

Annual Report to the Academic Senate
University Review Committee

2016-2017

Submitted June 12, 2017

The annual report of the University Review Committee to the Academic Senate for Academic Year 2016-2017 consists of minutes of committee meetings held during the academic year. Minutes of the following University Review Committee meetings are included with this report.

September 20, 2016

October 6, 2016

October 18, 2016

November 1, 2016

November 15, 2016

November 29, 2016

December 13, 2016

January 19, 2017

January 31, 2017

February 23, 2017

February 28, 2017

March 9, 2017

March 21, 2017

April 11, 2017

April 18, 2017

April 25, 2017

May 4, 2017

May 11, 2017

UNIVERSITY REVIEW COMMITTEE

Tuesday, September 20, 2016
2 p.m., Hovey 401D

MINUTES

Members present: Angela Bonnell, Sam Catanzaro, Diane Dean, Joe Goodman, Christopher Horvath, Doris Houston, Sheryl Jenkins, Sarah Smelser

Members not present: Rick Boser

Others present: Susan Kalter (Chairperson, Academic Senate), Bruce Stoffel (recorder)

Call to order

Sam Catanzaro, Assistant Vice President for Academic Administration, called the meeting to order at 2 p.m. Catanzaro explained that he will preside over the meeting until the committee elects a chairperson, which is scheduled to occur later in the meeting.

I. Welcome and introductions

Committee members introduced themselves. Catanzaro acknowledged new member Sarah Smelser (School of Art) representing the College of Fine Arts. Bruce Stoffel reported that the College of Fine Arts Science Division position on the committee has been vacated by David Rubin and that the college intends to soon schedule an election for a replacement representative.

II. Overview of committee work in 2016-2017

Susan Kalter, Chairperson of the Academic Senate and its Faculty Caucus for 2016-2017, addressed the committee regarding work of the Faculty Caucus (the "Caucus") last year and this coming year related to ASPT policies. She first thanked the committee for its work with the Caucus last academic year, which resulted in approval of a new ASPT document that will become effective January 1, 2017. She explained that the Caucus chose not to take action last spring on the four new disciplinary articles included in the ASPT document recommended by URC in spring 2015. She said the Caucus discussed the articles at length last spring as information items but did not take action on them due in part to the number of comments received about the articles from the faculty at large. Kalter reported that she has since revised the four articles based on discussions during those Caucus information sessions. The Caucus discussed the revised articles at its September 14, 2016 meeting and then referred the articles back to URC. The Caucus has asked URC to vet the changes suggested by Kalter in light of the September 14 discussion and to then report its recommendations regarding the articles back to the Caucus. Kalter summarized the September 14 Caucus discussion. She said she hopes a transcript of the meeting will soon be available to URC. Kalter said the Caucus need not take final action on the four articles by the end of 2016, but she prefers that the Caucus take final action either in late 2016 or early 2017.

Kalter acknowledged the work of URC subgroups last academic year on three issues at the request of the Caucus (promotion increments, student reactions to teaching performance, and the performance evaluation process). She said the Caucus will not discuss the reports until the Caucus has taken action on the disciplinary articles. In light of the prioritization by the Caucus, Kalter suggested that URC complete its discussion of the disciplinary articles before addressing other matters.

Kalter noted other issues referred to URC by either the Caucus or the Academic Senate Executive Committee.

Kalter asked URC to review the ASPT document to determine when involvement or prospective involvement by the Academic Freedom Ethics and Grievance Committee (“AFEGC”) in ASPT matters is appropriate and to determine whether references to such AFEGC involvement are consistent (if they need to be consistent) across categories of ASPT activities (e.g., performance evaluation, tenure and promotion, non-reappointment, post-tenure review, and disciplinary actions). Kalter asked URC to consider national guidelines and best practices when performing its review.

Kalter asked URC to check ASPT policies against AFEGC policies to determine whether the two policies are consistent and complete with respect to ASPT-related activities. She noted that changes were made to AFEGC policies last year and more will be considered this coming year, so URC review of this matter may inform changes to AFEGC policies as well as ASPT policies. Joe Goodman asked if URC needs to wait for AFEGC policy changes before URC initiates its review. Kalter responded that she hopes review of ASPT policies and AFEGC policies can occur at the same time.

Doris Houston asked about the status of equity review. Kalter reported that the new ASPT document incorporates changes to Article II.D, which now prescribes that URC conduct equity review and develop an equity distribution plan rather than just enable such action by URC. Kalter explained that the next step regarding this issue is to form a committee to define equity review and how it will be conducted. She said she had hoped to issue a call for committee volunteers this fall. However, that has been delayed until a new director of the Office of Equal Opportunity and Access is hired. She noted that candidate forums for the position are scheduled during the week of September 26. Kalter said she hopes to be able to issue a call for volunteers as early as January 2017.

Diane Dean asked if there are other issues for URC to consider this year. Kalter responded that the Academic Senate Executive Committee has asked URC to review university-wide policy 3.2.4 Salary Adjustments for possible changes and to report back to the Executive Committee.

Angela Bonnell asked Kalter to clarify when she would like the disciplinary articles to be done. Kalter responded that if the Caucus completes its discussion and takes action on the articles by December, the articles could take effect January 1, 2017. But that might not be realistic, she said, noting that a January 1, 2018 effective date for the disciplinary articles is more likely. She urged URC not to rush its consideration of the disciplinary articles.

Dean asked when the colleges will be submitting their ASPT standards as revised to conform to the new ASPT document, for review and approval by URC. Catanzaro responded that changes to college standards should not be extensive. He said he hopes to receive the revised college standards in October. They will need to be approved by the colleges and by URC before the end of the calendar year, he added. He suggested that the new URC chairperson send a reminder to the deans about submitting their revised standards to URC this fall.

Stoffel noted that there was a fourth issue that the Caucus last spring asked URC to study (in addition to promotion increments, student reactions to teaching performance, and the performance evaluation process). The fourth issue relates to service assignments. He asked Kalter if the Caucus still wants URC to study the matter. Kalter responded in the affirmative. She said the Caucus discussed service assignments last spring, including how service assignments are made, whether service is required of all faculty members in all units, and activities that should be categorized as service (rather than teaching or research). Houston said questions were also raised by Caucus members as to whether administrative work should be considered service and how one type of service relates to another. Kalter said she is leaving it to URC to decide what aspects of service to study.

Stoffel asked whether URC plans to continue work started last spring by the subgroup investigating student reactions to teaching performance. He noted discussion late last spring about possible changes to the ASPT document regarding this matter. Christopher Horvath referred to page three of the final subgroup report, which states as follows: “Instead, we would suggest language that encourages schools/departments to develop methods of teaching evaluation that take into consideration multiple sources of input over an extended period of time and weight the various sources of data in ways appropriate to the particular the

faculty member, course load, pedagogy, course content, and discipline. Revising the language in the ASPT Policy in a way that achieves the kind of comprehensive, disciplinary-appropriate, and individually tailored evaluation of teaching suggested as a “best practice” by our research will take careful consideration. The URC plans to draft the necessary revisions during the 2016-2017 academic year and forward them to the Faculty Caucus for consideration.”

Catanzaro noted several ongoing tasks that URC will need to attend to in 2016-2017. They include adopting an ASPT calendar for 2017-2018 and reviewing college standards submitted to URC by colleges in accordance with the schedule adopted by a prior URC.

III. Election of officers for 2016-2017

Catanzaro opened nominations for the office of URC chairperson for 2016-2017. Houston moved to nominate Dean. Sheryl Jenkins seconded the motion. Catanzaro asked Dean if she is willing to accept the nomination. She answered that she is willing to serve. Catanzaro closed the nominations and asked for a vote on the motion. The motion carried on voice vote, with all voting in the affirmative.

Dean then assumed responsibility for leading the meeting.

Dean called for nominations for the office of URC Vice-Chairperson for 2016-2017. Horvath volunteered for the position. Goodman seconded the nomination. Dean called for a vote on the motion. The motion carried on voice vote, with all voting in the affirmative.

Dean called for nominations for the office of URC Secretary for 2016-2017. Goodman volunteered for the position. Bonnell seconded the nomination. Dean called for a vote on the motion. The motion carried on voice vote, with all voting in the affirmative.

IV. Approval of minutes from the April 27, 2016 meeting;
Acknowledgement of May 13, 2016 approvals via consent agenda

Horvath asked why the report from the subgroup that studied student reactions to teaching performance was not listed among the attachments to the draft minutes of the April 27, 2016 meeting. Stoffel explained that the subgroup report included with the meeting agenda is an attachment to the consent agenda record rather than an attachment to the April 27, 2016 minutes. He explained that he included the subgroup report with the consent agenda rather than with the minutes because the subgroup report was approved by URC via consent agenda. He said that the subgroup report would become part of the official record of this meeting by virtue of URC passing a motion to acknowledge the May 13, 2016 consent agenda approvals.

Houston moved, Goodman seconded approval of the minutes from the April 27, 2016 URC meeting as included with the meeting agenda. The motion passed on voice vote, with six voting aye and one abstaining (Sarah Smelser).

Dean then asked committee members to consider acknowledging the matters approved by URC on May 13, 2016 via consent agenda (see attached). She first asked the chairperson of each spring 2016 subgroup to provide a brief summary of their subgroup findings and recommendations. After the reports, Dean thanked committee members for their efforts.

Horvath asked if the Faculty Review Committee annual report included with meeting materials is part of the consent agenda. Stoffel responded that it is. Horvath asked what role URC has relative to the Faculty Review Committee report. Referring to the cases summarized in the report, Horvath said he would be troubled if the Faculty Review Committee had overridden the decision of both the college and department in two of the cases. Catanzaro explained that the ASPT document includes a provision requiring the Faculty Review Committee to submit an annual report of its activities to URC. He explained that in two of the cases in which the Faculty Review Committee overrode the CFSC decision, the CFSC and the DFSC involved in the case had reached different recommendations. A third case involved a tie vote, he said. Expressing satisfaction with Catanzaro’s explanation, Horvath moved to acknowledge URC approval of

consent agenda items on May 13, 2016. Goodman seconded the motion. The motion carried on voice vote, with six voting aye and one abstaining (Smelser).

V. ASPT document revisions

Stoffel distributed four versions of the disciplinary article(s), two approved and two proposed, as background information for future URC discussions.

VI. Meeting schedule for fall 2016

Dean reviewed the tentative committee meeting schedule for fall 2016 and asked committee members if additional meetings should be scheduled given the number and complexity of issues scheduled to be considered by the committee this academic year. Committee members agreed to add a second meeting each month during the fall semester. Houston and Jenkins said they might not be available to attend second monthly meetings if they are held at 2 p.m. on Tuesdays. Horvath suggested selecting different days and times for the second monthly meeting if there is no time that all committee members can attend, so all committee members would be able to attend at least some second monthly meetings. Catanzaro said he would work with Stoffel on the schedule.

Horvath volunteered to continue his work on the subgroup studying student reactions to teaching performance. Dean thanked Horvath for volunteering to do so and asked if any other committee member would like to join the group to replace David Rubin, who has since resigned from URC. Smelser volunteered to work with Horvath on the group. Houston said she had a couple articles regarding the topic and would send them to Horvath and Smelser.

VII. Other business

There was none.

VIII. Adjournment

Horvath moved to adjourn the meeting. Houston seconded the motion. Dean adjourned the meeting at 3:12 p.m.

Respectfully submitted,
Joseph Goodman, Secretary
Bruce Stoffel, Recorder

Attachments:

Items approved via Consent Agenda, May 13, 2016

UNIVERSITY REVIEW COMMITTEE, 2015-2016
Items Approved via Consent Agenda, May 13, 2016

The following actions were approved by the University Review Committee via consent agenda on May 13, 2016.

Approval of the report from the working group on student reactions to teaching performance
(see attached)

Approval of the report from the working group on the performance evaluation process
(see attached)

Acceptance of annual reports submitted to the University Review Committee by the seven college faculty status committees in accordance with Section IV.D.3 of the university ASPT document effective January 1, 2012
(see attached)

Acceptance of the annual report submitted to the University Review Committee by the Faculty Review Committee in accordance with Section III.F of the university ASPT document effective January 1, 2012
(see attached)

Acknowledged by the University Review Committee, September 20, 2016

URC Working Group on Student Evaluations:

Chris Horvath (CAS/Philosophy)

Andy Rummel (CFA/Music)

Task:

The subcommittee was asked to review Article VII.B.2 (pg 57) and provide guidance to the URC regarding the following suggestions/requests from the Faculty Caucus (11/4/15):

- (i) *Should the term “student reactions” still be used or should the phrase be replaced with “student evaluations” or some other term?*
- (ii) *Consider adding a requirement that multiple methods of teaching evaluation be weighted equally.*

The Faculty Caucus requested that the subcommittee consider both AAUP Guidelines and recent research on the use of student input in the evaluation of faculty teaching.

Review:

The subcommittee reviewed material available on-line in order to reach its recommendations. In addition to AAUP material and recent research on student evaluations, we chose to examine the practices of “Benchmark Institutions” (list attached) in order to determine “best practices” with respect to the use of student input in faculty evaluations.

The subcommittee addressed the following questions in their review.

1. What are the AAUP guidelines with respect to the use of student course evaluations in the evaluation of faculty teaching?
2. How do our “Benchmark Institutions” administer student course evaluations and how are those evaluations used in the evaluation of faculty teaching? Are other forms of teaching evaluation required for faculty evaluation? If they are required, are different modes of evaluation given equal weight?
3. What are the most recent research findings on the reliability of student evaluations as measure of faculty performance/learning outcomes assessment? Is there evidence of systematic bias in student course evaluations with respect to female faculty, faculty of color, LGBTQ faculty, ESL faculty?

Findings and Recommendations:

*With respect to request/suggestion (i), the subcommittee recommends **retaining** the less-formal term “student response”.*

Justifications:

- There is a great deal of heterogeneity across departments and colleges in both the instruments used to generate student feedback and in the methodology used to administer those instruments.

