussion concerned what the Faculty Handbook indicates about judgment factors in promotion and tenure decisions, particularly collegiality. Is there uniform consideration of collegiality in all promotion and tenure decisions or does a controversial individual generate more scrutiny on this matter than less controversial individuals? How is it codified in the Faculty Handbook? What should comprise the dossier? Is there a proscriptive checklist for promotion? What is the relative weight of the factors?

Pat Hyer stated that there is nothing specific about collegiality in the current Faculty Handbook (section 2.7 "Statement of Professional Ethics and Responsibilities"), but that the revised faculty ethics policy that was approved by CFA recently includes a relevant "colleagues" section.

Bob Bates noted that there is a statement in the Faculty Handbook (section 2.8.4 "Evaluation Procedures for Promotion and Tenure") that allows for consideration of the "energy and integrity of the candidate and the candidate's concern for professional ethics and responsibilities" in addition to specific professional criteria. This language does not address properly the concerns of the Reconciliation Committee. The expanded tenure guidelines from the Provost that are sent to departments and to the university-level promotion and tenure committee, however, do include a relevant section on collegiality.

Peggy Meszaros identified the bottom line as the rights of a faculty member. If there are problems with promotion criteria and the appeals process, then we should study this matter further.

Jim McKenna proposed that both of the issues brought forward by the Reconciliation Committee (promotion appeals and factors in promotion and tenure decisions) be carried over to the 1997-1998 CFA term.

## 5. New business.

### A. Alumni Distinguished Professors (ADPs).

Pat reminded members that CFA has a role in selecting new ADPs. An eighth position has been added and there is currently a call for nominations. She proposed that the selection committee consist of five members: two current ADPs, one University Distinguished Professor, one Named Professor, and the incoming chair of CFA. Her proposal was accepted. The provost will appoint the committee over the summer.

Bob Bates asked whether ADPs hold life appointments and whether it is possible to step away from that title should one so desire. What other roles of distinction would be available in such a case? Hypothetically, it seems possible that an ADP someday might want to step away from the full ADP role but retain some limited role within the university provided there was suitable prestige. The title could be more important than the money.

Pat answered that currently there is no way of handling such a situation. There is no recognized "emeritus" ADP or "ex-officio" ADP status.

### B. Carry over items for next term.

Replacement of departing CFA members on the EEO Committee and on the Employee Benefits Committee.  
Reconciliation issues.

6. Adjournment. The meeting was adjourned at 3:00 PM. This was the last meeting of the 1996-1997 term.

Respectfully submitted,  
Dave Beagle (scribe)