

UNIVERSITY REVIEW COMMITTEE
Thursday, November 20, 2014
3 p.m., Hovey 209

MINUTES

Members present: Angela Bonnell, Diane Dean, Joe Goodman, Doris Houston, Sheryl Jenkins, Sam Catanzaro (non-voting)

Members not present: Rick Boser, Phil Chidester, Bill O'Donnell, David Rubin

Others present: Bruce Stoffel (recorder)

I. Call to order

Chairperson Sheryl Jenkins called the meeting to order at 3:05 p.m.

II. Approval of minutes from the November 6, 2014 meeting

Doris Houston moved, Joe Goodman seconded approval of minutes from the November 6, 2014 meeting. The motion carried.

III. Action item: ASPT calendar for 2015-2016

Sam Catanzaro explained that, according to ASPT Policies, if the University is officially closed on any date for action described in the policies, the deadline for that action is moved to the next working day after the closing. Catanzaro noted two unique situations related to application of the provision to the 2015-2016 calendar.

A faculty member in her or his third or subsequent year whom the Provost has decided should not be reappointed is to be notified at least 12 months before termination of an appointment, or by May 15. May 15 falls on a Sunday in 2016. If the deadline were to be moved to the next working day after the closing (Monday, May 16, 2016), the faculty member would receive less than 12 months' notice before termination of her or his appointment. Consequently, Catanzaro recommends moving the notification deadline to Friday, May 13, 2016. Catanzaro noted that a similar situation exists regarding the deadline for notification of promotion and tenure decisions by the President, which is also set as May 15 in ASPT Policies. Catanzaro recommends moving that notification deadline to Friday, May 13, 2016 as well.

Goodman asked if URC should consult with the Academic Senate before moving those two deadlines backward rather than forward. Catanzaro said he does not think it is necessary, since the change would place the burden on administration to notify the faculty member earlier than it normally would, to the benefit of the faculty member. Committee members agreed.

Diane Dean moved, Angela Bonnell seconded approval of the ASPT Calendar for 2015-2016 as distributed to the committee with meeting materials (see attached). The motion carried.

IV. Faculty Discipline, Suspension, Dismissal Policies

Catanzaro reviewed a document titled “Timeline for Development of Policy on Faculty Discipline, Suspension, and Dismissal” (see attached), which he prepared to provide context regarding the document sent to the committee by Academic Senate Chairperson Susan Kalter (see attached). He explained that drafts of a suspension and dismissal policy were reviewed last academic year by both the University Review Committee and the Faculty Affairs Committee, because he and the Executive Committee of the Academic Senate had not yet decided whether the policy would be incorporated into university-wide policies or ASPT Policies. Catanzaro commented that having two committees reviewing drafts has been helpful given the importance of the issue. Since spring 2014 when URC last reviewed the draft policy, the Faculty Affairs Committee has asked that provisions for minor sanctions be added to it. In addition, Administration and the Executive Committee have agreed that the policy should be part of ASPT Policies. That decision explains the difference in numbering and formatting between the version reviewed last spring and the version Chairperson Kalter recently sent to URC, Catanzaro said.

Catanzaro reported that he is scheduled to review the latest draft of the policy (the draft sent to URC by Chairperson Kalter) at the December 10 Faculty Affairs Committee meeting. Catanzaro plans to revise the draft based on feedback he receives at that meeting and will bring the revised draft to URC for its review.

Houston asked if Chairperson Kalter’s comments regarding the draft represent consensus of the Faculty Affairs Committee or if they represent Chairperson Kalter’s personal opinions. Catanzaro responded that, to his understanding, the comments are Chairperson Kalter’s since the Faculty Affairs Committee had not yet completed its review of the draft.

Houston suggested that URC defer its discussion of the draft until after the Faculty Affairs Committee has reviewed it. Catanzaro agreed, noting that the two committees might otherwise be working at cross purposes.

Jenkins said that the matter will be scheduled for review by URC once the committee has received comments on the latest draft from the Faculty Affairs Committee.

V. Procedures for Meeting with Dean or Chair/Director Preliminary to an Appeal of a Dean or Chair/Director Report Making a Negative Tenure or Promotion Recommendation

Committee members reviewed procedures drafted by Catanzaro, which represent a revised Section XIII.E of the ASPT Policies (see attached).

Houston asked about the role of the faculty advocate. She noted that, according to draft procedures, the faculty advocate is “not to address the Dean or Chair/Director or otherwise argue on the candidate’s behalf.” Catanzaro replied that the faculty member should speak on her or his own behalf rather than having the advocate speak for her or him. The advocate could consult with the faculty member during the meeting to suggest points the faculty member might make. The Dean or Chair/Director could request information from the advocate, in which case the advocate could respond directly to the Dean or Chair/Director.

Catanzaro and Bonnell noted typographical errors in the draft. Catanzaro will correct them.

It was the consensus of the committee to include this draft, as corrected, with the ASPT policy recommendations it sends to the Faculty Caucus.

VI. Appendix 2

Committee members reviewed a proposed revision to the Appendix 2 introduction as drafted by Phil Chidester (see attached).

Goodman suggested dividing the fifth sentence (beginning “While department/school guidelines for evaluating teaching ...”) into two sentences for clarity. He said the reference in the draft to Section VIII.C should be changed to Section VII.C.

Catanzaro agreed that the reference to Section VIII.C should be changed but suggested Section VI.B instead. Goodman and Dean agreed. Catanzaro and Goodman noted that the word “proscriptive” as used in the fourth sentence of the draft should be changed to “prescriptive.”

Catanzaro suggested that the committee consult with Chidester regarding these suggestions before finalizing its recommendations to the Faculty Caucus. Jenkins said the issue will be brought back to the committee when Chidester is able to attend and provide input.

VII. URG subgroups for additional review of ASPT Policies

Jenkins suggested that the committee organize into subgroups for the purpose of systemically reviewing ASPT Policies in their entirety to identify issues for committee discussion. Committee members in attendance volunteered for subgroups, and Chairperson Jenkins assigned members not present to subgroups based on their expertise. Jenkins asked groups to review their assigned sections and to report their findings at the first committee meeting in January.

Subgroup 1: Chidester, Goodman

Overview of the Illinois State University Appointment, Salary, Promotion and Tenure (ASPT) System; Right of Access to Personnel Documents (XIV); Appendices

Subgroup 2: Houston, Rubin

The ASPT Committee Structure (I, II, III, IV, V)

Subgroup 3: Bonnell, Jenkins, O'Donnell

Policies and Procedures for Appointment, Reappointment, Promotion, Tenure, Post-Tenure Review, and Dismissal (VI, VII, VIII, IX, X, XI)

Subgroup 4: Boser, Dean

Performance Evaluation and Salary Incrementation (XII); Appeals Policies and Procedures (XIII)

VIII. Other business/next meeting

Referring to Section II.D of ASPT Policies, Houston asked if there are specific guidelines for conducting a University-wide equity review. She recommended that the committee discuss this matter at a later time as part of its ASPT Policies review.

Catanzaro explained that equity review is a university-wide process that could identify the need for the University to allocate additional funds, which the University might not have. He added that any individual faculty member who believes she or he is being treated inequitably

may contact the Office of Equal Opportunity, Ethics, and Access for an investigation of her or his personal situation.

Dean agreed that Section II.D is unclear and should be discussed by the committee. She added that if the University does not have resources to address inequities if they are shown to exist, an equity review could cause more dissatisfaction among faculty members.

