

UNIVERSITY REVIEW COMMITTEE
Thursday, October 23, 2014
3 p.m., Hovey 209

MINUTES

Members present: Phil Chidester, Diane Dean, Joe Goodman, Doris Houston, Sheryl Jenkins, Bill O'Donnell, Sam Catanzaro (non-voting)

Members not present: Angela Bonnell, Rick Boser, David Rubin

Others present: Bruce Stoffel (recorder)

I. Call to order

Chairperson Sheryl Jenkins called the meeting to order at 3 p.m.

II. Approval of minutes from the October 2, 2014 meeting

Doris Houston requested a correction to a statement in the first paragraph on page 3 of the draft minutes distributed to the committee prior to the meeting (in Item V, Review of ASPT policies). She asked that the last sentence in that paragraph be replaced with the following sentence: Houston said this could be one of several policies to be examined.

Bill O'Donnell moved, Joe Goodman seconded approval of minutes from the October 2, 2014 meeting with the correction requested by Houston. The motion carried.

III. Review of policies referred by the Executive Committee of the Academic Senate

The committee then reviewed versions of two university policies as annotated by Academic Senate Chairperson Susan Kalter (see attached).

Sam Catanzaro prefaced committee discussion by explaining that a goal of the Academic Senate is to examine each university policy for needed revisions on a regular basis. There had been a belief that such review was done every five years. However, because of the large number of policies and the need for the Academic Senate to attend to other matters, it has not been possible to maintain a five-year policy review cycle. Some policies have not been reviewed for 10 or more years. Consequently, the wording in some policies may be outdated. The two university policies on the committee agenda are among numerous policies selected by the Executive Committee for review this year.

Jenkins asked Catanzaro about the URC role in revising these policies. Catanzaro responded that URC is to report its recommendations back to the Academic Senate Executive Committee.

Policy 3.3.2 (Faculty Hiring Procedure)

Catanzaro observed that, in some instances, appropriate wording changes to this policy are clear (e.g., changing "Academic Personnel Office" to "Human Resources"). In other instances the need for replacement wording and the choice of appropriate wording are not clear, because the intent of the policy authors is not known (e.g., academically oriented transfer departments).

Phil Chidester observed that the second sentence of the policy inappropriately mixes references to units (e.g., Milner Library) and individuals. Not every employee of a unit may be subject to faculty hiring procedures, he noted. Catanzaro said that he has sought help understanding terms used in the current policy from persons involved in its adoption. Catanzaro said that he will continue to do so and will report back at the next URC meeting.

Policy 3.2.19 (Right of Access to Personnel Files)

Regarding Kalter's suggestion that reference in the policy regarding the location of official personnel files should conform to ASPT policy, Jenkins asked Catanzaro what ASPT policy directs regarding this matter. Catanzaro referred to the second sentence of XIV.A.1 on page 55 of ASPT Policies ("Official personnel files are kept by the Provost's Office, Human Resources, Departments/Schools, and/or Colleges.") Catanzaro stated that revision of the passage regarding location of personnel files should be inclusive of all employee levels and types. The reference to the location of personnel files for faculty members should reference the Provost's Office, but that might not be appropriate for other employee types.

Houston asked if hourly instructors are considered academic employees. Catanzaro responded that instructors with academic/professional appointments would be considered academic employees.

Diane Dean asked if personnel files referenced in the policy are kept in paper or online. Catanzaro responded that some personnel information is retained in print, some online, and some both, so the policy could pertain to documents in either format. Some personnel information archived online is available to employees via the iPeople system at this time, he added. Dean observed that some employees might not know the format or location of their personnel files.

Committee members discussed the list of documents exempt from examination according to the current policy. Catanzaro explained that the list is based on personnel law.

Houston asked why employees would not have access to their own medical records. Chidester asked why medical records would be kept in a personnel file at all. Jenkins noted that some employees of Mennonite College of Nursing are required to have immunizations, and records of them are kept by the college.