- Some instruments are clearly designed to elicit comments on the instructor's performance (e.g. "Was the instructor regularly late or absent from class?" "Did the instructor return graded material in a timely manner?") and others are designed to elicit feedback on the course itself (e.g. "Were the reading assignments interesting and relevant?" "Was the course well organized?")
- Some instruments use primarily open questions and others use a numerical scale. (Some departments use 5 as a positive response and other departments use 5 as a negative response.)
- Some faculty self-administer their "evaluations" with little guidance or oversight while other departments have elaborate procedures for administering and collecting evaluations.
- The AAUP has no specific guidelines regarding this issue.
- Our Benchmark Institutions take a variety of approaches. Most use the terms "course evaluation" or "instructor evaluation".
- A review of the relevant literature suggests that "evaluation" is a misnomer. The data gathered on the typical student response instruments do not provide reliable information about the quality of instructor's performance in the classroom or about the instructor's success in achieving desired learning outcomes. (Simpson 1995, Wachtel 1998)
- There is ample evidence of inherent bias in many student "evaluations" with respect to race, gender, sex, and sexuality. Cis-gender, white male faculty may benefit from a race and gender based "assumption of competence". Female, non-white, and non cis-gender faculty suffer the effects of the opposite assumption. (Laube et al. 2007)

This disparity coupled with the documented problems with bias inherent in the student evaluation process lead us to suggest that the student feedback should not be considered "evaluative" in any formal sense. Rather, student "course evaluations" should be treated as an opportunity for students to provide feedback regarding their experience with a particular instructor in a particular course. Whatever we call these student feedback data should reflect this reality. The committee suggests "student responses".

With respect to request/suggestion (ii), the status quo seems to privilege student course evaluation. We believe the intent of this suggestion is to increase the relative importance of modes of teaching evaluation other than student evaluation. The subcommittee endorses this basic idea. However, simply requiring that all sources of data regarding teaching performance be treated equally seems to miss the real target. A review of the relevant literature and "Best Practices" suggests that the evaluation of teaching should be a holistic and on-going process not limited to a single source of data or a single day at the end of the semester. We believe requiring all schools/departments to treat all sources of input equally (i.e. treating student course evaluations with equal weight to peer review of a comprehensive teaching portfolio or peer observation in the classroom) would, in fact, impede the development of comprehensive and on-going methods of teaching evaluation. We

do not recommend the suggested change. Instead, we would suggest language that encourages schools/departments to develop methods of teaching evaluation that take into consideration multiple sources of input over an extended period of time and weight the various sources of data in ways appropriate to the particular the faculty member, course load, pedagogy, course content, and discipline. Revising the language in the ASPT Policy in a way that achieves the kind of comprehensive, disciplinary-appropriate, and individually tailored evaluation of teaching suggested as a “best practice” by our research will take careful consideration. The URC plans to draft the necessary revisions during the 2016-2017 academic year and forward them to the Faculty Caucus for consideration.

Justifications:

- The AAUP has no specific guidelines regarding this issue. However, “a recent AAUP survey finds declining response rates on student reviews of professors, too many colleges that do little beyond student reviews, and concerns about bias against women, minorities and adjuncts. But association panel wants to improve system, not end it.” ([Inside Higher Ed June 10, 2015](#))
- IDEA is a non-profit organization doing research to improve higher education. Several schools and departments on campus use “student response inventories” developed by IDEA (e.g. the College of Fine Arts) According to IDEA, “Student ratings of instruction (SRI) should be supplemented with peer review and ongoing faculty development. We were pleased to read that 69 percent of respondents see the need for student feedback about their teaching. We also agree that institutions should end the practice of allowing SRI to serve as the only or primary indicator of teaching effectiveness. IDEA has long recommended that they count no more than 30 percent to 50 percent of the overall teaching evaluation.” ([IDEA June 22, 2015](#))
- Our Benchmark Institutions take a variety of approaches to faculty teaching evaluation. All include some form of student input. Most require additional sources of data, most often peer review of teaching material and less often classroom observation. The relative weight given to different sources of data regarding teaching performance varies significantly both between and within institutions. Most commonly, college and university level policy requires multiple sources of input on teaching performance while decisions about specific kinds of assessment required and the relative weighting of are made at the department level.
- The variety in policies and procedures at the department level within Benchmark Institutions reflects the differences in course content and pedagogy within different disciplines. These differences should be respected.
- A review of the literature reveals a persistent problem of gender and race bias in student course evaluations. This bias is most often revealed in a complex interaction of student gender, instructor gender, and course content (e.g. Basow, 1998 and Laube, 2007.) For example, a consistent gender bias is found against female faculty who introduce (appropriately) feminist content

- into non-gender studies courses, though a similar negative response does not apply to male faculty who do the same thing.
- The same bias response has been demonstrated with respect to race and race-focused course content.

Selected Bibliography:

Andersen, K., & Miller, E. D. (1997). Gender and student evaluations of teaching. *Political Science & Politics*, 30, 216-219.

Explores the potentially damaging effects of gender bias in student evaluations of teaching, specifically with regard to student expectations. Reviews a number of laboratory and "real life" studies and summarizes their conclusions. Notes the different and conflicting expectations of students and recommends a broader approach to teacher evaluations.

Arreola, R. A. (2000). Developing a comprehensive faculty evaluation system: A handbook for college faculty and administrators on designing and operating a comprehensive faculty evaluation system (2nd ed.). Bolton, MA: Anker Publishing Company, Inc.

This handbook provides a practical model for developing and using a comprehensive faculty evaluating system that responds to the specific needs, concerns, and characteristics of the faculty and administration of an individual academic unit. It outlines an eight-step procedure that focuses on the determination of: (1) the faculty role model; (2) faculty role model parameter values; (3) roles in the faculty role model; (4) role component weights; (5) appropriate sources of information; (6) information source weights; (7) how information should be gathered; and (8) appropriate forms and protocols. It also examines the selection and development of forms for the student evaluation of faculty, providing samples of student rating form items is included. An appendix contains a sample faculty evaluation manual.

Basow, S. A. (1998). Student evaluations: Gender bias and teaching styles. In L. H. Collins, Chrisler, J.C., & Quina, K. (Eds.), Career strategies for women in academe: Arming Athena. (pp. 135-156). Thousand Oaks, CA: Sage.

Using a quantitative approach, Basow argues that the overall effect of gender on student evaluations is small, accounting for about 3% of variance. However, there may be significant interaction effects between gender and other context variables that may cumulatively disadvantage female faculty.

Cashin, W. E. (1995). Student ratings of teaching: The research revisited. IDEA paper No. 32.

This paper attempts to summarize the conclusions of the major reviews of the literature on student ratings of teaching. It is an update of a paper by the same name published as IDEA Paper No. 20 from the Center for Faculty Evaluation and Development in 1988. Viewing student ratings as data rather than evaluations may help to put them in proper perspective. Studies have considered the multidimensionality of student ratings and their reliability and validity. They have been compared to student learning outcomes, the self-ratings of the instructor, and the ratings of others, and possible sources of bias have been studied. There are probably more studies of student ratings than of all the other data used to evaluate

college teaching combined, and there are certainly enough studies to allow some conclusions. In general, student ratings tend to be statistically reliable, valid, and relatively free from bias and need for control. Nevertheless, they are only one source of data about teaching and must be used with multiple sources of data to make judgments about all the components of teaching.

Laube, H., Massoni, K., Sprague, J., & Ferber, A. L. (2007). The impact of gender on the evaluation of teaching: What we know and what we can do. *NWSA Journal*, 19(3), 87-104.

Merritt, Deborah J. (2008). Bias, the Brain, and Student Evaluations of Teaching. *St. John's Law Review* 82, 235-287.

Miller, J., & Chamberlin, M. (2000). Women are teachers, men are professors: A study of student perceptions. *Teaching Sociology*, 28(4), 283-298.

Sociology students' perceptions of their instructors' educational attainment levels are examined empirically. The authors find gender disparities: students misattribute in an upward direction the level of education actually attained by male graduate student instructors, while they misattribute in a downward direction the level of formal education attained by women, even when the female faculty member is a full professor. The misattributions are linked to the imputed statuses "teacher" for women and "professor" for men, regardless of the actual positions held or the credentials earned by faculty members and graduate student instructors. The authors suggest that a process of marginalization explains the empirical findings - a process that is attributed by others, but chosen by the self, regardless of the social and economic costs incurred.

Miller, Claire Cain. "Is the Professor Bossy or Brilliant? Much Depends on Gender." *New York Times* 6 Feb 2015.

Ratings Agency. (2016). "Students Judge Their Teachers. Often Unfairly." *Economist* 23 Jan 2016.

Simpson, R. D. (1995). Uses and misuses of student evaluations of teaching effectiveness. *Innovative Higher Education*, 20(1), 3-5.

While student evaluations of teaching performance can provide useful feedback on faculty, particularly on dimensions of course delivery, there are serious limitations. Bias and distrust are often overlooked in interpreting student ratings. An inappropriate use is in rank-ordering faculty in a department. Student evaluation data must be integrated with other sources of information on teaching quality.

Travis Russ, Cheri Simonds & Stephen Hunt. (2002). Coming Out in the Classroom ... An Occupational Hazard?: The Influence of Sexual Orientation on Teacher Credibility and Perceived Student Learning. *Communication Education* 51(3), 311-324.

Wachtel, H. K. (1998). Student evaluation of college teaching effectiveness: A brief review. *Assessment & Evaluation on Higher Education*, 23, 191-212.

This paper presents a brief review of the existing research on student written evaluations of the teaching performance of college and university instructors. First, a short historical background is given.

**University Review Committee, Spring 2016
Working Group on Annual Performance Evaluations**

Angela Bonnell (Milner)
Rick Boser (CAST/TEC)
Sheryl Jenkins (MCN)

BACKGROUND

At the Academic Senate's Faculty Caucus held December 9, 2015, several senators expressed concern that the current annual performance evaluation system is overly burdensome for faculty members and that too much time is being spent by faculty members preparing their performance evaluation documents.

The following considerations were made at that meeting:

1. Performance evaluations should be conducted every other year rather than every year.
2. Performance evaluations should be conducted annually for probationary faculty but every other year for tenured faculty.
3. Performance evaluations should be conducted annually, but the extent of documentation being submitted by faculty members should be reduced.

Caucus members also commented that performance evaluations inform annual salary increment decisions. Not having an annual evaluation would be problematic in distributing salary increments (when salary increments are available). Consensus of those Caucus members commenting during the meeting (there were several) was that it might be timely for University Review Committee (URC) to revisit how performance evaluations are conducted. The current system has been in place for several years without discussion or change.

URC WORKING GROUP INVESTIGATION

The URC convened a working group charged with investigating this issue at the January 19, 2016 meeting. Any resulting recommendations would likely be considered by Caucus off-cycle from the other ASPT items currently in the review process. To better understand the issue, working group members researched:

- A. past and current practice of annual performance evaluations at Illinois State University
- B. current practice at ISU's benchmark institutions
- C. relevant policy statements by the American Association of University Professors (AAUP)
- D. attitudes from faculty across campus

FINDINGS

A. Past and Current Practice at Illinois State University

Since the first *Appointment, Salary, Promotion and Tenure (ASPT) Policies* document published in 1979, tenured and probationary tenure faculty members have been required to "submit to their DFSC reports on their activities and accomplishments for the purpose of evaluation" (X.B.2). Also, "Each DFSC will conduct merit evaluations of each tenured and probationary tenure faculty member annually" (X.B.4).

The current ASPT document references annual performance evaluations in several areas: Overview: Faculty Evaluation Process, V.C.1.; VII.E.; IX.D.1; X; and XII. The most substantive references are in VII. "Faculty Assignments and Evaluations" and XII.B.3 "Performance Evaluation and Salary Incrementation."

Annual performance review is one of several reviews tenure-track faculty will experience in their academic life. Others reviews include reappointment, promotion, tenure, sabbatical, and post-tenure (ASPT p.3). Additionally, Illinois State University's policy on tenure (3.2.6) states that "The University shall, at regular intervals, review and evaluate the performance of tenured faculty in order to offer

constructive guidance and to encourage a continuing high level of faculty accomplishment. The University shall establish the policies, procedures and criteria needed to accomplish such periodic evaluations.”

B. Benchmarking

Illinois State University’s benchmark institutions <http://prpa.illinoisstate.edu/data_center/peer_groups> require annual performance evaluations except those in the University of California (UC) system (Santa Cruz and Riverside). In the UC system, “Faculty are reviewed on average every two to three years by faculty peers and administrators.” (See attached appendix for overview.)

C. American Association of University Professors (AAUP)

The AAUP 2005 report, “Managing Faculty Productivity after Tenure,” <<http://www.aaup.org/issues/tenure/managing-faculty-productivity-after-tenure-2005>> states that “In view of the fact that salary increase decisions are made annually at most institutions, an annual review of faculty performance would be necessary to support these salary increase decisions. If merit pay plans are adopted, the process should be made more transparent. Such transparency will be achieved, in part, by:

- ensuring that salary enhancement programs have clear objectives
- incorporating faculty peer-review committees into the process
- developing and implementing policies by peers
- applying criteria for such increases consistently and fairly
- ensuring appeals procedures to provide additional opportunities for decision-maker(s) to obtain relevant information
- ensuring that merit pay criteria are not used to squelch the speech of faculty.”

D. Feedback from Faculty at ISU

Bonnell, Boser and Jenkins sought feedback from tenured and probationary tenure faculty members across campus. Respondents reported

- spending a range from two hours to more than 40 hours preparing and/or writing their activity reports
- that required elements varied greatly from one department/school to another. Required elements included a CV with a brief 3-page narrative to a dossier including a cover page, table of contents, a CV, lengthy narratives, appendices, future plans, summary of student evaluations, summary of peer evaluations, past DFSC/SFSC evaluations, evidence of an updated productivity report entries into in a third-party activity tracking and reporting e-portfolio system (e.g., Digital Measures, Sedona)
- the presence of an e-portfolio system in a Department/School can add time that does not benefit the individual or the department/school and is duplicative of other required elements of the activity report

The working group surmises that the culture of the department/school, as well as required elements of an activity report, are determining factors in how much time is spent preparing and writing annual activity reports.

WORKING GROUP RECOMMENDATIONS

Based on its findings the URC working group has determined changes are not necessary in the ASPT policies in reference to the three faculty caucus considerations. The working group offers two recommendations for further consideration.