Jenkins said the matter would be included on a future meeting agenda. Catanzaro said he would research the section before then. Dean suggested that the subgroup assigned to Section II investigate this matter and include its findings in its report to the full committee in January.

Jenkins deferred discussion of University Policies 3.3.2 and 3.1.29 until the next committee meeting.

IX. Adjournment

Goodman moved, Dean seconded that the meeting be adjourned. The meeting adjourned at 4:00 p.m.

Respectfully submitted,
Diane Dean, Secretary
Bruce Stoffel, Recorder

Attachments:

ASPT Calendar 2015-2016: By Category of Activity
ASPT Calendar 2015-2016: Chronological, All Activities
Timeline for Development of Policy on Faculty Discipline, Suspension, and Dismissal
Faculty Discipline, Suspension, Dismissal Policies
Procedures for Meeting with Dean or Chair/Director Preliminary to an Appeal of a Dean or Chair/Director
Report Making a Negative Tenure or Promotion Recommendation
Revised Appendix 2 introduction

ASPT Calendar 2015-2016: By Category of Activity
 posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

CALENDAR FOR PROMOTION AND TENURE

This calendar for 2015-2016 is based on actions and deadlines described in *Faculty Appointment, Salary, Promotion, and Tenure (ASPT) Policies*, approved May 2011, effective January 1, 2012, and amended on December 19, 2011, and August 14, 2012. Article and section references in this document are to the *ASPT Policies*.

ASPT Policies prescribes that if the University is officially closed on any date for action described in the policies, the action scheduled for that date must be completed on the next working day after the closing. Entries in the "Date for 2015-2016" column of this calendar have been modified to comply with that provision where necessary.

Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Monday, November 2, 2015	November 1	Candidates for promotion and tenure must file application materials. In those situations in which a faculty member chooses to extend a shortened probationary period, notification to add the credited years or a portion of the credited years to the probationary period shall be made to the Department Chairperson/School Director prior to November 1 of the year previously scheduled for the summative review for tenure.
Prior to Tuesday, December 15, 2015	Prior to December 15	The DFSC/SFSC may notify promotion and tenure candidates and the CFSC, in writing, of recommendations at any time prior to December 15, but must notify candidates of intended recommendations at least 10 working days prior to submitting the final DFSC/SFSC recommendations to the CFSC. The DFSC/SFSC must provide opportunity, if requested, for each candidate to hold a formal meeting with the committee to discuss the recommendations. If a candidate wants to request a formal meeting to discuss the DFSC/SFSC recommendation, the candidate must request a meeting with the DFSC/SFSC within five (5) working days of receiving the recommendation. Formal meetings will be held under the provisions of Article XIII.
Tuesday, December 15, 2015	December 15	DFSC/SFSC recommendations for promotion and tenure must be reported to the candidate and to the CFSC.

ASPT Calendar 2015-2016: By Category of Activity
 posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

CALENDAR FOR PROMOTION AND TENURE (continued)		
Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Monday, February 1, 2016	February 1	The CFSC must notify candidates of intended recommendations and provide opportunity, if requested, for each candidate to meet with the CFSC to discuss the recommendations. If a candidate wants to request a formal meeting to discuss the CFSC recommendation, the candidate must request a meeting with the CFSC within 10 working days of receiving the recommendation. Formal meetings will be held under the provisions of Article XIII.D.
Tuesday, March 1, 2016	March 1	CFSC recommendations for promotion and tenure must be reported to the Provost, DFSC/SFSC, and candidates.
Tuesday, March 15, 2016	March 15	In the event of a negative recommendation by the DFSC/SFSC or the CFSC, a candidate who wants a university-wide appeal of his/her credentials must file a request for a review by the Faculty Review Committee.
Monday, March 21, 2016	March 21	The Provost's recommendation for non-appealed candidates must be reported to the President, CFSC, DFSC/SFSC, and candidates.
Friday, April 15, 2016	April 15	The Faculty Review Committee must complete its review of promotion and tenure appeals and report to the President, candidate, DFSC/SFSCs, CFSCs, and Provost unless an interim report is appropriate under provisions of Article XIII.F.3.
Monday, May 2, 2016	April 30	The Provost's decision in appealed cases must be reported to the President, candidate, DFSC/SFSC, and CFSC.
Friday, May 13, 2016 (moved forward from May 15 to provide 12 months' notice)	May 15	Notifications of promotion and tenure decisions by the President shall be sent to the candidates, CFSCs, DFSC/SFSCs, and the Provost.

ASPT Calendar 2015-2016: By Category of Activity
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CALENDAR FOR PERFORMANCE EVALUATION	
<p>This calendar for 2015-2016 is based on actions and deadlines described in <i>Faculty Appointment, Salary, Promotion, and Tenure (ASPT) Policies</i>, approved May 2011, effective January 1, 2012, and amended on December 19, 2011, and August 14, 2012. Article and section references in this document are to the <i>ASPT Policies</i>.</p> <p><i>ASPT Policies</i> prescribes that if the University is officially closed on any date for action described in the policies, the action scheduled for that date must be completed on the next working day after the closing. Entries in the "Date for 2015-2016" column of this calendar have been modified to comply with that provision where necessary.</p>	

Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Tuesday, January 5, 2016	January 5	All faculty members eligible for performance-evaluation salary increment must submit files in support of their request for performance-evaluation adjustments.
Monday, February 1, 2016	February 1	DFSC/SFSC recommendations for performance evaluation must be reported to the faculty member by February 1 in each year that the faculty member is performance-evaluation eligible. The DFSC/SFSC must notify faculty members of intended recommendations to the CFSC at least 10 working days before submitting the recommendations to the CFSC and provide opportunity, if requested, for the faculty member to meet with the committee to discuss the recommendations. If a faculty member wants to request a formal meeting to discuss the DFSC/SFSC recommendation, the faculty member must request a meeting with the DFSC/SFSC within five (5) working days of receiving the recommendation. Formal meetings will be held under the provisions of Article XIII.B.
Monday, February 15, 2016	February 15	The DFSC/SFSC must transmit its final recommendation for performance-evaluation review to the faculty member and to the CFSC.

ASPT Calendar 2015-2016: By Category of Activity
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CALENDAR FOR PERFORMANCE EVALUATION (continued)		
Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Tuesday, March 1, 2016	March 1	A faculty member who wants to appeal the DFSC/SFSC performance-evaluation recommendation must file an appeal with the CFSC (or Faculty Review Committee in the absence of a DFSC/SFSC).
Thursday, March 31, 2016	March 31	All appeals to the CFSC* of performance-evaluation recommendations must be completed and CFSC* decisions reported to the Provost and to the faculty member. Appeals will be held under the provisions of Article XIII.H. (* or Faculty Review Committee in the absence of a DFSC/SFSC)

ASPT Calendar 2015-2016: By Category of Activity
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CALENDAR FOR CUMULATIVE POST-TENURE REVIEW
<p>This calendar for 2015-2016 is based on actions and deadlines described in <i>Faculty Appointment, Salary, Promotion, and Tenure (ASPT) Policies</i>, approved May 2011, effective January 1, 2012, and amended on December 19, 2011, and August 14, 2012. Article and section references in this document are to the <i>ASPT Policies</i>.</p> <p><i>ASPT Policies</i> prescribes that if the University is officially closed on any date for action described in the policies, the action scheduled for that date must be completed on the next working day after the closing. Entries in the "Date for 2015-2016" column of this calendar have been modified to comply with that provision where necessary.</p>

Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Tuesday, January 5, 2016	January 5	All faculty members scheduled for cumulative post-tenure review must submit their materials.
Monday, February 15, 2016	February 15	The DFSC/SFSC must inform the faculty member of its cumulative post-tenure review evaluation and, if applicable, a plan for remediation.
Thursday, February 25, 2016	February 25	A faculty member who wants to discuss the DFSC/SFSC response and/or remediation plan must request a meeting with the DFSC/SFSC.
Tuesday, March 8, 2016	March 8	The DFSC/SFSC notifies the faculty member regarding the final outcome of the DFSC/SFSC cumulative post-tenure review.
Tuesday, March 22, 2016	March 22	A faculty member who wants to appeal the DFSC/SFSC cumulative post-tenure review outcome must file a written appeal with the CFSC chairperson. The CFSC chairperson shall acknowledge receipt of the appeal to the appellant and the DFSC/SFSC within five (5) working days. Appeals will be held under the provisions of Article XIII.I.
Friday, April 15, 2016	April 15	The CFSC shall submit to each appellant faculty member and to the appropriate DFSC/SFSC a report that describes the disposition of the cumulative post-tenure review appeal.

ASPT Calendar 2015-2016: By Category of Activity
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CALENDAR FOR REAPPOINTMENT		
<p>This calendar for 2015-2016 is based on actions and deadlines described in <i>Faculty Appointment, Salary, Promotion, and Tenure (ASPT) Policies</i>, approved May 2011, effective January 1, 2012, and amended on December 19, 2011, and August 14, 2012. Article and section references in this document are to the <i>ASPT Policies</i>.</p> <p><i>ASPT Policies</i> prescribes that if the University is officially closed on any date for action described in the policies, the action scheduled for that date must be completed on the next working day after the closing. Entries in the "Date for 2015-2016" column of this calendar have been modified to comply with that provision where necessary.</p>		

Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Monday, February 1, 2016	February 1	The Provost issues notification of non-reappointment by February 1 to a faculty member in the second academic year of service, notifying the faculty member that the last employment date is May 15 or, if the appointment terminates during an academic year, at least six months in advance of its termination.
Tuesday, March 1, 2016	March 1	The Provost issues notification of non-reappointment by March 1 to a faculty member in the first year of service, notifying the faculty member that the last employment date is May 15 or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
Friday, May 13, 2016 (moved forward from May 15 to provide 12 months' notice)	At least 12 months before the termination of an appointment after two (2) or more years of service	The Provost notifies a third- or subsequent-year faculty member who will not be reappointed, 12 months before the termination of the appointment, that the faculty member's last employment date is May 15 of the following year. If the appointment is at least 12 months and terminates during an academic year, notification must take place at least 12 months in advance of the end of the appointment period.

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CALENDAR FOR REPORTING REQUIREMENTS

This calendar for 2015-2016 is based on actions and deadlines described in *Faculty Appointment, Salary, Promotion, and Tenure (ASPT) Policies*, approved May 2011, effective January 1, 2012, and amended on December 19, 2011, and August 14, 2012. Article and section references in this document are to the *ASPT Policies*.

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Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Monday, May 2, 2016	May 1	Each CFSC shall submit an annual report (Promotion and Tenure) to its College Council and to the University Review Committee (Article IV.D.). Each CFSC shall submit an annual report to the University Review Committee and to the Provost that enumerates all cumulative post-tenure review appeals and describes their disposition (see XIII.I.9).
Monday, May 2, 2016	May 1	The fifth-year review of College Standards or, in the interim, proposed revisions to College Standards must be submitted to the University Review Committee (by the CFSC).
Monday, May 2, 2016	May 1	The Faculty Review Committee shall submit to the University Review Committee a final report summarizing the number of appeals by Department/School and College, the types of appeals, and the disposition of the appeals (see Article III.F).

ASPT Calendar 2015-2016: By Category of Activity
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CALENDAR FOR ASPT ELECTIONS (for 2015-2016 Academic Year)
<p>This calendar for 2015-2016 is based on actions and deadlines described in <i>Faculty Appointment, Salary, Promotion, and Tenure (ASPT) Policies</i>, approved May 2011, effective January 1, 2012, and amended on December 19, 2011, and August 14, 2012. Article and section references in this document are to the <i>ASPT Policies</i>.</p> <p><i>ASPT Policies</i> prescribes that if the University is officially closed on any date for action described in the policies, the action scheduled for that date must be completed on the next working day after the closing. Entries in the "Date for 2015-2016" column of this calendar have been modified to comply with that provision where necessary.</p>

Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Friday, April 15, 2016	April 15	Members of the University Review Committee, Faculty Review Committee, and College Faculty Status Committees must have been elected.
Monday, May 2, 2016	May 1	Members of the Department/School Faculty Status Committees must have been elected.

ASPT Calendar 2015-2016: Chronological, All Activities
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Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Monday, November 2, 2015	November 1	Promotion and Tenure: Candidates for promotion and tenure must file application materials. In those situations in which a faculty member chooses to extend a shortened probationary period, notification to add the credited years or a portion of the credited years to the probationary period shall be made to the Department Chairperson/School Director prior to November 1 of the year previously scheduled for the summative review for tenure.
Prior to Tuesday, December 15, 2015	Prior to December 15	Promotion and Tenure: The DFSC/SFSC may notify promotion and tenure candidates and the CFSC, in writing, of recommendations at any time prior to December 15, but must notify candidates of intended recommendations at least 10 working days prior to submitting the final DFSC/SFSC recommendations to the CFSC. The DFSC/SFSC must provide opportunity, if requested, for each candidate to hold a formal meeting with the committee to discuss the recommendations. If the candidate wants to request a formal meeting to discuss the DFSC/SFSC recommendation, the candidate must request a meeting with the DFSC/SFSC within five (5) working days of receiving the recommendation. Formal meetings will be held under the provisions of Article XIII.
Tuesday, December 15, 2015	December 15	Promotion and Tenure: DFSC/SFSC recommendations for promotion and tenure must be reported to the candidate and to the CFSC.
Tuesday, January 5, 2016	January 5	Performance Evaluation: All faculty members eligible for performance-evaluation salary increment must submit files in support of their request for performance-evaluation adjustments.

ASPT Calendar 2015-2016: Chronological, All Activities
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Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Tuesday, January 5, 2016	January 5	Cumulative Post-Tenure Review: All faculty members scheduled for cumulative post-tenure review must submit their materials.
Monday, February 1, 2016	February 1	Promotion and Tenure: The CFSC must notify candidates of intended recommendations and provide opportunity, if requested, for each candidate to meet with the CFSC to discuss the recommendations. If the candidate wants to request a formal meeting to discuss the CFSC recommendation, then the candidate must request a meeting with the CFSC within 10 working days of receiving the recommendation. Formal meetings will be held under the provisions of Article XIII.D.
Monday, February 1, 2016	February 1	Reappointment: The Provost issues notification of non-reappointment by February 1 to a faculty member in the second academic year of service, notifying the faculty member that the last employment date is May 15 or, if the appointment terminates during an academic year, at least six months in advance of its termination.
Monday, February 1, 2016	February 1	Performance Evaluation: DFSC/SFSC recommendations for performance evaluation must be reported to the faculty member by February 1 in each year that the faculty member is performance-evaluation eligible. The DFSC/SFSC must notify faculty members of intended recommendations to CFSC at least 10 working days before submitting the recommendations to the CFSC and provide opportunity, if requested, for the faculty member to meet with the committee to discuss the recommendations. If the faculty member wants to request a formal meeting to discuss the DFSC/SFSC recommendation, the faculty member must request a meeting with the DFSC/SFSC within five (5) working days of receiving the recommendation. Formal meetings will be held under the provisions of Article XIII.B.
Monday, February 15, 2016	February 15	Performance Evaluation: The DFSC/SFSC must transmit its final recommendation for performance-evaluation review to the faculty member and to the CFSC.
Monday, February 15, 2016	February 15	Cumulative Post-Tenure Review: The DFSC/SFSC must inform the faculty member of its cumulative post-tenure review evaluation and, if applicable, a plan for remediation.