Jenkins asked about the significance of Kalter's suggestion that the term "discharge," as used in the list of materials employees may examine, be changed to "discharge/dismissal/non-reappointment." Catanzaro said that the difference is not clear to him but that he would not object to such a change. Jenkins said that it might be better to use the more general term since it applies to all actions cited by Kalter in her annotation.

Houston expressed concern that employees do not have access to records relevant to pending litigation. Goodman suggested that it might be best to keep such files closed to employee access for reasons of retaliation. Chidester suggested that wording might be added to the policy stating that if litigation is pending, the employee does not have access to the personnel file without taking appropriate legal action. Catanzaro offered that a possible intent of the exemption is not to preclude access but to point to other processes for obtaining records in certain instances. Houston suggested that those alternatives might be referenced in the policy.

Dean posited that some of the exemptions have been included in the statutes because other state employees are subject to them. Perhaps the University is required to include such exemptions in its policy, she said. Houston posited that some exemptions might be related to other state statutes that are not mentioned.

Chidester suggested that, in revising the policy, language could be created that protects the University while minimizing uneasiness on the part of its employees.

Catanzaro said that he will investigate legal constraints regarding employee access to personnel files, seek input from others, and circulate his findings to the committee.

IV. ASPT Policies review

The committee next reviewed lists of possible ASPT revisions, beginning with a list compiled by Catanzaro (see attached). The committee reviewed Catanzaro's list point by point.

Catanzaro explained that II.E (p. 9-10) refers to two reports. One report is compiled for the president and reviewed by the Faculty Caucus of the Academic Senate and includes information regarding annual performance evaluations and promotion and tenure decisions. The other report is compiled for the Board of Trustees and includes information regarding promotion, tenure, and sabbaticals.

Catanzaro noted that passages IV.B.1 (p. 12), IV.B.2 (p. 13), and V.B.1 and 2 (p. 18-19) are related and need to be revised for consistency.

Catanzaro suggested that IX.B.2 and 3 (p. 31) be revised to clearly state that the probationary period is six years and that if a faculty member stops the clock, that year is not counted toward tenure or against the length of the probationary period. Goodman asked if a publication during a stop-the-clock period is counted toward tenure. Catanzaro responded that it would. The entire record of the faculty member should be considered and examined for patterns, he explained, with each situation requiring qualitative professional decisions by parties to ASPT proceedings. Chidester asked if prolific scholarship by a faculty member during a stop-the-clock period would be considered a pattern. Catanzaro said that it should, however, a faculty member is not likely to be prolific in scholarship given the purpose of the stop-the-clock provision. Dean asked if the stop-the-clock provision is used much. Catanzaro responded that in a typical year there might be a handful of cases.

Regarding XII on pages 41-44 of ASPT Policies, Catanzaro said that there are inconsistencies across campus and even within units regarding evaluation of persons on unpaid leave. Catanzaro said that he needs to review this matter with the appropriate parties.

Houston asked that the issue of administrative activities by faculty members be included on the committee agenda. Catanzaro said the issue is scheduled to be considered by the committee in its discussion of Appendix 2.

V. Other business

There was none.

VI. Adjournment

Dean moved, Houston seconded adjournment of the meeting. The meeting adjourned at 4:07 p.m.

Respectfully submitted,
Diane Dean, Secretary
Bruce Stoffel, Recorder

Attachments:

University Policy 3.3.2 – Faculty Hiring Procedure, as annotated by Susan Kalter and transmitted to the University Review Committee via email dated October 7, 2014.

University Policy 3.1.29 – Right of Access to Personnel Files, as annotated by Susan Kalter and transmitted to the University Review Committee via email dated October 7, 2014.

ASPT Clarifications, Revisions, Additions, and other Housekeeping, Prepared by Sam Catanzaro for Discussion by University Review Committee, October 23, 2014.