Faculty Caucus Considerations #1 and #2

The working group does not recommend conducting performance evaluations every other year (rather than every year) or annually for probationary faculty but every other year for tenured faculty for the following reasons:

Reason 1—Performance evaluations inform annual salary increment decisions; the absence of annual evaluations would be problematic in distributing salary increments (when salary increments are available).

Reason 2—Annual performance reviews are one of several reviews tenure-track faculty will experience in their academic life. Annual evaluations play an integral role in other reviews: reappointment, promotion, tenure, sabbatical, and post-tenure (ASPT p.3). The absence of annual evaluations could likely affect those reviews.

Since the first edition of ASPT policies in 1979 there have been references to annual evaluations: “Each DFSC will conduct merit evaluations of each tenured and probationary tenure faculty member annually” (X.B.4). Currently, the most substantive references in the ASPT guidelines are found in VII. “Faculty Assignments and Evaluations” and XII.B.3 “Performance Evaluation and Salary Incrementation.”

Reason 3—Annual evaluations are recommended AAUP practice: “In view of the fact that salary increase decisions are made annually at most institutions, an annual review of faculty performance would be necessary to support these salary increase decisions.”

Reason 4—Annual evaluations are standard practice at other universities, including those Illinois State University compares itself against.

Reason 5—Annual evaluations can contribute to high achieving faculty performance in teaching, research and service.

Reason 6—If there were different evaluation practices established for pre- and post-tenured faculty members, new policies would need to be established. Each group would need to provide sufficient information in activity reports to ensure that DFSC/SFSCs could fairly apportion annual merit funds, if available.

Faculty Caucus Consideration #3

The working group does not recommend introducing language to reduce documentation submitted by faculty into ASPT policies.

Reason 1—While feedback from faculty in departments/schools confirms that some faculty spend considerable time preparing their annual papers, not all do. The culture of an individual department/school, as well as required elements of an activity report, are determining factors in how much time is spent preparing and writing annual activity reports.

Reason 2—Current ASPT guidelines encourage flexibility: “Each Department/School is both allowed and expected to design a document that, without violating the intent of the criteria given herein, shapes these criteria to reflect its own identity, mission, and culture” (p.1). Standardizing or mandating the length or required elements of activity reports may inhibit a department/school to reflect its culture.

URC Working Group Recommendation #1

Since department/schools are required to “provide guidance regarding the format and content of activities reports” (VII.D) they should review and revise as necessary policies and procedures (p.18, V.A.5) taking into consideration the time faculty spend in preparing the required elements of their annual activity reports.

Reason 1—According to the ASPT policies, departments/schools are free to set their own performance evaluation policies but face the consequences that result from those policies that may require excessive documentation. Requiring faculty to submit extensive dossiers—especially those that also require submission with duplicative information into third party e-portfolio systems—is not an efficient use of faculty members’ time or that of members of the DFSC/SFSC who are required to review those lengthy dossiers.

Reason 2—Reasonable, clearly written policies and procedures are good practice. Well written guidelines can contribute to evaluations that offer constructive feedback for the professional development of faculty. This feedback can contribute toward better faculty performance and continuing high levels of faculty accomplishment in teaching, research and service throughout an individual’s academic life.

URC Working Group Recommendation #2

In addition to inviting periodic review (V.B.) from faculty in Departments/Schools to discuss DFSC/SFSC policies and procedures regarding activity reporting requirements, there would be value in sharing of individual unit practices in a university-wide setting. Such an opportunity could occur at a chairs/directors meeting or a workshop attended by members of DFSC/SFSCs across campus.

Reason 1—There is significant variation in DFSC/SFSCs policies and procedures. Conversations and dialogue throughout and among departments/schools across the University could help DFSC/SFSCs learn best practices. DFSC/SFSCs could apply these best practices, or at least alternate approaches to collecting and evaluating faculty activity documentation. DFSC/SFSCs could apply these practices while maintaining their own identity, mission, and culture. Rewritten guidelines could help faculty in those departments/schools who spend excessive time preparing and writing their annual activity reports.

4/25/2016
Rev. 5/3/2016
Approved by URC 5/13/16

Appendix

Working Group on Annual Performance Evaluations, Spring 2016

Benchmark Institutions for ISU http://prpa.illinoisstate.edu/data_center/peer_groups/

1. **Ball State University** Annual evaluations used for salary increment, page 98
<http://cms.bsu.edu/-/media/WWW/DepartmentalContent/FacProfHandbook/201516/201516C2.pdf>

2. **Bowling Green State University** Annual review with rolling three-year review to determine merit increases

“The annual merit review will be based upon the accomplishments over the most recent three-year period on a rolling basis, ie., each year new information is added to the file for the most recent year, and information from the oldest year is eliminated from the file. This will help to reduce inequities that can result both from differences in the merit funds available each year and from fluctuations in performance that may occur from year to year.

<http://www.bgsu.edu/arts-and-sciences/philosophy/graduate-program/graduate-student-handbook/philosophy-department/department-policies-and-procedures/iv-annual-faculty-evaluation-and-determination-of-merit.html>

3. **Clemson University** Annual performance evaluations via Faculty Activity System (FAS), Appendices E, F

“An individual's recommended merit increase is based upon the performance evaluation by the chair or director although there may be no precise correlation between the annual faculty evaluation and the amount of salary increase.” page IV-10

“Post Tenure Review Merit salary increments are based on these annual performance reviews.” page IV-8

<http://www.clemson.edu/administration/provost/documents/facultymanual.pdf>, page IV-4

4. **Miami University (Ohio)** Annual evaluations used in determining salary recommendations

“Each tenured and probationary member of the instructional staff shall receive at a minimum a written annual evaluation based at least in part on data supplied by the person in his or her Annual Report of Professional Activities. Evaluations shall serve two functions: (1) to guide the professional development of the person and (2) to record part of the evidence upon which personnel decisions and salary recommendations shall be based.”

<https://blogs.miamioh.edu/miamipolicies/?p=163>

5. and 6. **University of California-Riverside** and **University of California-Santa Cruz** A system of rigorous performance review is linked directly to compensation on salary scales.

“Faculty are reviewed on average every two to three years by faculty peers and administrators.”

“Faculty continue to be reviewed regularly after tenure is conferred. Senior faculty who reach the highest “step” at the professorial level (Professor, Step IX) may receive a special review and be placed “above scale,” where they still undergo regular review but the salary exceeds the maximum salary

designated for the title series. On many UC campuses, these “above scale” faculty are awarded the title of “Distinguished Professor.”

http://www.ucop.edu/academic-personnel-programs/_files/uc-faculty-comp-summary-jun-2014.pdf

Academic Salary Scales

<http://www.ucop.edu/academic-personnel-programs/compensation/2015-16-academic-salary-scales.html>

- 7. University North Carolina-Greensboro** Annual reviews contribute toward merit increases
“Annual reviews should provide a means of recognizing, encouraging, and rewarding faculty performance by means of merit pay increases, when funds are available for this purpose.”

<http://provost.uncg.edu/documents/personnel/posttenurereview.pdf>

8. University of Wisconsin-Milwaukee

“The Departmental Executive Committee shall provide for the periodic review of the performance of every faculty member. These reviews include those for determining annual merit salary increases, contract renewal, tenure and promotion and tenured faculty review.” page 30

<http://www4.uwm.edu/secu/policies/faculty/upload/May2015P-P.pdf>

Sources

Euben, Donna R., and Barbara A. Lee, "Managing Faculty Productivity After Tenure." *American Association of University Professors*. Last modified August 2006.

<http://www.aaup.org/issues/tenure/managing-faculty-productivity-after-tenure-2005>.

Illinois State University. *Illinois State University Faculty Appointment, Salary, Promotion, and Tenure Policies*. Normal, Ill.: Illinois State University, 1979.

[Milner Library, floor 6 [LD2347 .A132](#)]

———. "Tenure Policy (3.2.6)." Last modified April 2012. <http://policy.illinoisstate.edu/employee/3-2-6.shtml>.

———. Planning, Research, and Policy Analysis. "Peer Groups." Accessed February 15, 2016. http://prpa.illinoisstate.edu/data_center/peer_groups/.

CFSC ANNUAL REPORT 2014-2015
NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY

LIST OF TABLES

Tenure Decisions (All Applications)

Tenure Decisions (Early Applications Only)

Promotion Decisions: From Assistant to Associate (All Applications)

Promotion Decisions: From Assistant to Associate (Early Applications Only)

Promotion Decisions: From Associate to Full (All Applications)

Promotion Decisions: From Associate to Full (Early Applications Only)

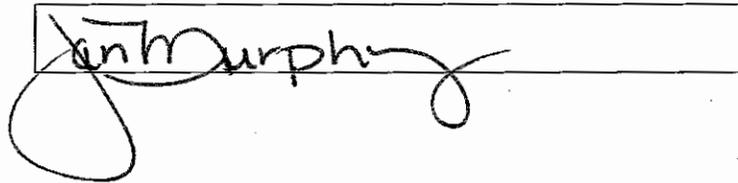
Performance-Evaluated Salary Increment Decisions

Non-Reappointment Decisions and Appeals

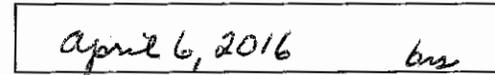
Cumulative Post-Tenure Review Appeals

Performance Evaluation Appeals

DEAN'S SIGNATURE:

A rectangular box containing a handwritten signature in black ink. The signature appears to be "Jen Murphy" with a large, stylized flourish at the end.

DATE:

A rectangular box containing the handwritten date "April 6, 2016" in black ink, followed by the initials "brs" to the right.

CFSC ANNUAL REPORT 2014-2015
NUMERICAL REPORTING ONLY – DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY									
TENURE DECISIONS (All Applications)									
Department/School	DFSC/SFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Agriculture									
Criminal Justice Sciences									
Family and Consumer Sciences	1			1					
Health Sciences	1			1					
Information Technology	1			1					
Kinesiology and Recreation	1			1					
Technology	2			2					
TOTAL	6			6					

CFSC ANNUAL REPORT 2014-2015

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COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY									
TENURE DECISIONS (Early Applications Only)									
Department/School	DFSC/SFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Agriculture	No early applications from CAST								
Criminal Justice Sciences									
Family and Consumer Sciences									
Health Sciences									
Information Technology									
Kinesiology and Recreation									
Technology									
TOTAL									

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COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (All Applications)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Agriculture									
Criminal Justice Sciences									
Family and Consumer Sciences	1			1					
Health Sciences	1			1					
Information Technology	1			1					
Kinesiology and Recreation									
Technology	1			1					
TOTAL	4			4					

CFSC ANNUAL REPORT 2014-2015

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COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (Early Applications Only)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Agriculture	No early applications from CAST								
Criminal Justice Sciences									
Family and Consumer Sciences									
Health Sciences									
Information Technology									
Kinesiology and Recreation									
Technology									
TOTAL									

CFSC ANNUAL REPORT 2014-2015

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COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (All Applications)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Agriculture									
Criminal Justice Sciences	1			1					
Family and Consumer Sciences									
Health Sciences									
Information Technology	2			2					
Kinesiology and Recreation									
Technology									
TOTAL	3			3					

CFSC ANNUAL REPORT 2014-2015

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COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (Early Applications Only)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Agriculture	No early applications from CAST								
Criminal Justice Sciences									
Family and Consumer Sciences									
Health Sciences									
Information Technology									
Kinesiology and Recreation									
Technology									
TOTAL									

CFSC ANNUAL REPORT 2014-2015

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COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY		
PERFORMANCE-EVALUATED SALARY INCREMENT DECISIONS		
Department/School	Number of faculty members recommended for performance-evaluated salary increments	Number of faculty members NOT recommended for performance-evaluated salary increments
Agriculture	7	1
Criminal Justice Sciences	10	0
Family and Consumer Sciences	13	0
Health Sciences	14	1
Information Technology	13	0
Kinesiology and Recreation	18	0
Technology	16	0
TOTAL	91	2

CFSC ANNUAL REPORT 2014-2015
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COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY
NON-REAPPOINTMENT DECISIONS

Do NOT include decisions regarding applications for tenure or promotion in this section. Enter those in sections above.
 Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)

Department /School	Non-reappointed tenure track faculty member (identify by number NOT name)	Number of years served at ISU	Number of years the faculty member had been credited toward tenure at time of hire (0-3)	Disposition of appeal, if applicable
KNR	1	3	0	

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COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY
CUMULATIVE POST-TENURE REVIEW APPEALS

Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)

Department/School	Faculty Member (identify by number NOT name)	Disposition of Appeal

CFSC ANNUAL REPORT 2014-2015

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COLLEGE OF APPLIED SCIENCE AND TECHNOLOGY		
PERFORMANCE-EVALUATION APPEALS		
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Department/School	Faculty Member (identify by number NOT name)	Disposition of Appeal

CFSC ANNUAL REPORT 2015-2016
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COLLEGE OF ARTS AND SCIENCES

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Promotion Decisions: From Associate to Full (Early Applications Only)

Performance-Evaluated Salary Increment Decisions

Non-Reappointment Decisions and Appeals

Cumulative Post-Tenure Review Appeals

Performance Evaluation Appeals

DEAN'S SIGNATURE:



DATE:

6-May-16

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF ARTS AND SCIENCES									
TENURE DECISIONS (All Applications)									
Department/School	DFSC/SFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Biological Sciences									
Chemistry	1			1		0			
Communication	1			1		0			
Communication Sciences and Disorders	1				1	1	1		
Economics									
English									
Geography/Geology	2			2		0			
History	1			1		0			
Languages, Literatures, and Cultures	1			1		0			
Mathematics									
Philosophy									
Physics									
Politics and Government	1			1		0			
Psychology	1			1		0			
Social Work	3			3		0			
Sociology/Anthropology	1			1		0			
TOTAL									

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COLLEGE OF ARTS AND SCIENCES									
TENURE DECISIONS (Early Applications Only)									
Department/School	DFSC/SFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Biological Sciences									
Chemistry									
Communication	1			1		0			
Communication Sciences and Disorders									
Economics									
English									
Geography/Geology	1			1		0			
History									
Languages, Literatures, and Cultures									
Mathematics									
Philosophy									
Physics									
Politics and Government									
Psychology									
Social Work									
Sociology/Anthropology	1			1		0			
TOTAL									