ASPT Calendar 2015-2016: Chronological, All Activities
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Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Thursday, February 25, 2016	February 25	<u>Cumulative Post-Tenure Review:</u> A faculty member who wants to discuss the DFSC/SFSC response and/or remediation plan must request a meeting with the DFSC/SFSC.
Tuesday, March 1, 2016	March 1	<u>Promotion and Tenure:</u> CFSC recommendations for promotion and tenure must be reported to the Provost, DFSC/SFSC, and candidates.
Tuesday, March 1, 2016	March 1	<u>Reappointment:</u> The Provost issues notification of non-reappointment by March 1 to a faculty member in the first year of service, notifying the faculty member that the last employment date is May 15 or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
Tuesday, March 1, 2016	March 1	<u>Performance Evaluation:</u> A faculty member who wants to appeal the DFSC/SFSC performance-evaluation recommendation must file an appeal with the CFSC (or Faculty Review Committee in the absence of a DFSC/SFSC).
Tuesday, March 8, 2016	March 8	<u>Cumulative Post-Tenure Review:</u> The DFSC/SFSC notifies the faculty member regarding the final outcome of the DFSC/SFSC cumulative post-tenure review.
Tuesday, March 15, 2016	March 15	<u>Promotion and Tenure:</u> In the event of a negative recommendation by the DFSC/SFSC or the CFSC, a candidate who wants a university-wide appeal of his/her credentials must file a request for a review by the Faculty Review Committee.
Monday, March 21, 2016	March 21	<u>Promotion and Tenure:</u> The Provost's recommendation for non-appealed candidates must be reported to the President, CFSC, DFSC/SFSC, and candidates.
Tuesday, March 22, 2016	March 22	<u>Cumulative Post-Tenure Review:</u> A faculty member who wants to appeal the DFSC/SFSC cumulative post-tenure review outcome must file a written appeal with the CFSC chairperson. The CFSC chairperson shall acknowledge receipt of the appeal to the appellant and the DFSC/SFSC within five (5) working days. Appeals will be held under the provisions of Article XIII.I.

ASPT Calendar 2015-2016: Chronological, All Activities
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Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Thursday, March 31, 2016	March 31	Performance Evaluation: All appeals to the CFSC* of performance-evaluation recommendations must be completed and CFSC* decisions reported to the Provost and to the faculty member. Appeals will be held under the provisions of Article XIII.H. (* or Faculty Review Committee in the absence of a DFSC/SFSC)
Friday, April 15, 2016	April 15	Promotion and Tenure: The Faculty Review Committee must complete its review of promotion and tenure appeals and report to the President, candidates, DFSC/SFSCs, CFSCs, and Provost unless an interim report is appropriate under provisions of Article XIII.F.3.
Friday, April 15, 2016	April 15	Cumulative Post-Tenure Review: The CFSC shall submit to each appellant faculty member and to the appropriate DFSC/SFSC a report that describes the disposition of the cumulative post-tenure review appeal.
Friday, April 15, 2016	April 15	ASPT Elections: Members of the University Review Committee, Faculty Review Committee, and College Faculty Status Committees must have been elected.
Monday, May 2, 2016	April 30	Promotion and Tenure: The Provost's decision in appealed cases must be reported to the President, candidates, DFSC/SFSC, and CFSC.
Monday, May 2, 2016	May 1	Reporting Requirements (CFSC): Each CFSC shall submit an annual report (Promotion and Tenure) to its College Council and to the University Review Committee (Article IV.D.). Each CFSC shall submit an annual report to the University Review Committee and to the Provost that enumerates all cumulative post-tenure review appeals and describes their disposition (see Article XIII.I.9).
Monday, May 2, 2016	May 1	Reporting Requirements (CFSC): The fifth-year review of College Standards or, in the interim, proposed revisions to College Standards must be submitted to the University Review Committee.

ASPT Calendar 2015-2016: Chronological, All Activities
 posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

Date for 2015-2016	Date per ASPT Policies, Appendix 1	Action per ASPT Policies
Monday, May 2, 2016	May 1	ASPT Elections: Members of the Department/School Faculty Status Committees must have been elected.
Monday, May 2, 2016	May 1	Reporting Requirements (FRC): The Faculty Review Committee shall submit to the University Review Committee a final report summarizing the number of appeals by Department/School and College, the type of appeals, and the disposition of the appeals (see Article III.F).
Friday, May 13, 2016 (moved forward from May 15 to provide 12 months' notice)	May 15	Promotion and Tenure: Notifications of promotion and tenure decisions by the President shall be sent to the candidates, CFSCs, DFSC/SFSCs, and the Provost.
Friday, May 13, 2016 (moved forward from May 15 to provide 12 months' notice)	At least 12 months before the termination of an appointment after two (2) or more years of service	Reappointment: The Provost notifies a third- or subsequent-year faculty member who will not be reappointed, 12 months before the termination of the appointment, that the faculty member's last employment date is May 15 of the following year. If the appointment is at least 12 months and terminates during an academic year, notification must take place at least 12 months in advance of the end of the appointment period.

Timeline for Development of Policy on Faculty Discipline, Suspension, and Dismissal

Summer 2013

1. Chair of Academic Senate requests more detailed policy in place of University Policy 3.3.9 and ASPT Policy XI.B, which are very general.
2. AVP Catanzaro begins work researching AAUP recommendations, benchmarking policies at other universities, updating existing notes begun at ISU several years earlier, and drafting an updated policy. At this time, it had not been determined whether the policy would be a general University policy or an ASPT revision.

Fall 2013

1. Catanzaro continues to develop first draft of new policy, and received consultation from General Counsel.
2. Catanzaro visits Faculty Affairs Committee (FAC) of Academic Senate to discuss general issues related to the policy.

Spring 2014

1. Draft of Suspension and Dismissal shared with URC for an initial review in February; comments from URC summarized and shared with FAC along with draft policy.
2. Catanzaro visits Faculty Affairs Committee of Academic Senate to discuss the draft policy.

Summer 2014

1. Catanzaro integrates the feedback from the URC and FRC. Among the suggestions was to make explicit provision for "minor sanctions," leading to a third section of the policy.
2. Decision made to integrate these policies into ASPT, as they all involve ASPT committees.
3. New draft of ASPT-formatted policies on discipline, suspension, and dismissal is developed. Framed as new sections number XI, XII, and XII (necessitating re-numbering of the current ASPT policies).