06.19.14.03

Dist. Executive Committee 8/18/14

Dist. University Review Committee

3.3.2 Faculty Hiring Procedure

Initiating body: Vice President and Provost, Office of Human Resources

Contact: Assistant Vice President for Human Resources (309-438-8311)

Revised on: 01/2002

Policy

The term 'Faculty' refers to any ranked or unranked appointment for the purpose of Instruction, Organized Research or Public Service in one of the academic (credit hour producing) departments and related areas. Also included are Milner Library, University College tutors, individuals teaching overseas, Faculty Development assignments and individuals assigned to one of the academically oriented transfer departments. These appointments may be made on either a Tenure-Track or a Nontenure Track Appointment Type depending upon the allocation of the position. A third appointment type, 'Terminal', is reserved for Faculty previously tenure-track who have been advised that they are in their last year of University employment. Faculty on a terminal appointment are not entitled to the privileges of a probationary-tenure appointment and are not considered in the ASPT process.

A Faculty appointment may carry an administrative title, reflective of the position, in addition to the academic rank. Sample faculty appointment letters are found at the [Academic Personnel Office](#) website.

Paperwork required for Faculty hiring or administrative title can be found on the [Office of Human Resources](#) website. Questions concerning Faculty hiring may be directed to the Office of Human Resources at 438-8311.

Comment [KS1]: Over 10 years ago. Senate is trying to make sure that we at least begin review of such older policies this year. When complete, could you please add a line for date last reviewed and by whom?

Comment [KS2]: This seemed unclear. How are UCollege tutors faculty? Are all of them faculty? TT or NTT or both? If not faculty, are they instead AP or graduate student (or even undergraduate senior peer)?

Comment [KS3]: This phrase might also need clarification

Comment [KS4]: Same as KS3

Comment [KS5]: Same as KS3

Comment [KS6]: Can first and second types be clarified through formatting or otherwise?

Comment [KS7]: Suggest creating a new paragraph here, since these two sentences seem to be about two different subjects. Perhaps put this sentence into last paragraph on page?

3.1.29 Right of Access to Personnel Files

Initiating body: State of Illinois

Contact: Associate Vice President of Human Resources (309-438-8311)

Revised on: 01/2002

Policy

The University shall maintain a complete official personnel file for each employee. These will be retained in the Office of the Human Resources. The files shall contain only official communications directly related to employment and work performance. Anonymous communications shall not be included in this file.

Comment [KS1]: Over 10 years ago. Senate is trying to make sure that we at least begin review of such older policies this year. When complete, could you please add a line for date last reviewed and by whom?

Comment [KS2]: Needs to conform to ASPT manual.

Access to Personnel Files

Illinois State University shall provide an employee the opportunity to view the file within seven working days following receipt of a written request. If the University can reasonably show that such a deadline cannot be met, the University shall have an additional seven days to comply. Employees should contact the Office of Human Resources for access to their personnel files. Academic employees also shall have access to additional related files at the Department, College, and University levels.

Comment [KS3]: See KS2

Comment [KS4]: Probably wise to specify exactly where.

Access to files shall be allowed only in the presence of an authorized office employee during regular office hours. Under no circumstance shall an individual have the right to remove the file from the office. After viewing, an employee may obtain copies of the information or documents in the personnel records at his/her own cost. Upon written request, employees have an unqualified right to examine all written materials which are considered in:

1. determining that individual's qualifications for employment,
2. making recommendations regarding appointment or nonreappointment, promotion, tenure,
3. performance-evaluated salary recommendations,
4. discharge or other disciplinary action.

Comment [KS5]: Perhaps change to discharge/dismissal/nonreappointment

Comment [KS6]: Unclear what this means

Comment [KS7]: Is it legal to prevent employees from seeing their own medical records?

Comment [KS8]: Is this always legal?

Comment [KS9]: Unclear why an employee would be denied access to their own transcripts by a granting institution...

Comment [KS10]: Define what a placement paper is?

Comment [KS11]: Why would this kind of information be in the employee's file?

Comment [KS12]: Such as?

Comment [KS13]: In what way is an employee not entitled to know about criminal allegations against them or the fact that their employer is keeping a record of such allegations in their personnel file?

Documents **exempt** from examination include:

1. letters of reference,
2. portions of test documents,
3. materials used for management planning,
4. medical records,
5. records relevant to pending litigation,
6. transcripts, if so indicated by granting institutions,
7. placement papers if right to access has been waived,
8. information of a personal nature about a person other than the employee inspecting a file,
9. external peer-review documents,
10. any records alleging criminal activity.