CFSC ANNUAL REPORT 2015-2016

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COLLEGE OF ARTS AND SCIENCES									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (All Applications)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Biological Sciences									
Chemistry	1			1		0			
Communication	1			1		0			
Communication Sciences and Disorders	1				1	1	1		
Economics									
English									
Geography/Geology	2			2		0			
History	1			1		0			
Languages, Literatures, and Cultures	1			1		0			
Mathematics									
Philosophy									
Physics									
Politics and Government	1			1		0			
Psychology	1			1		0			
Social Work	3			3		0			
Sociology/Anthropology	1			1		0			
TOTAL									

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COLLEGE OF ARTS AND SCIENCES									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (Early Applications Only)									
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	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Biological Sciences									
Chemistry									
Communication	1			1		0			
Communication Sciences and Disorders									
Economics									
English									
Geography/Geology	1			1		0			
History									
Languages, Literatures, and Cultures									
Mathematics									
Philosophy									
Physics									
Politics and Government									
Psychology									
Social Work									
Sociology/Anthropology	1			1		0			
TOTAL									

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COLLEGE OF ARTS AND SCIENCES									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (All Applications)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Biological Sciences									
Chemistry	1				1	0		1	
Communication	2			2		0			
Communication Sciences and Disorders									
Economics									
English	4			4		0			
Geography/Geology									
History	3			3		0			
Languages, Literatures, and Cultures	1			1		0			
Mathematics									
Philosophy									
Physics									
Politics and Government									
Psychology	1			1		0			
Social Work									
Sociology/Anthropology	1				1	0			
TOTAL									

CFSC ANNUAL REPORT 2015-2016

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COLLEGE OF ARTS AND SCIENCES									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (Early Applications Only)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
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Biological Sciences									
Chemistry									
Communication									
Communication Sciences and Disorders									
Economics									
English									
Geography/Geology									
History									
Languages, Literatures, and Cultures									
Mathematics									
Philosophy									
Physics									
Politics and Government									
Psychology									
Social Work									
Sociology/Anthropology									
TOTAL									

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COLLEGE OF ARTS AND SCIENCES		
PERFORMANCE-EVALUATED SALARY INCREMENT DECISIONS		
Department/School	Number of faculty members recommended for performance-evaluated salary increments	Number of faculty members NOT recommended for performance-evaluated salary increments
Biological Sciences	26	0
Chemistry	17	0
Communication	20	1
Communication Sciences and Disorders	10	0
Economics	12	0
English	38	0
Geography/Geology	12	0
History	20	1
Languages, Literatures, and Cultures	18	0
Mathematics	26	1
Philosophy	9	0
Physics	10	0
Politics and Government	18	0
Psychology	31	1
Social Work	11	0
Sociology/Anthropology	26	0
TOTAL		

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COLLEGE OF ARTS AND SCIENCES				
NON-REAPPOINTMENT DECISIONS				
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Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)				
Department /School	Non-reappointed tenure track faculty member (identify by number NOT name)	Number of years served at ISU	Number of years the faculty member had been credited toward tenure at time of hire (0-3)	Disposition of appeal, if applicable

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COLLEGE OF ARTS AND SCIENCES		
CUMULATIVE POST-TENURE REVIEW APPEALS		
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Department/School	Faculty Member (identify by number NOT name)	Disposition of Appeal

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COLLEGE OF ARTS AND SCIENCES		
PERFORMANCE-EVALUATION APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
Department/School	Faculty Member (identify by number NOT name)	Disposition of Appeal

CFSC ANNUAL REPORT 2015-2016
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COLLEGE OF BUSINESS

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Promotion Decisions: From Associate to Full (Early Applications Only)

Performance-Evaluated Salary Increment Decisions

Non-Reappointment Decisions and Appeals

Cumulative Post-Tenure Review Appeals

Performance Evaluation Appeals

DEAN'S SIGNATURE:

Jerry McKean

DATE:

4/29/2016

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF BUSINESS									
TENURE DECISIONS (All Applications)									
Department	DFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Accounting	2	0		2	0				
Finance, Insurance, and Law	0								
Management and Quantitative Methods	1	1		2	0		1	0	1
Marketing	0								
TOTAL									

CFSC ANNUAL REPORT 2015-2016

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COLLEGE OF BUSINESS									
TENURE DECISIONS (Early Applications Only)									
Department	DFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Accounting									
Finance, Insurance, and Law									
Management and Quantitative Methods									
Marketing									
TOTAL									

CFSC ANNUAL REPORT 2015-2016

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COLLEGE OF BUSINESS									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (All Applications)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Accounting	1	0		1	0				
Finance, Insurance, and Law									
Management and Quantitative Methods	0	1		1	0		1	0	1
Marketing									
TOTAL									

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF BUSINESS									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (Early Applications Only)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Accounting									
Finance, Insurance, and Law									
Management and Quantitative Methods									
Marketing									
TOTAL									

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF BUSINESS									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (All Applications)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Accounting	1	0		1	0				
Finance, Insurance, and Law	0	1		1	0		1	1	0
Management and Quantitative Methods									
Marketing	2	0		2	0				
TOTAL									

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF BUSINESS									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (Early Applications Only)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Accounting									
Finance, Insurance, and Law									
Management and Quantitative Methods									
Marketing									
TOTAL									

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF BUSINESS		
PERFORMANCE-EVALUATED SALARY INCREMENT DECISIONS		
Department	Number of faculty members recommended for performance-evaluated salary increments	Number of faculty members NOT recommended for performance-evaluated salary increments
Accounting	14	0
Finance, Insurance, and Law	20	0
Management and Quantitative Methods	24	1
Marketing	16	0
TOTAL		

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF BUSINESS				
NON-REAPPOINTMENT DECISIONS				
Do NOT Include decisions regarding applications for tenure or promotion in this section. Enter those in sections above.				
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)				
Department	Non-reappointed tenure track faculty member (identify by number NOT name)	Number of years served at ISU	Number of years the faculty member had been credited toward tenure at time of hire (0-3)	Disposition of appeal, if applicable

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF BUSINESS		
CUMULATIVE POST-TENURE REVIEW APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
Department	Faculty Member (identify by number NOT name)	Disposition of Appeal

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF BUSINESS		
PERFORMANCE-EVALUATION APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
Department	Faculty Member (identify by number NOT name)	Disposition of Appeal

CFSC ANNUAL REPORT 2015-2016
NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION

LIST OF TABLES

Tenure Decisions (All Applications)

Tenure Decisions (Early Applications Only)

Promotion Decisions: From Assistant to Associate (All Applications)

Promotion Decisions: From Assistant to Associate (Early Applications Only)

Promotion Decisions: From Associate to Full (All Applications)

Promotion Decisions: From Associate to Full (Early Applications Only)

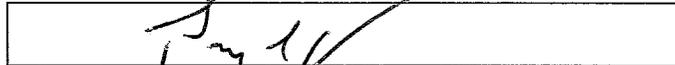
Performance-Evaluated Salary Increment Decisions

Non-Reappointment Decisions and Appeals

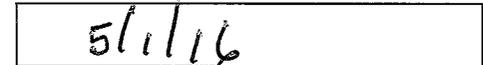
Cumulative Post-Tenure Review Appeals

Performance Evaluation Appeals

DEAN'S SIGNATURE:



DATE:



CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION									
TENURE DECISIONS (All Applications)									
Department/School	DFSC/SFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Teaching and Learning	3	0	0	3	0	1	0	N/A	N/A
Educational Administration and Foundations	1	0	0	1	0	0	0	N/A	N/A
Special Education	3	0	0	3	0	0	0	N/A	N/A
TOTAL	7	0	0	7	0	1	0	N/A	N/A

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION									
TENURE DECISIONS (Early Applications Only)									
Department/School	DFSC/SFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Teaching and Learning	N/A								
Educational Administration and Foundations	N/A								
Special Education	N/A								
TOTAL	N/A								

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (All Applications)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for tenure	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Teaching and Learning	3	0	0	3	0	1	0	N/A	N/A
Educational Administration and Foundations	1	0	0	1	0	0	0	N/A	N/A
Special Education	3	0	0	3	0	0	0	N/A	N/A
TOTAL	7	0	0	7	0	1	0	N/A	N/A

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (Early Applications Only)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Teaching and Learning	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Educational Administration and Foundations	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Special Education	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (All Applications)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Teaching and Learning	4	0	0	4	0	0	0	N/A	N/A
Educational Administration and Foundations	0	0	0	0	0	0	0	N/A	N/A
Special Education	0	0	0	0	0	0	0	N/A	N/A
TOTAL	4	0	0	4	0	0	0	N/A	N/A

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (Early Applications Only)									
Department/School	DFSC/SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC/SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC/SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Teaching and Learning	0	0	N/A	N/A	N/A	N/A	0	N/A	N/A
Educational Administration and Foundations	0	0	N/A	N/A	N/A	N/A	0	N/A	N/A
Special Education	0	0	N/A	N/A	N/A	N/A	0	N/A	N/A
TOTAL	0	N/A	N/A	N/A	N/A	N/A	0	N/A	N/A

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION		
PERFORMANCE-EVALUATED SALARY INCREMENT DECISIONS		
Department/School	Number of faculty members recommended for performance-evaluated salary increments	Number of faculty members NOT recommended for performance-evaluated salary increments
Teaching and Learning	32	2
Educational Administration and Foundations	19	0
Special Education	22	0
TOTAL	73	2

CFSC ANNUAL REPORT 2015-2016
NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION				
NON-REAPPOINTMENT DECISIONS				
Do NOT Include decisions regarding applications for tenure or promotion in this section. Enter those in sections above.				
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)				
Department /School	Non-reappointed tenure track faculty member (identify by number NOT name)	Number of years served at ISU	Number of years the faculty member had been credited toward tenure at time of hire (0-3)	Disposition of appeal, if applicable
Teaching and Learning	1	4	0	N/A

CFSC ANNUAL REPORT 2015-2016
NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION		
CUMULATIVE POST-TENURE REVIEW APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
Department/School	Faculty Member (Identify by number NOT name)	Disposition of Appeal
None		

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF EDUCATION		
PERFORMANCE EVALUATION APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
Department/School	Faculty Member (identify by number NOT name)	Disposition of Appeal
Educational Administration and Foundations	FM1	Waiting for AFEGC process to be completed

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS

LIST OF TABLES

Tenure Decisions (All Applications)

Tenure Decisions (Early Applications Only)

Promotion Decisions: From Assistant to Associate (All Applications)

Promotion Decisions: From Assistant to Associate (Early Applications Only)

Promotion Decisions: From Associate to Full (All Applications)

Promotion Decisions: From Associate to Full (Early Applications Only)

Performance-Evaluated Salary Increment Decisions

Non-Reappointment Decisions and Appeals

Cumulative Post-Tenure Review Appeals

Performance Evaluation Appeals

DEAN'S SIGNATURE:

Jean M. Mull

DATE:

5/2/2016

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY – DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS									
TENURE DECISIONS (All Applications)									
School	SFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by SFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Art	1	0	0	1	0	0			
Music	3	0	0	3	0	0			
Theatre and Dance	1	0	0	1	0	0			
TOTAL	5	0	0	5	0	0			

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS									
TENURE DECISIONS (Early Applications Only)									
School	SFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by SFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Art	0	0	0	n/a	n/a	n/a			
Music	1	0	0	1	0	0			
Theatre and Dance	0	0	0	n/a	n/a	n/a			
TOTAL	1	0	0	1	0	0			

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (All Applications)									
School	SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Art	1	0	0	1	0	0			
Music	2	0	0	2	0	0			
Theatre and Dance	1	0	0	1	0	0			
TOTAL	4	0	0	4	0	0			

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (Early Applications Only)									
School	SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Art	0	0	0	n/a	n/a	n/a			
Music	1	0	0	1	0	0			
Theatre and Dance	0	0	0	n/a	n/a	n/a			
TOTAL	1	0	0	1	0	0			

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY – DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (All Applications)									
School	SFSC Promotion Recommendations			CFSC Promotion Recommendations			Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion	Number of cases in which chair/director made alternate recommendations to those made by SFSC	Number of times CFSC concurred with SFSC recommendations	Number of times CFSC reached alternative recommendations	Number of cases in which dean made alternate recommendations to those made by CFSC		Number recommended for promotion	Number NOT recommended for promotion
Art	0	1	0	1	0	0			
Music	1	0	0	1	0	0			
Theatre and Dance	0	0	0	n/a	n/a	n/a			
TOTAL	1	1	0	2	0	0			

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (Early Applications Only)									
School	SFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by SFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with SFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Art	0	0	0	n/a	n/a	n/a			
Music	0	0	0	n/a	n/a	n/a			
Theatre and Dance	0	0	0	n/a	n/a	n/a			
TOTAL	0	0	0	n/a	n/a	n/a			

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS		
PERFORMANCE-EVALUATED SALARY INCREMENT DECISIONS		
School	Number of faculty members recommended for performance-evaluated salary increments	Number of faculty members NOT recommended for performance-evaluated salary increments
Art	27	0
Music	37	0
Theatre and Dance	18	0
TOTAL	82	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY – DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS				
NON-REAPPOINTMENT DECISIONS				
Do NOT include decisions regarding applications for tenure or promotion in this section. Enter those in sections above.				
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)				
School	Non-reappointed tenure track faculty member (identify by number NOT name)	Number of years served at ISU	Number of years the faculty member had been credited toward tenure at time of hire (0-3)	Disposition of appeal, if applicable
Art	none	n/a	n/a	n/a
Music	none	n/a	n/a	n/a
Theatre and Dance	none	n/a	n/a	n/a

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS		
CUMULATIVE POST-TENURE REVIEW APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
School	Faculty Member (Identify by number NOT name)	Disposition of Appeal
Art	none	n/a
Music	none	n/a
Theatre and Dance	none	n/a

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY – DO NOT IDENTIFY INDIVIDUALS BY NAME