Fall 2014

1. Draft policy completed and vetted by General Counsel.
2. Draft policy forwarded to FAC for consideration.
3. Senate Chair provides comments on draft being considered by FAC.
4. Catanzaro scheduled to visit FAC on December 10.

Spring 2015

1. Catanzaro will continue discussion with FAC and integrate their comments into a revision.
2. Revised version will be forwarded to URC for further review and discussion.
3. Final version reflecting URC input will be forwarded to Academic Senate Executive Committee for consideration by Faculty Caucus.

1 DRAFT ASPT sections on Minor Sanctions, Suspension, and Dismissal/Termination of
2 Appointment: 10-30-2014

3
4 **XI. Disciplinary Actions**

- 5
6 A. Faculty may be subject to discipline of varying levels short of suspension or
7 dismissal for such adequate causes as violations of laws or University policies;
8 malfeasance; acts of moral turpitude that bear on their ability to perform in their
9 professional capacity; and failure or refusal to perform assigned duties in a
10 manner consonant with professional standards.
- 11
12 B. Disciplinary actions (including suspension or termination) or the threat thereof
13 may not be used to restrain faculty members' exercise of academic freedom.
14 Faculty members shall retain their right to file a grievance with the Faculty
15 Academic Freedom, Ethics, and Grievance Committee, if they believe that their
16 academic freedom or the Code of Ethics has been violated.
- 17
18 C. In all disciplinary proceedings, faculty members have the rights to due process, to
19 timely notice, to seek advice, to respond to developments in the disciplinary
20 process, and to have an advisor present at discussions, hearings, and appeals.
- 21
22 D. Disciplinary actions that fall short of suspension or termination include oral and
23 written reprimand, fines, reduction in salary, requirement of corrective action,
24 and suspension with or without pay. Specific policies related to suspension are
25 provided in ASPT XII. Specific policies related to termination of appointment are
26 provided in ASPT XIII.
- 27
28 E. Faculty members' duties may be reassigned temporarily while possible causes for
29 disciplinary actions are being investigated or while the due process for a
30 disciplinary action is being followed. The reasons for such reassignment of duties
31 will be provided to the faculty member.
- 32
33 F. Disciplinary action may be initiated by a DFSC/SFSC or by the appropriate
34 College Dean or by the Provost.
- 35
36 1. The Dean or Provost may initiate disciplinary action upon receipt of a
37 substantiated finding of violation from University Ethics Officer, for
38 violations of the State Ethics Act and other relevant laws; the Academic
39 Freedom, Ethics, and Grievance Committee, for violations of academic
40 freedom or the Code of Ethics; the Office of Equal Opportunity, Ethics,
41 and Access, for violations of the Anti-Harassment and Anti-
42 Discrimination Policy; or the Associate Vice President for Research, for
43 violations of the Integrity in Research and Scholarly Activities policy.
44 Disciplinary action will not be implemented until all appeals as provided
45 for in the relevant policies are exhausted. When the recommendation to
46 initiate disciplinary action comes from the Dean or the Provost, the faculty

Comment [KS1]: Define and delimit, or eliminate. It is not a good idea for vague, subjective moral codes or nebulous legal concepts to enter into our professional deliberations.

Comment [KS2]: Cross-reference to academic freedom policy and/or 3.3.9

Comment [KS3]: Just one?

Comment [KS4]: These should be clearly stepped from least serious to most serious, so that the discipline is clearly progressive. See AAUP Faculty Misconduct and Discipline (2005) on progressive discipline and the profession-wide standard list: oral reprimand, written, recorded, restitution, loss of benefits for defined duration, fine, salary reduction

Comment [KS5]: This whole list, and particularly the suspension without pay part, may be in keeping with one university (MSU), but it is not in keeping with the 1971 AAUP list (see the 2005 AAUP document). We need to go with AAUP.

Comment [SC6]: New section, see below

Comment [SC7]: Re-numbered and expanded from prior section XI, see below.

Comment [KS8]: Temporary reassignment is considered by AAUP to be tantamount to suspension. It should be avoided, not allowed to turn into de facto suspension, and be limited to very extreme cases. It should certainly not be included in a section emphasizing progressive discipline short of suspension. If it remains anywhere, it must be named as a form of suspension, strictly delimited in its duration, and AAUP philosophy and guidelines be followed with respect to it. I would recommend invoking it only in criminal allegation/imminent harm circumstances

Comment [KS9]: The wording of this sentence is strange. It leans toward guilt.

Comment [KS10]: The check on this office is the State Ethics office: that should be listed somewhere. Faculty may appeal the ISU Ethics Officer's judgment.

Comment [KS11]: What is the check on these offices? How do we determine whether they are acting neutrally? Do we think it is possible for them to act neutrally in a faculty-university dispute? Wouldn't ...

Comment [KS12]: See KS9

Comment [KS13]: What are the relevant policies?

member and the DFSC/SFSC will be informed in writing of the proposed disciplinary action and its rationale. In such cases, the DFSC/SFSC may choose to communicate, in writing, a non-binding advisory recommendation to the Dean or Provost on the matter.

2. The DFSC/SFSC may recommend disciplinary action whenever it becomes aware of evidence of cause for such action, as described in XI.A. In such cases, the DFSC/SFSC shall communicate its recommendation to the appropriate Dean and the Provost. The Provost may implement disciplinary action after consultation with the Dean.

G. No disciplinary action may be implemented until all appeals relevant to the policies in question are exhausted.

H. Probationary faculty who face disciplinary actions and are either exonerated or required to complete corrective actions may request a one year “stop-the-clock” extension of their as-probationary period, as described in IX.B.3. The records of the disciplinary process, including completion of any required corrective actions, may be reviewed in the tenure and promotion process as it bears on the faculty member’s performance in teaching, research, and service.

XII. Faculty Suspensions

- A. Suspension occurs when a faculty member is temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University. The faculty member could be on paid or unpaid status.
- B. It is understood that suspension (with or without pay) of faculty members will only be contemplated in circumstances when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees or when credible evidence of adequate cause for dismissal is available. The administration of the University will inform the faculty member of its rationale for judging that suspension is indicated.
- C. Faculty members may be suspended for a specified time period, or with conditions that must be met prior to reinstatement, or as a preliminary step toward termination of appointment/dismissal for cause (see XIII.B).
- D. A faculty member in the suspension process is afforded due process. This right is balanced against the University’s responsibility to prevent harm to students and other employees, and the institution itself.
- E. Ordinarily, suspensions without pay will only occur after the process described in XII.F is completed and all appeals or related grievances are adjudicated. In extraordinary cases when there is evidence that the faculty member has

Comment [SK14]: So the Provost has already decided what to do before pretending that s/he cares for advice?

Comment [KS15]: Problematic. Is this really the way we want to do things around here? Will a chair/DFSC or dean/CFSC ever say no to a Provost who INITIATES a disciplinary action? And even if some will, will all, even if they would be in the right?

Also, the final word is the President’s.

Where is the FRC in this process?

Why not word as: upon receipt of a substantiated finding of violation...the Provost shall forward that finding to the relevant DFSC/SFSC for consideration and recommendations?

Comment [KS16]: I would recommend making XI.F.2 into XI.F.1, and making XI.F.1 into XI.F.2. Otherwise, this looks like an administrative end-run around due process, regardless of actual intent.

Comment [SK17]: This again assumes guilt in all cases. It also assumes that the Provost should issue oral reprimands rather than the DFSC. Let’s reword for impartiality. The DFSC is obliged to investigate the evidence, not just be aware of it.