Employees shall be notified at the earliest possible time if his/her personnel files are subpoenaed in accordance with the law.

Disputed Records

If an employee disagrees with any information contained in the personnel file, removal or correction of that information may be mutually agreed upon by the employee and the University. If an agreement cannot be reached, the employee may submit a written statement explaining his/her position and the University is required to attach the statement to the disputed portion of the personnel record. The employee's statement must be included **whenever the disputed portion is released to a third party**; this does not imply the employer's consent or agreement with the counter-statement.

Basis of Policy

Personnel Record Review Act, 820 ILCS 40, et **seq.**

Comment [KS14]: Under what conditions may third parties access these files? Which policy or policies covers that?

Comment [KS15]: <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2395&ChapterID=68>

Section pertaining to our section on exemptions:

(820 ILCS 40/10) (from Ch. 48, par. 2010)

Sec. 10. Exceptions. The right of the employee or the employee's designated representative to inspect his or her personnel records does not apply to:

(a) Letters of reference for that employee or external peer review documents for academic employees of institutions of higher education.

(b) Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document.

(c) Materials relating to the employer's staff planning, such as matters relating to the business' development, expansion, closing or operational goals, where the materials relate to or affect more than one employee, provided, however, that this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline.

(d) Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(e) An employer who does not maintain any personnel records.

(f) Records relevant to any other pending claim between the employer and employee which may be discovered in a judicial proceeding.

(g) Investigatory or security records maintained by an employer to investigate criminal conduct by an employee or other activity by the employee which could reasonably be expected to harm the employer's property, operations, or business or could by the employee's activity cause the employer financial liability, unless and until the employer takes adverse personnel action based on information in such records.

(Source: P.A. 85-1440.)

ASPT Clarifications, Revisions, Additions, and other Housekeeping
Prepared by Sam Catanzaro
For Discussion by University Review Committee
October 23, 2014

II. E, p. 9-10 (URC reporting)—More precise language needed

“This summary shall also be made available to **the Faculty Caucus** of the Academic Senate in Executive Session.”

And further on...

“Final reports prepared for the Board of Trustees shall be available for review by members of the Academic Senate at least forty-eight hours prior to the **Faculty Caucus meeting** in Executive Session.”

Note that the reports to the BOT are of Promotion, Tenure, and Sabbaticals, and do not include information on annual performance evaluation. The Provost’s Office does provide a separate memo summarizing the annual evaluation results, in addition overall numbers regarding promotion and tenure decisions, to the Senate and the President.

IV. B.1, p. 12—CFSC Review of D/SFSC Policies—inconsistent language

Make clear that CFSC “authority to ensure conformity” means “approval” per V.B.1 PP 18-19 and XII.B.1 P. 43

“The CFSC Shall review **and approve...**”

IV.B.2, p 13—CFSC Review of D/SFSC Policies—inconsistent language

Add “approve” per V.B.2, p19

“... but the CFSC Shall review **and approve** them for...”

V.B. 1&2, p. 18-19—DFSC development of Policies—possible inconsistency

Compare language -

1: “approve....for their conformity to....”

2: “approve them for their clarity, fairness and conformity to...” make consistent OR assume that V.B.1 applies to policies more directly shaped by CFSC and Unit ASPT, whereas V.B.2 refers to the local salary policies and procedures.

IX.B.2 and 3, p 31—Probationary period maximum and effect of “stop the clock”

IX.B.2 defines maximum probationary period as 7 years. This reflects the old limit of only one “stop-the-clock” year while assuming that year counted as part of the probationary period. Now that there is no policy-mandated limit on stop-the-clock years, consider the following revisions:

IX.B.2: “The probationary period at Illinois State may not exceed ~~seven~~ **six** years.”

IX.B.3: “A stop-the-clock period will not count toward tenure **or against the length of the probationary period.**”

X., pp. 34-38—Post-tenure Reviews

Consider adding **new language** as X.B. (and re-number subsequent subsections as necessary):
Cumulative post-tenure reviews which are required as a result of receiving unsatisfactory performance ratings for any two years of a three-year period of annual ASPT evaluations will occur in the annual evaluation review cycle immediately following the unsatisfactory annual evaluation that precipitates the required cumulative post-tenure review.