COLLEGE OF FINE ARTS		
PERFORMANCE-EVALUATION APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
School	Faculty Member (Identify by number NOT name)	Disposition of Appeal
Music	FM1	CFSC reworded performance-evaluation letter slightly
Music	FM2	CFSC reworded performance-evaluation letter slightly

CFSC ANNUAL REPORT 2015-2016
NUMERICAL REPORTING ONLY – DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING

LIST OF TABLES

Tenure Decisions (All Applications)

Tenure Decisions (Early Applications Only)

Promotion Decisions: From Assistant to Associate (All Applications)

Promotion Decisions: From Assistant to Associate (Early Applications Only)

Promotion Decisions: From Associate to Full (All Applications)

Promotion Decisions: From Associate to Full (Early Applications Only)

Performance-Evaluated Salary Increment Decisions

Non-Reappointment Decisions and Appeals

Cumulative Post-Tenure Review Appeals

Performance Evaluation Appeals

DEAN'S SIGNATURE:

H. Catherine Miller

DATE:

04/14/2016

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING									
TENURE DECISIONS (All Applications)									
Department	DFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Nursing	2	0	0	2	0	0	0	0	0
TOTAL	2	0	0	2	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING									
TENURE DECISIONS (Early Applications Only)									
Department	DFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Nursing	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (All Applications)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Nursing	2	0	0	2	0	0	0	0	0
TOTAL	2	0	0	2	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (Early Applications Only)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Nursing	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (All Applications)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Nursing	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (Early Applications Only)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Nursing	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY – DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING		
PERFORMANCE-EVALUATED SALARY INCREMENT DECISIONS		
Department	Number of faculty members recommended for performance-evaluated salary increments	Number of faculty members NOT recommended for performance-evaluated salary increments
Nursing	17	0
TOTAL	17	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY – DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING				
NON-REAPPOINTMENT DECISIONS				
Do NOT include decisions regarding applications for tenure or promotion in this section. Enter those in sections above.				
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)				
Department	Non-reappointed tenure track faculty member (identify by number NOT name)	Number of years served at ISU	Number of years the faculty member had been credited toward tenure at time of hire (0-3)	Disposition of appeal, if applicable
Nursing	0			

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING		
CUMULATIVE POST-TENURE REVIEW APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
Department	Faculty Member (Identify by number NOT name)	Disposition of Appeal
Nursing	0	

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MENNONITE COLLEGE OF NURSING PERFORMANCE EVALUATION APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
Department	Faculty Member (Identify by number NOT name)	Disposition of Appeal
Nursing	0	

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LIST OF TABLES

Tenure Decisions (All Applications)

Tenure Decisions (Early Applications Only)

Promotion Decisions: From Assistant to Associate (All Applications)

Promotion Decisions: From Assistant to Associate (Early Applications Only)

Promotion Decisions: From Associate to Full (All Applications)

Promotion Decisions: From Associate to Full (Early Applications Only)

Performance-Evaluated Salary Increment Decisions

Non-Reappointment Decisions and Appeals

Cumulative Post-Tenure Review Appeals

Performance Evaluation Appeals

DEAN'S SIGNATURE:

Dane Ward 

DATE:

21-Apr-16

CFSC ANNUAL REPORT 2015-2016

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MILNER LIBRARY									
TENURE DECISIONS (All Applications)									
Department	DFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Milner Library	0	1	0	0	1	N/A	0	0	0
TOTAL	0	1	0	0	1	N/A	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MILNER LIBRARY									
TENURE DECISIONS (Early Applications Only)									
Department	DFSC Tenure Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Tenure Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of appeals to FRC	FRC Tenure Recommendations	
	Number recommended for tenure	Number NOT recommended for tenure		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for tenure	Number NOT recommended for tenure
Milner Library	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MILNER LIBRARY									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (All Applications)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Milner Library	0	1	0	0	1	N/A	0	0	0
TOTAL	0	1	0	0	1	N/A	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MILNER LIBRARY									
PROMOTION DECISIONS: FROM ASSISTANT TO ASSOCIATE (Early Applications Only)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Milner Library	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MILNER LIBRARY									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (All Applications)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with DFSC recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Milner Library	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MILNER LIBRARY									
PROMOTION DECISIONS: FROM ASSOCIATE TO FULL (Early Applications Only)									
Department	DFSC Promotion Recommendations		Number of cases in which chair/director made alternate recommendations to those made by DFSC	CFSC Promotion Recommendations		Number of cases in which dean made alternate recommendations to those made by CFSC	Number of Appeals to FRC	FRC Promotion Recommendations	
	Number recommended for promotion	Number NOT recommended for promotion		Number of times CFSC concurred with recommendations	Number of times CFSC reached alternative recommendations			Number recommended for promotion	Number NOT recommended for promotion
Milner Library	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MILNER LIBRARY		
PERFORMANCE-EVALUATED SALARY INCREMENT DECISIONS		
Department	Number of faculty members recommended for performance-evaluated salary increments	Number of faculty members NOT recommended for performance-evaluated salary increments
Milner Library	14	1
TOTAL	14	1

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

**MILNER LIBRARY
NON-REAPPOINTMENT DECISIONS**

Do NOT include decisions regarding applications for tenure or promotion in this section. Enter those in sections above.

Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)

Department	Non-reappointed tenure track faculty member (identify by number NOT name)	Number of years served at ISU	Number of years the faculty member had been credited toward tenure at time of hire (0-3)	Disposition of appeal, if applicable
MILNER LIBRARY	0	0	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MILNER LIBRARY		
CUMULATIVE POST-TENURE REVIEW APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
Department	Faculty Member (identify by number NOT name)	Disposition of Appeal
MILNER LIBRARY	0	0

CFSC ANNUAL REPORT 2015-2016

NUMERICAL REPORTING ONLY -- DO NOT IDENTIFY INDIVIDUALS BY NAME

MILNER LIBRARY		
PERFORMANCE-EVALUATION APPEALS		
Identify each faculty member on a separate line by a random number you assign, NOT BY NAME (FM 1, FM 2, etc.)		
Department	Faculty Member (Identify by number NOT name)	Disposition of Appeal
MILNER LIBRARY	FM1	Denied/Not Supported

FACULTY REVIEW COMMITTEE

MEMORANDUM

TO: Doris Houston, Chairperson, University Review Committee

FROM: Scott Rankin, Chairperson, Faculty Review Committee

DATE: May 9, 2016

RE: Report to the University Review Committee regarding appeals considered by the Faculty Review Committee in 2015-2016



Section III.F of the university ASPT document requires the Faculty Review Committee to annually submit a final report to the University Review Committee summarizing the number of appeals considered by the Faculty Review Committee during the academic year by department/school and college, the type of appeals, and the disposition of the appeals. During the 2015-2016 ASPT cycle the Faculty Review Committee considered four appeals:

College	Department/School	Type of Appeal	FRC Disposition
College of Arts and Sciences	Department of Chemistry	Appeal of a negative CFSC recommendation regarding an application for promotion from Associate Professor to Professor	Recommended FOR promotion to Professor (unanimous)
College of Arts and Sciences	Department of Communication Sciences and Disorders	Appeal of a negative CFSC recommendation regarding an application for tenure and promotion from Assistant Professor to Associate Professor	Recommended FOR tenure and promotion from Assistant Professor to Associate Professor (unanimous)
College of Business	Department of Finance, Insurance, and Law	Appeal of a negative CFSC recommendation regarding an application for promotion from Associate Professor to Professor	Recommended FOR promotion to Professor (6-1)
College of Business	Department of Management and Quantitative Methods	Appeal of a negative CFSC recommendation regarding an application for tenure and promotion from Assistant Professor to Associate Professor	Recommended AGAINST tenure and promotion from Assistant Professor to Associate Professor (unanimous)

Please let me know if the University Review Committee requires additional information.

/brs

UNIVERSITY REVIEW COMMITTEE

Thursday, October 6, 2016
2 p.m., Hovey 105

MINUTES

Members present: Rick Boser, Sam Catanzaro, Diane Dean, Joe Goodman, Christopher Horvath (joined the meeting at 2:35 p.m.), Doris Houston, Sheryl Jenkins

Members not present: Angela Bonnell, Sarah Smelser

Others present: Bruce Stoffel (recorder)

I. Call to order

Chairperson Diane Dean called the meeting to order at 2:05 p.m. Dean asked how many members are needed for a quorum. Bruce Stoffel responded that five members (excluding Sam Catanzaro, who is a non-voting member) are needed. A quorum was present.

II. Approval of minutes from the September 20, 2016 meeting

Joe Goodman moved approval of the minutes from the September 20, 2016 meeting as distributed prior to the meeting. Doris Houston seconded the motion. The motion carried on voice vote, with four voting aye and one abstaining (Rick Boser).

III. Review of the charge from the Academic Senate; URC plan of work for 2016-2017

Dean recapped the discussion at the September 20, 2016 URC meeting regarding issues to be addressed by the committee in 2016-2017 and offered her recommendations for their prioritization.

Dean suggested that responding to the Faculty Caucus (the “Caucus”) regarding the proposed disciplinary articles should be the top priority of the committee this academic year. She recommended that the committee finalize its recommendations regarding the policies this fall and report the recommendations to the Caucus in time for the Caucus to discuss them at its December (7) meeting. Dean reported having consulted with Academic Senate/Faculty Caucus Chairperson Susan Kalter about this matter. Dean reported that Kalter does not intend to have the disciplinary articles approved in time for them to take effect January 1, 2017 (the effective date of the ASPT document approved by the Caucus in spring 2016). Kalter instead prefers to allow sufficient time for faculty to become familiar with the disciplinary policies, Dean said.

Dean suggested that the second priority for URC should be review of the Academic Freedom Ethics and Grievance Committee (“AFEGC”) policies, particularly their scope relative to ASPT policies (including the proposed disciplinary articles). Dean suggested that URC consider the disciplinary articles and the AFEGC policies concurrently. Dean noted that AFEGC policies were revised last academic year and that review of the policies is expected to continue this academic year. Dean said she will ask Kalter for the newly revised AFEGC policies and any additional changes under consideration.

A third priority, Dean said, is for URC to review and approve revisions to college ASPT standards made by colleges to align with the new ASPT document. She suggested asking deans to submit their revised standards to URC by November to provide URC sufficient time to review them and provide feedback. Because college standards need to be aligned with the ASPT document by January 1, 2017, URC may need to set aside its discussion of the disciplinary policies and AFEGC policies if necessary for colleges to meet that deadline.

Dean said there are several committee issues she recommends deferring to spring 2017. They include any URC work related to work of the equity review task force, which is expected to be organized in spring 2017 once a new Office of Equal Opportunity and Access director has been hired and has had time to familiarize himself or herself with the University; submission to the Caucus of URC subgroup reports approved by URC in spring 2016; review of the university policy regarding salary adjustments; and organization of a new URC subgroup to study ASPT policies regarding service assignments. Stoffel reminded the committee that the URC subgroup that last spring studied the issue of student feedback regarding teaching evaluation is scheduled to continue its work this academic year. He added that Christopher Horvath and Sarah Smelser have volunteered to participate in the effort. Houston recommended that report appendices be included with URC subgroup reports when they are sent to the Caucus next spring, as they include information that can help inform the Caucus discussions. Dean agreed.

Sheryl Jenkins asked if changes to the disciplinary articles suggested by the Caucus are typical with respect to their extent. Catanzaro reported that the numerous changes are based on extensive Caucus discussions last academic year. Dean said that URC can take its time to carefully consider each Caucus suggestion now that URC knows that the Caucus is not likely to take action on the articles until January 2017 at the earliest, adding that URC does not have to agree with every Caucus suggestion. Dean reminded committee members of the important role URC has played in this issue by compiling an initial draft of the disciplinary articles for Caucus discussion.

Houston asked if a timeline of URC work reflecting priorities for fall and spring could be developed. Dean said she would draft one.

IV. Proposed ASPT disciplinary articles

Boser asked how the disciplinary articles (as considered by the Caucus on September 14, 2016) had been rewritten (from the version submitted by URC to the Caucus last year). Catanzaro responded that Kalter authored the rewrite based on suggestions made by Caucus members when the articles were discussed last academic year as information items.

Dean recommended that, since revisions suggested by the Caucus are extensive, URC might first identify broad themes or streams of thought reflected in the revisions. She said one major theme she has noted is the balance between rights of the administration and rights of faculty members. Goodman said the presence and role of legal counsel is another recurring theme. Dean observed that a significant change made by the Caucus from the version of the disciplinary articles recommended by URC is introduction of AFEGC as a review body.

Dean reported that many Caucus members have expressed a preference for retaining the oral reprimand in the progression of sanctions (XII.A). But, she added, while recognizing the importance of documenting such conversations, some Caucus members have questioned the appropriateness of documenting a reprimand that has been issued orally. Goodman said it is common practice in human resources to document when the oral reprimand has been issued but not the content of the reprimand. Expressing agreement with that approach, Catanzaro said it is important to document that an oral reprimand has been issued otherwise a pattern of behavior might not later be recognized. Dean said that in considering whether oral reprimands of faculty should be documented, she thinks about her approach to academic dishonesty involving her students. She said she reports instances of academic dishonesty regardless of their extent in case the same student commits acts of academic dishonesty in other courses.

A related issue, Dean said, is whether review committees (DFSCs, SFSCs, and CFSCs) should have access to documentation of disciplinary actions and, if so, how that documentation should be considered by the committees in the faculty review process. She referred committee members to Section XI.B.5. This matter needs to be scrutinized to ensure that faculty members are not placed in double jeopardy, she said.

Organization of articles related to discipline and termination

Dean reported that Kalter has asked URC to consider whether non-disciplinary types of dismissal such as non-reappointment should be addressed in the same article as discipline-related dismissal or if each should be addressed in a separate article. Catanzaro explained that past practice has been to address all types of dismissal in one article. He explained that the article in the current ASPT document (Article XI: Termination of Appointment of Probationary and Tenured Faculty) refers to dismissal for cause and states that procedures and standards for dismissal should adhere to principles set forth in American Association of University Professors' documents. But with the emergence of the multiple discipline-related articles proposed by URC, Catanzaro said it might be time to address the two types of dismissal in separate articles while being careful about the terminology used to identify and describe the two and also being cognizant that there will always be circumstances that do not fit neatly in either article. Cross references could be made between the two, he suggested. [Horvath joined the meeting at this time.] Goodman said that whatever URC recommends, the committee needs to make sure the ASPT document protects faculty members' rights to due process.