Comment [SK18]: Note elimination here and above/below of unpaid suspension. Plentiful AAUP rationales against.

Also, it would seem that there could be many areas in between usual duties and full suspension. Partial suspension could be suspension from teaching only, or from one class for the remainder of a semester. Or from committee involvement but not teaching/research.

Comment [KS19]: This needs to be excised. Please see the long AAUP discussion of the abuses of this vague wording. The imminent harm standard needs to be narrow and well-defined.

Comment [SK20]: Reword as “during an investigation” Otherwise, we are again assuming guilt with our language.

Comment [SC21]: New numbering, see below.

Comment [KS22]: See KS14

93 | ~~abandoned professional duties or is unable to fulfill such duties, a temporary~~
94 | ~~suspension without pay may be instituted prior to completion of the University's~~
95 | ~~process.~~ Individuals suspended without pay and subsequently exonerated can be
96 | compensated.
97 |

Comment [SK23]: If we can give almost \$500,000 to a departing president for not working the following year-plus, we can afford a few thousand to an accused faculty member while the process plays out. Innocent until proven guilty in this country still at last check.

98 | F. Procedural Considerations Related to Suspension
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100 | 1. Each step in the procedures described below should be completed as soon
101 | as is practicable, and normally in the time frame indicated. However, the
102 | President or Provost may extend these deadlines for good reason, and
103 | concerned parties may request consideration for doing so. The President,
104 | Provost, or their designee will communicate extensions of the normal
105 | timelines provided below in writing to all concerned parties. Such
106 | extensions shall not constitute a procedural violation of this policy.
107 |

108 | 2. ~~There-If disciplinary suspension or reassignment of a faculty member is~~
109 | ~~proposed, there~~ shall be discussion between the faculty member, the
110 | ~~DFSC/SFSC Chair/Director~~, the Dean, and Provost (or their designees).
111 | The intention of this discussion will be to develop a mutually agreeable
112 | solution that ensures safety for the University community and educational
113 | success of students. This mutually agreeable solution could result in a
114 | ~~either a full~~ suspension or a re-assignment of duties.
115 |

Comment [KS24]: In our process, the DFSC/SFSC is not advisory to the CHAIR. It is advisory to the President. It is a voting body and the chair/director has an equal vote with the other members, though may write minority reports, etc.

116 | 3. While discussion is ongoing, the University reserves the right to
117 | temporarily re-assign a faculty member from any or all duties, including
118 | teaching, in order to prevent harm to ~~the University or~~ members of its
119 | community.
120 |

Comment [KS25]: the University

121 | 4. If a mutually agreeable solution is found, it shall be documented in writing
122 | signed by the faculty member and appropriate administrative officers of
123 | the university. A mutually agreeable solution should be finalized within 5
124 | business days of initiation of discussion. However, if the parties mutually
125 | agree in writing, this period may be extended if such extension would
126 | make agreeing to a solution likely. Such an agreement ~~to extend~~ will be
127 | communicated to the Dean and Provost within 5 business days of the
128 | initiation of discussion.
129 |

130 | 5. If a mutually agreeable solution cannot be found ~~and the administration~~
131 | ~~determines that suspension is necessary~~, then the following process will
132 | take place.

133 | a. The Chair/Director will consult with DFSC/SFSC. Such
134 | consultation will entail ~~informing~~ the DFSC/SFSC of the areas of
135 | concern and the reasons why suspension ~~is may be~~ indicated.
136 | Such consultation will include review of relevant
137 | documentation/information (e.g., ~~past performance evaluations~~;

Comment [SK26]: deliberating with the DFSC/SFSC regarding the areas

Comment [KS27]: These may or may not be relevant, depending on the alleged offense.

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investigation report) and/or advice of Legal Counsel.

b. The faculty member will be notified in writing of the consultation with the DFSC/SFSC, including the reasons why suspension ~~has been proposed~~ ~~is indicated~~. The faculty member shall have the opportunity to present reasons why suspension should not occur, in writing, to the DFSC/SFSC. The faculty member's written statement shall be submitted within 5 business days of notification of the consultation with the DFSC/SFSC.

Comment [SK28]: Do not assume what you are trying to prove.

Comment [SC29]: New step--FAC requested explicit description of faculty member's ability to respond to the process. Seems like it should go here—faculty presents his/her case, which can be considered by the DFSC.

c. There shall be documentation of the consultation with the DFSC/SFSC. ~~The elected members of the DFSC/SFSC may make a non-binding advisory recommendation to the Chair/Director.~~ Consultation with the DFSC/SFSC, documentation of ~~such~~ this consultation, and any recommendations made by the DFSC/SFSC, shall be completed within 10 business days.

Comment [KS30]: See comment KS17

Comment [SC31]: Changed from 5 days.

d. Following DFSC/SFSC consultation, the Chair/Director shall consult with the Dean and Provost and provide written notice of a decision to the faculty member, DFSC/SFSC, Dean, and Provost within 5 business days. ~~The DFSC/SFSC shall be informed of the decision. If the decision is to suspend rather than a lesser action or no action, and~~ the reasons for the proposed suspension would also constitute adequate cause for dismissal as described below and in ASPT Policies XIII.B.1, the written notice shall so indicate, and the dismissal procedures delineated below shall commence.

Comment [SC32]: New numbering, see below

6. A suspended faculty member may appeal to the President within 10 business days of the written notice from the Chair/Director, as described in XII.E.4.c. Such appeal must be made in writing, with copies provided to the ~~Chair/Director~~ DFSC/SFSC, Dean, and Provost. Appeals may be based on substantive or procedural grounds. The President shall rule on the appeal within 21 business days.

Comment [SC33]: Was 5 days

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Comment [SC34]: Was 5 days

Comment [SK35]: Has consideration of FRC involvement in this process been contemplated? If not, why not? If so, why no inclusion of FRC in the process?

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7. Suspended faculty members shall retain their right to file a grievance with the Faculty Academic Freedom, Ethics, and Grievance Committee, if they believe that their academic freedom or the Code of Ethics has been violated. Suspensions will remain in effect while such grievances are adjudicated.

Comment [SK36]: Seems like #6 and #7 ought to change places. AFEGC hearings should generally take place prior to President's involvement so s/he has all the information at hand to make a fully informed decision about an appeal.

8. ~~Faculty members who are suspended as a preliminary step~~ Suspended faculty members who are also facing proceedings toward dismissal for cause will retain their right to due process throughout the dismissal

Comment [SK37]: This kind of language again assumes guilt.

proceedings, which shall follow the principles and steps described below.

XIII. Termination of Appointment of Probationary and Tenure Faculty

A. Probationary Faculty

1. Recommendations for nonreappointment prior to a tenure decision shall be made by the DFSC/SFSC in consultation with the Dean and the Provost. The Chairperson/Director of the DFSC/SFSC shall communicate the recommendation of nonreappointment in writing to the faculty member, the Dean, and the Provost. Nonreappointment can also be the result of a negative tenure recommendation. Official notices of nonreappointment, whether issued prior to a tenure decision or as a result of a negative tenure decision, are issued from the Office of the Provost.

a. Upon notice of non-reappointment other than a negative tenure recommendation, a probationary faculty member may request an oral statement of reasons for non-reappointment from the Chair/Director.

b. Following the oral statement of reasons for non-reappointment under XIII.A.1.a., a probationary faculty member may request a written statement of reasons for non-reappointment from the Chair/Director. The Chair/Director shall advise the probationary faculty member of the pros and cons of obtaining such a statement in writing. If the probationary faculty member still wishes a written statement, the Chair/Director shall provide the requested written statement.

c. Appeals of non-reappointment other than those following a negative tenure decision shall be governed by Article XIII.J.

d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provision of Article XIII.F.