XII, pp. 41-44: Performance (Annual) Evaluation and Salary Incrementation

There has been confusion and inconsistent practice regarding annual evaluation of faculty on leaves other than sabbaticals. This is due in part to the different reasons faculty could be on leave. FMLA leaves are “protected” by law. When a faculty member (or any employee) is on an FMLA leave, they *cannot* be evaluated. Faculty who take unpaid leaves for personal reasons or to visit other universities *may* be evaluated. Sometimes, they are--if they submit materials.

Faculty members who are not evaluated are not eligible for any salary increase. Because any employee on an FMLA leave cannot be disadvantaged upon their return, we need a provision for evaluation at some point after their return to document contributions and determine eligibility for salary increases. I am checking with Legal and HR to find out the statutory requirements regarding the timing of such an evaluation.

Because ASPT XII.B.3.b (p. 43) allows for recognition of “long-term contributions,” there is flexibility for incorporating evaluation of accomplishments while on leave in later evaluations. As I get more information on the legal requirements, I will share with the committee and develop draft language for the ASPT policies. In the meantime, I am including this item to familiarize the committee with the relevant issues.

Note that ASPT VII, Faculty Assignments and Faculty Evaluation, also includes policies about the evaluation process (see pp. 24-26). As the draft language for XII develops, we will want to cross-reference and make sure no updates are needed in VII.

XIII, pp. 45-53: Appeals

Consider guidelines for Formal Meetings that occur as a preliminary step for appeals of Dean/Chair’s report. Dean/Chair report, by definition, reflects the contrary position to the majority of the CFSC/DFSC/SFSC, and may be appealed. An appeal *requires* a Formal Meeting as a preliminary step (XIII.B.1, p. 45). It may be unnecessary to convene the entire FSC for a Formal Meeting (and indeed, may be to the candidate’s disadvantage under some circumstances, given that the vote is by split). This situation arose once in the past three years, and I worked out a procedure with the Chairs of URC and Senate at the time. Formalizing this procedure would require a brief addition to section XIII.B and a new section XIII.E.

See attached draft based on the procedure used previously.

Appendix 1: Calendar

P & T – Appendix 1.B, p. 58: Timeline for Formal Meeting and Appeal

Formal Meeting Timelines—possible additions

Deadlines for requests for formal meetings is OK (5 working days for DFSC/SFSC and 10 working days for CFSC). If proposed XIII.E for meetings with Dean/Chair/Director is adopted, we would need to add provision for these. I recommend the same timelines (5 days for Chair/Director, 10 days for Dean)

Appeal Timelines—possible clarifications

XIII.G.1 (p. 48): Requirement to inform Chair of FRC of *intent* to file within 5 working days of receipt of final recommendation. This would ordinarily fall sometime in the first week of March, as CFSC final recommendations are due March 1.

-Chair of FRC acknowledges within 5 working days

Appendix 1.B (p. 58): Requires that candidate must *file a request for review by FRC* by March 15. Implication is that the “intent to file” is different from the “request for review,” which is the actual written statement and supporting materials that comprise the substance of the appeal.

Consider the following revisions:

Prior to March 15: In the event of a negative recommendation by the DFSC/SFSC, the CFSC, or a Dean/Chair/Director, a candidate who wishes a University-wide appeal of his/her credentials must inform the chair of the Faculty Review Committee (FRC) of his/her intent to file an appeal within five (5) business days of receipt of the final CFSC recommendation. The Chair of FRC shall respond to the candidate within five (5) business of receipt of the written intent to request additional review.

March 15: A candidate who wishes a University-wide appeal of his/her credentials must submit a written statement and relevant supporting materials to the Chair of the FRC.

Appendix 2 – Criteria for evaluation of Teaching, Scholarship and Creative Activity, and Service

Do any of these need to be updated?

On-line courses?

Administrative assignments?

Community/civic engagement?