Jenkins said that if she were to lose her job due to exigency she would not want disciplinary procedures to apply. Dean said the same could be said for dismissal due to program termination. Catanzaro added that it would not be appropriate to categorize a situation in which fit is the issue as a disciplinary matter in the faculty member's record.

Dean asked committee members to consider terminology that could be used to distinguish dismissal for cause from non-disciplinary dismissal. Perhaps the word "termination" should only be used in cases of discipline for cause, Houston offered.

Catanzaro suggested distinguishing between non-reappointment of probationary faculty for insufficient progress toward tenure, termination due to program elimination, termination due to financial exigency, and dismissal for cause. Horvath recommended addressing the first three together and addressing dismissal for cause separately. He added that, regardless of type, all dismissal decisions should be faculty-involved decisions; dismissal exclusively by administration would not be acceptable. Catanzaro agreed.

Goodman said he is concerned that addressing the two types of dismissal in separate articles could create redundancies in the ASPT document. Horvath noted that appeals processes for termination and non-reappointment differ, so setting forth both in the same article might be more confusing than addressing them in separate articles. Goodman said he is also concerned that a chairperson might try to use progressive discipline to dismiss a faculty member when that chairperson should follow non-reappointment or tenure processes. Horvath noted that using progressive discipline in that manner would be an ethics violation. He said AFEGC dealt with such a complaint when he served on that committee.

Dean asked for a motion regarding the issue. Horvath moved to separate dismissal policies in the ASPT document into a section on termination for cause and a section on non-reappointment. Houston seconded the motion. The motion passed on voice vote, all voting in the affirmative.

Review of proposed Article XI: General Considerations

Dean proposed deferring review of general considerations, to instead discuss AFEGC and ASPT.

Working group re AFEGC/ASPT

Dean asked committee members if they want to form a working group to study involvement of AFEGC in ASPT matters, including AFEGC serving as an appellate body in dismissal cases as has been proposed in the version of the dismissal article sent to URC by the Caucus. The working group would be asked to consider references to AFEGC in the ASPT document but also references to ASPT in AFEGC policies.

Horvath noted that having the dismissal appeals process involve AFEGC would change the role of AFEGC. He asked if that concern has been raised by Kalter in addition to concerns about clarity of AFEGC procedures. Dean replied that they have.

Horvath said that, having chaired AFEGC for two years, he is familiar with AFEGC procedures and would be willing to serve on an AFEGC/ASPT working group. Goodman volunteered to join Horvath on the group. Dean said she will also ask committee members not present at this meeting if they have interest in participating. Dean said she plans to periodically check in with the working group, as being knowledgeable about its discussions could aid her committee work.

Dean said that the working group will need to complete its review before URC can finalize its recommendations to the Caucus regarding the disciplinary articles. Boser reminded committee members that AFEGC continues to consider changes to its policies, which could complicate timing of the working group review and URC action.

Houston asked if any university policies include mediation language that might be useful to the working group. Catanzaro responded that AFEGC policies include two paths to informal resolution, one involving an elected member of AFEGC and another involving the ombuds council, however neither really involves mediation. He added that ASPT policies state that informal conversations between the faculty member and chairperson should occur to determine if a mutually agreeable solution can be reached, however there are no rules for how such informal conversations are to occur.

Goodman asked if the Provost's office can reject whatever URC recommends regarding the disciplinary articles. Catanzaro explained that the president ultimately approves ASPT policies. Catanzaro said one of his roles on URC is to provide the perspective of the administration while policies are being drafted. He added that university legal counsel will also be asked to review and provide input regarding committee and Caucus recommendations. Catanzaro suggested that legal counsel would likely be willing to meet with URC to discuss legal matters such as notice and due process if the committee asks her to do so. Dean said that would be a good idea.

Dean proposed that URC start its discussion regarding dismissal at its next meeting with consideration of non-disciplinary termination. If there is time, the committee can then begin its discussion of general considerations (Article XI), she said.

Boser asked for clarification regarding the numbering of the disciplinary articles in the version the Caucus has asked URC to review. He noted that the article beginning on page 13 of the document (see attached) is numbered XI but is the second passage in the document so numbered. Catanzaro explained that the article starting on page 13 is numbered XI because the article in the current ASPT document on which it is based is numbered XI. Houston said she recalls it being stated during Caucus discussions that article numbering would not change until disciplinary articles are approved by the Caucus.

V. Other business

There was none.

VI. Adjournment

The committee adjourned by acclamation at 3:05 p.m.

Respectfully submitted,
Joseph Goodman, Secretary
Bruce Stoffel, Recorder

Attachments:

Disciplinary actions: Articles XI-XIV as considered by Faculty Caucus on September 14, 2016 (includes comments and proposed revisions by Dr. Susan Kalter)

Disciplinary Actions

XI. General Considerations

A. Types of Disciplinary Actions; Conditions under which they may be applied

1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal.
2. Sanctions: As defined by the American Association of University Professors' 1971 guidelines regarding progressive discipline, sanctions that can be imposed upon a faculty member are: oral reprimand, written reprimand, recorded reprimand, requirement to make restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period, and disciplinary suspension for a stated period without other prejudice.

Sanctions may be imposed for such ~~adequate causes~~ reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices.

Specific policies related to sanctions are provided in ASPT XII.

3. Suspension: Suspension occurs when a faculty member, as a result of disciplinary findings or allegations, is:
 - a. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University and is excluded from all or parts of campus and its privileges (e.g. access to email services); or
 - b. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University but is not excluded from campus; or
 - c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or
 - d. reassigned out of some portion thereof (e.g. reassignment out of a particular class for the remainder of a semester; exclusion from a laboratory space). ~~The faculty member could be on paid or unpaid status.~~

~~Specific policies related to suspensions are provided in ASPT XIII.~~

~~It is understood that suspension (with or without pay)~~ Suspension of faculty members will only be contemplated (i) in circumstances when there is a

Comment [SC1]: This entire major section, which comprises Articles XI through XIV, is almost entirely new. Initiated at the request of former Academic Senate Chair Dan Holland, these articles have been through several iterations over two academic years (2013-14 and 2015-16) with feedback from both Faculty Affairs Committee of the Senate and University Review Committee and input from General Counsel.

Flow Charts for Sanctions, Suspensions, and Tenured Faculty Dismissals added as Appendices 5 through 7, respectively.

Comment [SK2]: This draft reflects changes recommended by the Faculty Caucus during the 2015-16 academic year. Note that in SC1 above, 2015-16 is a typo for 2014-15.

Comment [SK3]: It seems wise to isolate the use of the term "cause" to the sections on dismissal.

reasonable threat of imminent harm to ~~the University, including~~ the faculty member in question, students, ~~and~~ other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice, 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.

Specific policies related to the first type of suspension are provided in ASPT XIII. The second type of suspension follows the same process as described for dismissal in ASPT XIV, with due consideration to the protections provided for in ASPT XIII, and may be proposed as an alternative to dismissal or as a penalty unrelated to dismissal.

4. Dismissal as a disciplinary action: Dismissal is the termination of the appointment of a probationary or tenured faculty member for cause. Dismissal for cause of a probationary faculty member must be distinguished from non-reappointment for academic reasons and follows different procedures.

Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.

As noted in the AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (last updated in 1990), “A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur.” The statement goes on to indicate that a “necessary precondition of a strong faculty is that it have first-hand concern with its own membership [which] is properly reflected both in appointments to and in separations from the faculty body” and that the “faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.”

Dismissal of a probationary or 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.

Specific policies related to ~~termination of tenured faculty appointments~~ dismissal are provided in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents

Comment [SC4]: This text appears in the Beige Book as ASPT Policy XI.B.1.

and all applicable policies including the right of appeal.~~B.~~

5. Note regarding dismissals that might be considered under non-disciplinary circumstances: Termination of a faculty member's appointment due to financial exigency or program termination will follow the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B.2), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal, and must not be used, construed or disguised as a disciplinary action process. Faculty may appeal termination proceedings on the basis that disciplinary issues are being alleged in order to effect a dismissal for reasons of financial exigency or program termination, or vice versa.

Non-disciplinary termination of a faculty member's appointment on the grounds either of lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher or failure to perform assigned duties in a manner consonant with professional standards also follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal.

B. Faculty Rights

1. Disciplinary actions (including suspension or ~~termination~~dismissal for disciplinary reasons) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the ISU Constitution, Article III, the Academic Freedom Ethics and Grievance policy and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy.
2. Suspension, as defined in XI.A.3, shall not be effected without a recommendation to the President from a three-member hearing committee of the Academic Freedom, Ethics, and Grievance Committee convened by the chairperson of that committee. The written recommendation from the hearing committee shall including i) a recommendation for or against suspension, ii) a recommendation regarding the length of any recommended suspension, and iii) recommendations regarding other aspects of any recommended suspension, including the nature and scope of the suspension (e.g. restriction only from a single course, banishment from campus pending felony criminal investigation, etc.). If immediate action must be taken due to a reasonable threat of imminent harm, consultation with the AFEGC must occur within 24 hours and a preliminary written recommendation formulated within 3 business days. The faculty member shall have the same rights to a full hearing and set of appeals as in other AFEGC cases.

3. In all disciplinary proceedings, faculty members have the rights to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process, ~~and~~. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member ~~only~~ and to no other party.

Comment [SK5]: Place here the right to have counsel speak in suspension cases or just in general? Perhaps "The faculty member shall normally speak for themselves, but may elect to authorize their advisor or representative to present oral or written arguments."

~~Faculty members' duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed. The reasons for such reassignment of duties will be provided to the faculty member. Such reassignments shall be made to prevent reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings.~~

Comment [SK6]: I don't think we will need to come back to this one, as the University Counsel may always advise the President upon his/her receipt of AFEGC recommendation. The President's role is to weigh legal advice against the advice of the faculty and to determine which should carry the most weight if there is any conflict.

4. Probationary faculty who face disciplinary actions and are either whether exonerated or not ~~or required to complete corrective actions~~ may request a one year "stop-the-clock" extension of their probationary period, as described in IX.B.3.

Comment [SK7]: AAUP strongly recommends against the "corrective actions" idea, since they can create conditions of indefinite suspension without academic due process, and therefore become tantamount to dismissal once again. In any case, if someone is required to complete corrective actions, they have been found to be sanctionable, so just make this a general statement.

5. The records of the disciplinary process, including documentation of exoneration and completion of any required corrective actions ~~and/or imposition of sanctions~~, may not be reviewed in the tenure and/or promotion process except when necessary to affirm exoneration or imposition of sanctions, and then only as it bears on the faculty member's performance in teaching, research, and service. The purpose of such review will be to ensure that only the documented facts of the individual's exoneration and/or ~~corrective actions~~ sanctions are considered and not held against the faculty member.

Comment [SK8]: Problem of double jeopardy, see minutes from Sept 23, 2016, page 15, Senate chair's comment

- 4-6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that they might need to exonerate themselves; if access to such material poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense.

This wording "and not held against the faculty member" is not quite right. Can we find wording that prevents tenure denial as a type of dismissal for cause after a person has already been disciplined in a lesser way and corrected their behavior, but that allows consideration of a continuing pattern of unacceptable behaviour?

XII. Sanctions

A. Sanctions shall be considered in order from the most minor (oral reprimand) to the most major (limited term suspension without other prejudice, including temporary reassignment). The American Association of University Professors' 1971 guidelines regarding progressive discipline shall be followed, which rank sanctions in minor to major order as follows: ~~include oral and written reprimand, fines, reduction in salary, and requirement of corrective action.~~

1. Oral reprimand
2. Written reprimand
3. Recorded reprimand
4. Restitution
5. Loss of prospective benefits for a stated period
6. Fine
7. Reduction in salary for a stated period
8. Suspension for a stated period without other prejudice

The fifth sanction in this guideline regarding progressive discipline—loss of prospective benefits for a stated period—applies only to benefits provided by the department/school, college, or university and cannot be applied to pension, healthcare, or other benefits provided by the state of Illinois.

The eighth sanction in this guideline regarding progressive discipline—suspension for a stated period without other prejudice—may only be effected through the procedures described in XIV with regard to dismissal and must include recommendations by a hearing committee of the Academic Freedom, Ethics, and Grievance Committee. The President has final authority in all such cases.

Demotion in rank may only be considered as a possible sanction through a due process proceeding, generally following similar committee steps as the promotion or appointment, if promotion to or appointment at the associate professor level was found to have been obtained by fraud or academic dishonesty. Such cases as involve fraud or dishonesty in scholarly and creative productivity should be adjudicated through the Integrity in Research and Scholarly Activities policy.

In general, effort should be made to apply the most minor sanction likely to effect a change of behaviour; repeated cause for discipline will in certain circumstances merit increased severity of sanction, though it should not be assumed that it will in every case.

While chairs/directors may engage in informal instructional or corrective conversations with faculty in their departments/schools, formal oral reprimands are the purview of the ASPT process, may not be issued without DFSC/SFSC approval, and will be conducted in the presence of the DFSC.

Sanctions may be initiated by the appropriate College Dean or the Provost, or by a DFSC/SFSC.

Comment [SK9]: The 2015-16 Faculty Caucus deliberated oral discipline at length on February 3. The recommendation at that time was to remove “oral reprimand” from the list of sanctions. We could do so. However, it seems better in retrospect to this Senate chairperson to maintain consistency with the AAUP and to differentiate informal oral instructive or corrective one-on-one conversations from formal oral reprimands through the presence of the DFSC as witness/deliverer of any formal reprimand. Individual departments/schools may choose never to invoke the oral reprimand and can move directly to written reprimand on the first offense that rises to that level. Leaving the option in for this lowest level formal sanction would help protect faculty members from having an inappropriately high level of sanction applied.