2. Notice of termination shall be given not later than March 1 of the first academic year of service; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; not later than February 1 of the second academic year of service; or, if the appointment terminates during an academic year, at least six months in advance of its termination; at least twelve months before termination of an appointment after two or more years of service.

2-3. Termination of a probationary faculty for such adequate causes as lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher; failure to perform assigned duties in a manner consonant with professional standards; or malfeasance may proceed irrespective of the timeline specified in XIII.A.2. Notice of such termination will be issued by the Provost, after consultation with the Dean

Comment [SC38]: This section on Probationary Faculty is currently ASPT XI.A.

Comment [SK39]: Chair

(An individual is the chairperson/director of a department/school. The chairperson/director of a department/school chairs the DFSC/SFSC. Thus, only the word chair is needed here. No one "directs" a DFSC/SFSC (though I'm sure some would like to!) ☺)

Comment [SC40]: Will change to XV

Comment [SC41]: Will change to XV

Comment [SK42]: Really they ought not. We should be suspending with pay and then terminating according to the XIII.A.2 timeline.

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and Department Chair/School Director, as soon as feasible. Appeals may be made to the President within 10 business days of the Provost's communication of the nonreappointment termination. The President shall rule on the appeal within 21 business days.

B. Tenured Faculty

1. Dismissal of a tenured faculty member may be effected by the University for such adequate causes as lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher; failure to perform assigned duties in a manner consonant with professional standards; malfeasance; or demonstrable University financial exigency or program termination.

2. The standard for dismissal of a tenured faculty member is that of adequate cause. The burden of proof shall be upon the institution. Negative performance-evaluation ratings shall not shift the burden of proof to the faculty member (to show cause why the faculty member should be retained). Evaluation records may be admissible but may be rebutted as to accuracy.

3. ASPT Policy V.C.3 provides for initiation of dismissal proceedings by the DFSC/SFSC. University Administration may also initiate dismissal proceedings when it becomes aware of adequate cause.

4. Termination of faculty due to financial exigency or program termination will follow the process outlined in the ISU Constitution (Article III, Section 4.B.2) and all applicable policies.

5. Procedural Considerations Related to Termination of Appointment of Tenured Faculty

a. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated. However, the President or Provost may extend these deadlines for good reason, and concerned parties may request consideration for doing so. The President, Provost, or their designee will communicate extensions of the normal timelines provided below in writing to all concerned parties. Such extensions shall not constitute a procedural violation of this policy.

b. If the recommendation to initiate dismissal proceedings comes from the Department, School, or College, the DFSC/SFSC (per ASPT V.C.2) or Dean of the College in which the faculty member's locus of tenure resides will submit a letter to the Dean and the Provost describing charges that indicate that the University

Comment [SK43]: Eliminate this line for two reasons. It is stated in XIII.A.1 and we should not be conflating the terms "termination" and "nonreappointment." In all cases, a probationary faculty member is non-reappointed, not "terminated." One terminates non-faculty employees. One non-reappoints or dismisses faculty.

Comment [SK44]: This entire section needs to be completely rethought. It takes the DFSC and academic due process completely out of the mix and assumes guilt again on the part of an individual simply because s/he is probationary. Again, there is abundant AAUP rationale against such summary action on the part of a university administration.

Comment [SK45]: Let us not eliminate wholly the existing XI.B.2. We should continue to remind ourselves that we are expecting ourselves to "adhere to the principles set forth in the American Association of University Professors' documents" etc. Particularly given that this rough draft at this stage rather radically deviates from many of them.

Comment [SC46]: Formerly XI.B.3.

Comment [SK47]: This is quite a problematic statement and quite a deviation from decades of local control. See KS15 above.

Comment [SC48]: From XII.B.3 onward, new draft policy as reviewed during 2013-14 by URC and FRC.

Comment [SC49]: Flexibility in timeline.

Comment [SK50]: ??? See SK47 above.

275 | ~~has may have~~ adequate cause to effect dismissal of the faculty
276 | member.
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278 | If the ~~recommendation to initiate dismissal proceedings comes~~
279 | ~~from the University Administration Dean, the CFSC or the Provost~~
280 | ~~receive evidence, or findings by one of the bodies listed in XI.F.1~~
281 | ~~above, that might indicate cause to initiate dismissal proceedings,~~
282 | the ~~Dean or the~~ Provost will inform the faculty member in writing
283 | of the charges and provide ~~the Dean~~ CFSC and DFSC/SFSC with a
284 | copy. ~~In such cases, the DFSC/SFSC may choose to communicate,~~
285 | ~~in writing, a non-binding advisory recommendation to the Provost~~
286 | ~~on the matter.~~
287 |

288 | If a faculty member being charged with adequate cause for
289 | dismissal is ~~suspended-also being charged with adequate cause for~~
290 | ~~suspension~~ as described in ASPT XII, the due process for
291 | suspension will be followed while dismissal proceedings are
292 | underway.
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294 | c. The Provost will direct, in writing, the Faculty Caucus of the
295 | Academic Senate to select a committee of six faculty members to
296 | determine whether, in its view, formal proceedings for the faculty
297 | member's dismissal should be instituted. This written direction
298 | shall be made within 5 business days of date of the letter ~~from the~~
299 | ~~initiating dismissal proceedings (from the Provost, DFSC/SFSC, or~~
300 | ~~Dean as required in XII.B.5.b).~~ The committee will consist of one
301 | faculty member from each college except that in which the faculty
302 | member's locus of tenure resides. The Faculty Caucus should
303 | meet in executive session within ~~21~~ business days of the date of the
304 | Provost's written direction to select the committee members.
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Comment [SK51]: Premature and a violation of V.C.3? The Faculty Caucus should come in only at the end of a proceeding, not at the beginning, and perhaps in some cases not at all. I recommend moving this XIII.B.5.c to later in the dismissal proceedings process.

306 | d. The ~~committee-DFSC/SFSC~~ will review each charge contained in
307 | the letter alleging adequate cause, and will have the authority to
308 | interview the respondent/faculty member, ~~the Dean, the~~
309 | ~~Department Chair/School Director,~~ and any other person who may
310 | have relevant information. The ~~committee-DFSC/SFSC~~ may also
311 | have access to any relevant documentation.
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Comment [SC52]: Was 10 days. Seemed short.

313 | e. The ~~committee-DFSC/SFSC~~ will submit their recommendation
314 | within ~~four calendar weeks~~ ~~21 business days~~ of the date of the
315 | formation of the committee.
316 |

317 | f. If the committee recommends that dismissal proceedings should
318 | commence, ~~or if the Provost, even after considering a~~
319 | ~~recommendation favorable to the faculty member, determines that~~
320 | ~~a proceeding should be undertaken,~~ a statement of the grounds

321 proposed for the dismissal should be jointly formulated by the
322 committee and the Provost or Provost's designee. If there is
323 disagreement, the Provost or the Provost's designee shall formulate
324 the statement. The statement shall be formulated within 10
325 business days of the committee's communication of the
326 recommendation to the Provost.