Senator Clark asked after the meeting if oral directives as distinct from oral reprimands could be clarified, as they would fall under “informal” conversations. It is not clear, however, whether these would be considered “instructional” or merely “corrective,” as a “directive” implies that the chair as a supervisor can prohibit a faculty member from doing something or require that person to do something. We’ll need to discuss further to see what Faculty Caucus, URC, and Legal think, as well as whether that language (“oral directive”) needs to be added to the informal side of the equation here.

~~The Dean or Provost may initiate sanctions upon receipt of a substantiated finding of violation from University Ethics Officer, for violations of the State Ethics Act and other relevant laws; the Academic Freedom, Ethics, and Grievance Committee, for violations of academic freedom or the Code of Ethics; the Office of Equal Opportunity, Ethics, and Access, for violations of the Anti-Harassment and Anti-Discrimination Policy; or the Associate Vice President for Research, for violations of the Integrity in Research and Scholarly Activities policy. Disciplinary action will not be implemented until all appeals as provided for in the relevant policies are exhausted. When the recommendation to initiate disciplinary action comes from the Dean or the Provost, the faculty member and the DFSC/SFSC shall be informed in writing of the 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.~~

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

B. A proposal to deliberate the appropriateness of a sanction may be presented to the DFSC/SFSC by its chairperson under the following circumstances.

1. Receipt from the University Ethics Officer of a substantiated finding of violation of the State Ethics Act and/or other relevant laws, following opportunity to appeal the finding to the relevant state agency (e.g. Office of the Executive Inspector General for State Ethics Act violations);
2. Receipt from the Office of Equal Opportunity, Ethics, and Access of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy, following opportunity to exhaust all university and state-level appeals;
3. The chairperson has otherwise become aware of credible evidence potentially substantiating cause for a sanction as described in XI.A.2, unrelated to suspension due to reasonable threat of imminent harm and short of dismissal.

Following notice to the faculty member and deliberations, including a meeting with the faculty member, the DFSC shall provide to the faculty member their decision regarding whether a sanction should or should not be imposed, including any minority reports. Unless no reprimand or an oral reprimand is recommended, this notification shall be in writing. Should suspension as defined in XI.A.3 be recommended, a hearing committee of the Academic Freedom, Ethics and Grievance Committee must confirm this recommendation prior to its being effected.

Comment [SK10]: The AFEGC process has already provided for academic due process, so should not be included here as though the judgment of their body or bodies can be readjudicated by a DFSC. If needed, place in the AFEGC policy mention of power of HC, AHC, and FC to recommend minor and major sanctions to the Provost. If needed, place in this policy the ability for the Provost to obtain other advice regarding recommended sanctions, but we should exercise caution here as the entire AFEGC process up to this point has excluded parties from the faculty member's college involved in the complaint.

Comment [SK11]: The IRSA policy provides for thorough academic due process, so should not be included here as though the judgment of those bodies can be readjudicated by a DFSC. Mention of who has the power to recommend sanctions is already in the IRSA policy. Possibly we might need to consider adding that appeal of sanctions (only) to AFEGC on academic freedom grounds is permissible, suspension required to go through AFEGC, and dismissal required to go through DFSC/IRC/FRC.

~~A.C.~~ No sanctions may be implemented until all appeals relevant to the policies in question are exhausted. The appeals procedure for sanctions short of suspension and dismissal shall follow the same steps as the appeals procedure for performance evaluations, with a similar timeline and including provisions for appeal to the Academic Freedom, Ethics and Grievance Committee initiated by the CFSC or the faculty member.

~~B.D.~~ Once academic due process leading to a sanction short of suspension or dismissal has been exhausted, the ~~A~~ application of any sanctions other than oral reprimand will be communicated to the faculty member in writing by the Chair/Director of the Department/School, who shall also convey this written communication to the Dean and the Provost in writing. If a DFSC has received a finding according to XII.B.1 or XII.B.2 and imposed no sanctions or an oral reprimand, the chair will verbally communicate that result to the Dean. In such cases, the Dean may initiate a review of the decision of the DFSC by the CFSC and the CFSC may either demote or increase the recommended sanction if it is widely inconsistent with university standards. The final results of all department/school and college deliberations regarding findings under XII.B.1 and XII.B.2 shall be reported to the Provost and copied to the personnel/ASPT file, by the Provost, who shall also inform the Chair/Director and Dean. If the sanctions include corrective actions, the requirements of these corrective actions, including timeline and acceptable documentation will be described in the same written communication and copied to the personnel/ASPT file. The faculty member may request, and shall receive, clarification of such requirements.

Comment [SK12]: We may soon be making changes based on URC recommendations to Policy 3.1.29 Right of Access to Personnel Files. This line should be conformed to any relevant changes.

XIII. Faculty Suspensions

A. All parties involved in a proposed faculty suspension should refer to the definitions in Section XI.A.3 and to the faculty rights listed in Section XI.B.

~~A.B.~~ Because suspension without academic due process is tantamount to summary dismissal, only the President of the University may authorize the full or partial suspension of a faculty member. Faculty members may only be suspended for a specified time period, and upon a written recommendation by the Academic Freedom, Ethics, and Grievance Committee, or with requirements of corrective action to be completed prior to reinstatement, or as a preliminary step toward termination of appointment/dismissal for cause (see XIV). If the President determines that a suspension is warranted despite a recommendation against it by the Academic Freedom, Ethics, and Grievance Committee, he or she must furnish a written rationale to the faculty member, the AFEGC hearing committee, and the AFEGC chairperson.

~~B. 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, other employees, and the institution itself.~~

Comment [SK13]: This is already stated in XI.B.3. No need to restate.

Comment [SK14]: The ability to protect people and property against imminent harm is already stated in XI.B.2. No need to restate.

C. A suspension may only be imposed upon a faculty member prior to the start of academic due process proceedings under the conditions described in Section XI.B.2.

D. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will only occur after the process described in XIII.E.D, or in XIV, if applicable, is completed and all appeals or related grievances are adjudicated. In extraordinary cases when there is evidence that the faculty member has abandoned professional duties or is unable to fulfill such duties, a temporary suspension without pay may be instituted prior to completion of the University's process. Individuals suspended without pay and subsequently exonerated may seek compensation.

~~C.E.~~ Procedural Considerations Related to Suspension

1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated in XIII.E.2 through XIII.E.6. However, the Chairperson of the Academic Freedom, Ethics, and Grievance Committee ~~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~~ Chairperson of the Academic Freedom, Ethics, and Grievance Committee 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.
2. Within 5 business days of an allegation that might lead to suspension or has led to suspension under XI.B.2, there shall be informal discussion

between the faculty member, and either the Chair/Director, the Dean, ~~and the~~ Provost, or their ~~Provost's~~ designees. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is also deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). ~~the Provost's designee will not be an attorney for the University, though there may be exceptions.~~ The intention of this discussion will be to develop a mutually agreeable solution that ensures safety for the University community and educational success of students. This mutually agreeable solution could result in a suspension ~~or a re-assignment of duties~~ as defined in Sections XI.A.3.i, XI.A.3.ii, XI.A.3.iii, or XI.A.3.iv.

3. Suspension will only be in effect during the informal discussion stage upon recommendation by the Academic Freedom, Ethics, and Grievance Committee, subject to the terms listed under XI.A.3, XI.B.2, and XIII.B. ~~While discussion is ongoing, the University reserves the right to temporarily re-assign a faculty member from any or all duties, including teaching, in order to prevent harm to the University or members of its community; when required by law; or when necessitated by pending criminal investigation or legal proceedings. (See XI.C.)~~
4. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university. A mutually agreeable solution should be finalized within 5 business days of initiation of discussion. However, if the parties mutually agree in writing, this period may be extended if such extension would make agreeing to a solution likely. Such an agreement will be communicated to the Dean and Provost within 5 business days of the initiation of discussion.
5. If a mutually agreeable solution cannot be found, whether or not ~~and if the~~ President following the preliminary consultation with the hearing committee of the Academic Freedom, Ethics, and Grievance Committee has determined ~~is determined~~ that suspension is necessary or should be extended, then the following process will take place: a full hearing with the AFEGC with opportunity to appeal shall take place.
~~The Chair/Director will consult with DFSC/SFSC. Such consultation will entail informing the DFSC/SFSC of the areas of concern and the reasons why suspension is indicated. Such consultation will include review of relevant documentation/information (e.g., past performance evaluations; investigation report) and/or advice of Legal Counsel.~~

~~The faculty member shall be notified in writing of the consultation with the DFSC/SFSC, including the reasons why suspension 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.~~

~~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, and any recommendations made by the DFSC/SFSC, shall be completed within 10 business days.~~

~~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, Dean, and Provost within 5 business days. The DFSC/SFSC shall be informed of the decision. If the reasons for the suspension also constitute adequate cause for dismissal as described below and in XIV.B.1, the written notice shall so indicate, and the dismissal procedures delineated below shall commence.~~

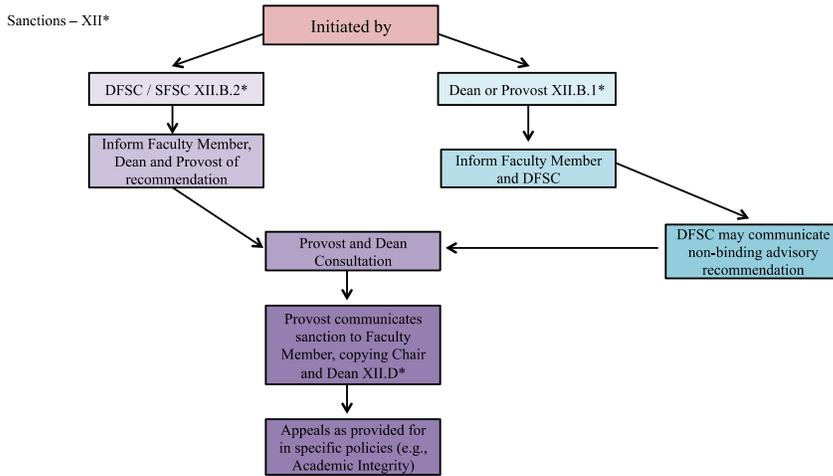
6. A suspended faculty member may appeal through the ordinary AFEGC process, which includes appeal to the President as a final step, within 10 business days of the written notice from the Chair/Director. Such appeal must be made in writing, with copies provided to the Chair/Director, Dean, and Provost. Appeals may be based on substantive or procedural grounds. The President shall rule on the any final appeal or final recommendation within 21 business days.

~~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.~~

7. A faculty members who are may be suspended during dismissal proceedings only if the imminent harm standard in XI.A.3 applies. Faculty members will retain their right to academic due process throughout the dismissal proceedings, which shall follow the principles and steps described below independently with respect to suspension proceedings and dismissal proceedings.

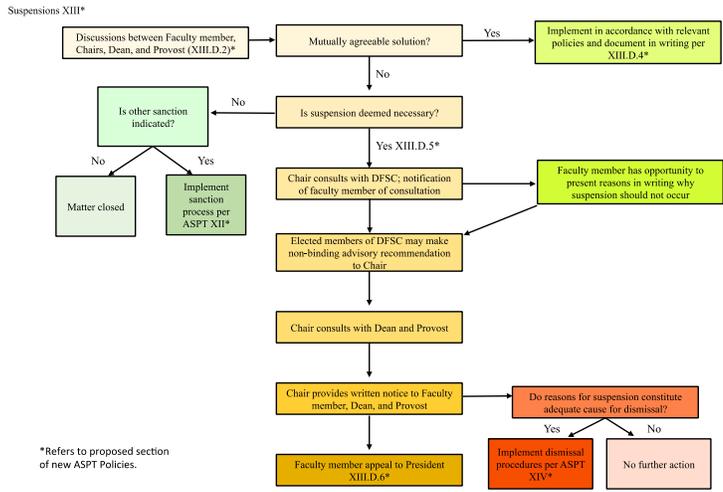
~~D.F.~~ Suspensions may not be of indefinite duration and their duration may not be contingent upon the faculty member performing other corrective actions. Suspension must be followed by reinstatement unless the faculty member has been dismissed following the academic due process described in XIV. Ordinarily, a suspension shall be for no longer than 6 calendar months.

**APPENDIX 5
Overview of the Sanctions Process**



*Refers to proposed section of new ASPT Policies.

APPENDIX 6 Overview of the Suspension Process



XI. Termination of Appointment of Probationary and Tenured Faculty

A. Non-reappointment of a Probationary Faculty Member

1. A recommendation for the non-reappointment of a faculty member during the probationary period must follow the regulations of the Board of Trustees and the ISU Constitution. Recommendations for non-reappointment 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 non-reappointment in writing to the faculty member, the Dean, and the Provost. Non-reappointment can also be the result of a negative tenure recommendation. Official notices of non-reappointment, 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 XI.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~~ follow the provisions of Article XIII.K.
 - d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provisions of Article XIII.G and XIII.H.
2. Notice of termination shall be given as follows:
 - a. Except for appointments that terminate during an academic year, 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~~

Comment [SK1]: The first question that we need to resolve is whether XI should become XIV (which could imply that all Termination is disciplinary, when it is not) or whether proposed articles XI, XII and XIII should become XII, XIII, and XIV (or some other solution to termination – non-reappointment & dismissal) out from under the disciplinary-only heading, such as alternate formatting of the proposed new table of contents and associated internal section breaks).

~~appointment terminates during an academic year, at least six months in advance of its termination; and~~ at least twelve months before the termination of an appointment after two or more years of service.

~~a.b.~~ For appointments that terminate during an academic year, at least three months in advance of its termination during the first year of service; at least six months in advance of its termination during the second year of service; and at least twelve months before the termination of an appointment after two or more years of service.

B. Dismissal of a Probationary or Tenured Faculty Member:

1. Dismissal of a probationary or 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. Procedures and standards for dismissal shall be according to ~~University policies XI.C; any changes shall be~~ approved by the Faculty Caucus of the Academic Senate, ~~which~~ These procedures and standards, and any changes to them, will~~should~~ adhere to the principles set forth in the American Association of University Professors' documents (as of January 1, 1999) regarding principles of academic freedom and tenure and procedural standards in dismissal proceedings.
3. ~~3.~~ — The standard for dismissal of a probationary or 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.