Comment [SC53]: Was 5

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328 g. The Provost shall communicate in writing to the faculty member:
329 (1) the statement of grounds for dismissal; (2) information
330 regarding the faculty member's procedural rights; and (3) a
331 statement informing the faculty member that, at the faculty
332 member's request, a hearing will be conducted by the Faculty
333 Review Committee (FRC) of Illinois State University to determine
334 whether s/he should be removed from the faculty position on the
335 grounds stated. This communication to the faculty member shall
336 be delivered within 5 business days of the date of the statement.
337 The hearing date should be far enough in advance to permit the
338 faculty member to reasonably formulate and prepare a defense, and
339 at least 10 business days from the date of the Provost's letter
340 communicating the decision to the faculty member.

Comment [SK54]: Wouldn't all of this rough draft section negate the function of the FRC as an appeals body rather than a primary adjudicating body?

We need to rethink and rewrite this entire section XIII.B.5 so that dismissal proceedings remain the purview of the DFSC.

Please see III.E. of our current document. I can see no legitimate reason for deviating from this process, which has been in place for decades.

I've decided to leave no further comments until I can consider a redrafted section on dismissal of a tenured faculty member.

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342 h. The faculty member should state in reply no later than 5 business
343 days before the time and date set for the hearing whether s/he
344 wishes a hearing. If a hearing is requested, the faculty member
345 shall answer the statements in the Provost's letter in writing and
346 submit this document to the Provost and the FRC ~~not less no later~~
347 than five business days before the date set for the hearing.

Comment [SC55]: Made language consistent with first sentence of paragraph.

348
349 i. The Faculty Review Committee (FRC):
350
351 i. Shall consider the statement of grounds for dismissal
352 already formulated and the faculty member's response
353 before the hearing;
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355 ii. If the faculty member has not requested a hearing, the FRC
356 may consider the case on the statement of grounds and the
357 reply and any other obtainable information and decide
358 whether the faculty member should be dismissed.
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360 iii. If the faculty member has requested a hearing, the FRC
361 shall hold a hearing.

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363 j. Hearings by the Faculty Review Committee
364 i. The FRC shall decide whether the hearing is public or
365 private;

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- ii. If facts are in dispute, testimony may be taken or other evidence received;
 - iii. The Provost or a designee shall attend the hearing;
 - iv. The FRC will determine the order of proof, and may secure the presentation of evidence important to the case;
 - v. The faculty member shall have the option of assistance from counsel or other advisor, whose role shall be limited to providing advice to the faculty member rather than presenting or actively engaging in the proceedings;
 - vi. The faculty member shall have the assistance of the committee in securing the attendance of witnesses. Because the committee cannot compel the participation of a witness, the proceedings shall not be delayed by the unavailability of a witness.
 - vii. The proceedings will be recorded at the expense of the University;
 - viii. The Provost's representative and the faculty member shall present any information helpful to the determination. Each may request the committee in writing to ask witnesses to answer specific questions. Appropriate procedure will be determined by the FRC.
 - ix. The FRC shall permit a statement and closing by the Provost's representative and the faculty member.
 - x. The FRC may request written briefs by the parties.
 - xi. The FRC shall reach its decision promptly in conference, on the basis of the hearing if one was held, and submit a full written report to the Provost and the faculty member. The written report shall be submitted to the Provost within 21 business days of the hearing. A record of any hearing should be made available to the Provost and to the faculty member.
 - k. The Provost shall review the full report of the FRC for final action. If the Provost disagrees with the decision of the FRC, s/he shall request the FRC to reconsider the report. The Provost shall then make a final decision whether the faculty member should be dismissed. The Provost's final decision shall be communicated to the faculty member within 10 business days of the final report of the FRC (after reconsideration, if any).
 - l. The faculty member may appeal the Provost's decision to the President, who shall make a final decision, stating whether the faculty member shall be retained or shall be dismissed. Such appeal shall be requested in writing within 10 business days of the date of the Provost's communication of the final decision. The President shall communicate a decision to the faculty member, the

Comment [SC56]: Was 10

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Provost, Dean, Chair, and DFSC/SFSC within 21 business days of the written request for appeal.

- m. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officers should be avoided so far as possible until the proceedings have been completed. Announcement of the final decision should include a statement of the FRC's original decision, if this has not previously been made known.

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XIII.E Procedures for Meeting with Dean or Chair/Director Preliminary to an Appeal of a Dean or Chair/Director Report Making a Negative Tenure or Promotion Recommendation

1. The faculty member should know the rationale for the negative recommendation to be able to address the concerns raised in that recommendation and speak to factors or materials that have been ignored or misinterpreted.
2. In the event that a Dean, Chair, or Director submits a report making a different recommendation than the majority of the CFSC/DFSC/SFSC, a candidate may request a Formal Meeting with the full CFSC/DFSC/SFSC, as provided for in ASPT Policies XIII.D. Because the Dean/Chair/Director report is by definition arguing against the majority recommendation of the CFSC/DFSC/SFSC, a Formal Meeting with the full CFSC/DFSC/SFSC is not required.
3. As an alternative to a Formal Meeting with the entire CFSC/DFSC/SFSC, an opportunity to meet with the Dean/Chair/Director shall be provided, to address factors or materials that the faculty member believes to have been ignored or misinterpreted. Information not originally presented in applications for tenure/promotion may be submitted, and will be considered at the discretion of the Dean/Chair/Director.
4. A faculty advocate may accompany the candidate, available to provide advice but not to address the Dean or Chair/Director or otherwise argue on the candidate's behalf. The faculty advocate may answer questions directed to him/her by the Dean or Chair/Director.
5. If the candidate wishes to bring witnesses, then a Formal Meeting with the full CFSC/DFSC/SFSC shall be convened and witnesses may participate as provided in XIII.D.2.
6. The timeline for meeting with the Dean or Chair/Director and subsequent steps in the appeals process shall follow that for Formal Meetings and Appeals provided in Appendix 1.B to these policies.

As presently constituted:

APPENDIX 2

University Guidelines and Criteria for Faculty Evaluation

Faculty effort and activity are evaluated in three areas: teaching, scholarly and creative productivity, and service. Because these areas are mutually supportive, the activities undertaken in one area may at times overlap another. Despite this interdependence, each area has its own definition, its own activities, and its own guidelines and criteria for evaluation. It is emphasized that the activities referred to in this section are illustrative and that, while departmental/school guidelines must be consistent with University guidelines, departments/schools are expected to adapt these guidelines to their own unique situations. It is expected that the guidelines and criteria for evaluation will demonstrate quality of accomplishment and a standard of excellence.

Suggested revision:

APPENDIX 2

University Guidelines and Criteria for Faculty Evaluation

Faculty effort and activity are evaluated in three areas: teaching, scholarly and creative productivity, and service. Because these areas are mutually supportive, the activities undertaken in one area may at times overlap another. Despite this interdependence, each area has its own definition, its own activities, and its own guidelines and criteria for evaluation. The activities referred to in this section are illustrative rather than proscriptive. While departmental/school guidelines for evaluating teaching, scholarly and creative productivity, and service must be consistent with University guidelines, departments/schools are expected to adapt these guidelines to their own unique situations as outlined in Section VIII C of the Faculty Appointment, Salary, Promotion and Tenure Policies. Departments/schools must consider a demonstration of quality of accomplishment and a standard of excellence as they select specific guidelines and criteria for evaluation.