C. Procedures and Standards for Dismissal of a Probationary or Tenured Faculty Member

1. 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 in writing. The President, Provost, or their designee shall

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. Probationary faculty members may invoke their stop-the-clock rights under [General Considerations, B. Faculty Rights](#).

Comment [SK2]: Substitute in the appropriate Article/Section numbers once that is decided. Too confusing right now to say Section XI.B, since there are two article XIs in play!

2. Preliminary Proceedings

- a. If potential evidence of adequate cause for dismissal of a probationary or tenured faculty member arises, including financial exigency or program termination, there shall be informal discussion between the faculty member and the Chair/Director. When appropriate, the Dean, the Provost, or an administrative designee with information pertinent to the matter (such as the University Ethics Officer) may also be present. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). The intention of this discussion will be to develop a mutually agreeable solution.
- b. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university and approved by the President. If requested, the faculty member may meet with the President.
- c. If a mutually agreeable solution does not result, the DFSC/SFSC shall be charged with the function of inquiring into the situation, to effect an adjustment, if possible, and, if none is effected, to determine whether in its view formal proceedings to consider the faculty member's dismissal should be initiated. Section V.C.3 provides for initiation of dismissal proceedings by the DFSC/SFSC. The DFSC/SFSC should meet with the faculty member and any person who may have relevant information, and may have access to any relevant documentation. The DFSC/SFSC shall provide a formal written recommendation to the faculty member and the Provost, with notification to the Dean, within 20 business days of the failure to effect voluntary adjustment.
- d. If the DFSC/SFSC recommends that dismissal proceedings should be begun, action should be commenced and a statement with

reasonable particularity of the grounds proposed for the dismissal should then be jointly formulated by the Provost and the DFSC/SFSC, with notification to the Dean.

- e. If the Provost, even after considering a recommendation of the DFSC/SFSC favorable to the faculty member, expresses the conviction that further review is necessary, action should be commenced and the Provost or the Provost's representative should formulate a statement with reasonable particularity of the grounds proposed for dismissal and provide it to an Independent Review Committee (IRC), convened according to XI.C.2.f, along with the DFSC/SFSC's recommendation against the commencement of proceedings. This statement shall be provided to the DFSC and the Dean.
- f. If XI.C.2.d or XI.C.2.e is invoked, the Provost shall direct, in writing, the Faculty Caucus of the Academic Senate to select an Independent Review Committee (IRC) of seven faculty members not previously concerned with the case or its circumstances. This written direction shall be made within 5 business days of date of the DFSC/SFSC's recommendation. The choice of members of the hearing committee should be on the basis of their objectivity and competence and of the regard in which they are held in the academic community. Prospective members shall be disqualified for bias or interest and shall recuse themselves voluntarily or at the faculty member's request. The faculty member and the Provost's representative shall also each be permitted to exercise challenges to two proposed members of the committee without having to state cause. The Faculty Caucus should meet in executive session within 20 business days of the date of the Provost's written direction to select the Independent Review Committee members. Members of the Faculty Caucus from the faculty member's department may not participate in the selection of the IRC. Once formed, the IRC will elect its own chair.

3. Commencement of Formal Proceedings

- a. The Provost shall communicate in writing to the faculty member: (1) the statement of grounds for dismissal; (2) information regarding the faculty member's procedural rights; and (3) a statement informing the faculty member that, at the faculty

member's request, a hearing will be conducted by the Independent Review Committee (IRC) to determine whether s/he should be removed from the faculty position on the grounds stated. This communication to the faculty member shall be delivered within 5 business days of the date of the statement. The hearing date should be far enough in advance to permit the faculty member to reasonably formulate and prepare a defense, and at least 20 business days from the date of the Provost's letter communicating the decision to the faculty member.

b. The faculty member should state in reply no later than 5 business days before the time and date set for the hearing whether s/he wishes a hearing. If a hearing is requested, the faculty member shall answer the statements in the Provost's letter in writing and submit this document to the Provost and the IRC no later than 5 business days before the date set for the hearing. If no hearing is requested, the faculty member may respond to the charges in writing at any time before the date set for the hearing.

4. Independent Review Committee Proceedings

a. The Independent Review Committee (IRC) shall consider the statement of grounds for dismissal already formulated, the recommendation of the DFSC/SFSC, and the faculty member's response before the hearing.

b. If the faculty member has not requested a hearing, the IRC may consider the case on the basis of the statement of grounds, the DFSC/SFSC recommendation, the faculty member's response, and any other obtainable information and decide whether the faculty member should be dismissed.

c. If the faculty member has requested a hearing, the IRC must hold a hearing. The IRC, in consultation with the faculty member and the Provost, shall decide whether the hearing is public or private. Generally speaking, ASPT matters, including dismissal proceedings, are conducted confidentially and in private, but the IRC may exercise its discretion on this matter.

d. With the consent of all parties, the IRC may hold joint prehearing meetings with the parties to simplify the issues, effect stipulations of

facts, provide for the exchange of documentary or other information, and achieve such other appropriate objectives as will make the hearing ensure fair, effective, and expeditious.

e. The Provost or a designee may attend the hearing and choose an appropriate representative to assist in developing the case. A member of the Faculty Caucus, elected by the Faculty Caucus, will attend the hearing as an observer. Members of the Faculty Caucus from the faculty member's department may not serve as the elected observer.

f. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the hearing and any pre-hearing meetings. The faculty member shall have the option of assistance from counsel and/or an academic advisor, whose functions will be similar to those of the representative chosen by the Provost. The faculty member will also have the procedural rights set forth in the 1940 AAUP Statement of Principles on Academic Freedom and Tenure.

g. The IRC will determine the order of proof, conduct the questioning of witnesses, and secure the presentation of evidence important to the case. The proceedings shall be recorded by audiotape or videotape at the expense of the University, and be made available to the faculty member at no cost at the faculty member's request.

h. If facts are in dispute, testimony of witnesses should be taken and other evidence received. The faculty member shall have the assistance of the committee in securing the attendance of witnesses. Both the faculty member, or his/her counsel/advisor, and the Provost's representative have the right within reasonable limits to question all witnesses who testify orally. The faculty member shall have the opportunity to be confronted by all adverse witnesses. Because the committee cannot compel the participation of a witness, the proceedings shall not be delayed by the unavailability of a witness. Where unusual and urgent reasons move the hearing committee to withhold the right to question and be confronted by all witnesses, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards,

Comment [SK3]: AAUP is quite clear on this point: The faculty member should have the option of assistance by counsel, whose functions should be similar to those of the representative chosen by the president [in our case the provost, since our Board does not play a role in dismissal for cause]. The faculty member should have the additional procedural rights set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, and should have the aid of the committee, when needed, in securing the attendance of witnesses. The faculty member or the faculty member's counsel and the representative designated by the ~~president~~ provost should have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member should have the opportunity to be confronted by all adverse witnesses. Where unusual and urgent reasons move the hearing committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence should be duly recorded. Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.

statements may, when necessary, be taken outside the hearing and reported to it.

- i. The Provost's representative and the faculty member, or his/her counsel/advisor, shall present any information helpful to the determination. Each may request the committee in writing to ask witnesses to answer specific questions. Appropriate procedure shall be determined by the IRC. The IRC will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- j. The IRC shall permit a statement and closing by both the Provost's representative and the faculty member, or his/her counsel/advisor. The IRC may exercise its discretion in allowing a reasonable amount of time for each statement.
- k. The IRC may request written briefs by the parties.
- l. The IRC shall reach its decision promptly in conference, on the basis of the hearing if one was held, or it may await the availability of a transcript of the hearing if its decision would be aided thereby. The burden of proof will be satisfied only by clear and convincing evidence in the record considered as a whole. The IRC must make explicit findings with respect to each of the grounds of dismissal presented, present a reasoned opinion, and submit a full written report to the Provost and the faculty member. The report may recommend dismissal or penalties short of dismissal. The written report shall be submitted to the Provost within 20 business days of the hearing. A record of any hearing should be made available to the Provost and to the faculty member.
- m. The faculty member may appeal the report and its recommendation to the FRC as provided in III.E. The FRC may refer the case to the AFEGC, or the faculty member may file a complaint with the AFEGC, if an academic freedom concern is raised. Any report by the AFEGC, including appeals reports, will be provided to the Provost and by the Provost to the President with the reports in XI.C.5.a.

5. Consideration by the President

- a. The Provost shall review the full report of the IRC stating its decision, and if relevant, the full report and the decision on the

Comment [SK4]: Current ASPT policy has only probationary faculty being able to file a complaint with AFEGC regarding dismissal. Tenured faculty currently only get the DFSC step and an appeal to FRC, though the policy is contradictory in its vagueness at current XI.B.2

It is unclear where the institutional memory lies regarding the rationale for this differentiation. In general, AAUP recommendations favour review of serious cases by the institution's academic freedom committee, so we may wish to consider a change here. It would be especially appropriate for cases where a suspension is NOT put into effect while dismissal proceedings are underway. It would seemingly be important in both disciplinary and non-disciplinary dismissal cases, unless I am missing something.

We may also want to state this right to review by the AFEGC earlier than C.4.m

appeal by the FRC, and transmit them to the President. Acceptance of the IRC's decision is normally expected, unless the FRC has sustained the faculty member's appeal. In that case, acceptance of the FRC's decision is normally expected.

- b. If the President chooses to review the case, that review should be based on the record of the previous hearing(s), accompanied by opportunity for argument, oral or written or both, by the principals at the hearing(s) or their representatives.
- c. The decision of the FRC (or the IRC, if no appeal) should either be sustained or the proceedings be returned to the final committee with objections specified. In such a case, the committee in question should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before.
- d. Only after study of the final committee's reconsideration, if any is requested, should the President make a final decision to sustain or overrule that committee. The President may decide in favor of dismissal or for penalties short of dismissal.
- e. The President shall communicate the final decision to the faculty member, the Provost, Dean, DFSC/SFSC, IRC, and, if applicable the FRC, within 20 business days of the final report of the FRC (or IRC, if no appeal).
- f. If dismissal for cause is effected, the faculty member must receive one year of notice or severance salary, unless the grounds for dismissal legally prohibit such provision.
- g. 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 must be made only through the President's office and must include a statement of the FRC's original decision, if this has not previously been made known.

UNIVERSITY REVIEW COMMITTEE

Tuesday, October 18, 2016
2 p.m., Hovey 105

MINUTES

Members present: Angela Bonnell, Rick Boser, Diane Dean, Joe Goodman, Christopher Horvath, Sheryl Jenkins, Sarah Smelser

Members not present: Sam Catanzaro, Doris Houston

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, "Caucus" refers to the Faculty Caucus of the Academic Senate at Illinois State University, "AFEGC" refers to the Academic Faculty Ethics and Grievance Committee at Illinois State University, and "AAUP" refers to the American Association of University Professors.

I. Call to order

Chairperson Diane Dean called the meeting to order at 2:00 p.m. A quorum was present.

II. Approval of minutes from the October 6, 2016 meeting

Christopher Horvath suggested that two references to "progressive termination" in the fifth paragraph on page three of the draft minutes be replaced with the phrase "progressive discipline." Joe Goodman agreed, noting that he had used the phrase "progressive discipline" in his comments at that point in the meeting.

Horvath moved approval of the minutes as distributed prior to the meeting but with replacement of the phrase "progressive termination" with the phrase "progressive discipline" in the fifth paragraph on page three of the draft minutes. Rick Boser seconded the motion. The motion carried on voice vote, with five ayes and two abstentions (Angela Bonnell and Sarah Smelser).

III. Proposed ASPT disciplinary articles

News and updates

Dean reported having talked with Caucus Chairperson Susan Kalter about current and proposed AFEGC policies. Dean then distributed AFEGC policies and related documents provided by Kalter (see attached).

Dean reminded committee members that URC has formed a working group to study involvement of AFEGC in ASPT matters including proposed disciplinary actions. Dean explained that, because proposed AFEGC involvement in disciplinary actions would constitute a change in the role of AFEGC, the working group will need to review both ASPT policies and AFEGC policies. Dean said that Horvath and Goodman have volunteered for the working group and welcomed other committee members interested in joining the working group to contact her.

Horvath said that it would be better for the working group to first consider ASPT policies and then address AFEGC policies, but the Caucus seems to want URC to address AFEGC policies first. He said the review can be done in that order but it may be more difficult.

Boser asked how the proposal for AFEGC involvement in ASPT disciplinary actions came about. Bruce Stoffel reported that Kalter authored the proposed revisions to the disciplinary articles over the summer and then reviewed them with the Caucus in September (2016). Kalter has stated that involvement of a faculty ethics and grievance committee like AFEGC in disciplinary actions is recommended by AAUP, Stoffel said. Dean said an appellate body will be need in dismissal cases and suggested that the working group

investigate whether ethics and grievance committees like AFEGC are involved in disciplinary actions at other universities.

Goodman asked how often AFEGC hears alleged ethics violations. Horvath responded that during his service with AFEGC the committee had about a dozen cases. He reported that all cases were resolved informally; only one hearing committee was formed but the case was resolved before the hearing was held. Goodman asked Horvath if AFEGC decisions are binding. Horvath explained that AFEGC decisions are recommendations to the Provost. He clarified that AFEGC does not have the power to resolve, only to encourage parties to resolve conflicts so they need not be resolved at a higher level. Goodman asked whether ASPT and AFEGC policies will need to be revised to provide that AFEGC actions in dismissal cases are binding. Horvath responded that URC will need to carefully consider doing so, because AFEGC decisions are not binding in any other instance. Horvath also noted that because AFEGC may have already been involved in a disciplinary case, the proposed AFEGC role as appellate body in dismissal proceedings may instead need to be assumed by a different body and operate with different procedures.

Angela Bonnell asked Horvath about the need for improvements to AFEGC policies. Horvath said AFEGC procedures are fuzzy especially with respect to formal proceedings, perhaps because it is expected that cases will be resolved before formal proceedings are necessary. It is also unclear what matters are covered by AFEGC and what matters are not, he said. Horvath explained that much of AFEGC activities while he served on the committee involved resolving conflicts between chairpersons and faculty members over chairpersons' authority and not specifically over ethics. Bonnell asked about the role the ombudsperson plays in conflicts before they are reviewed by AFEGC. Horvath said having the ombudsperson mediate a resolution before AFEGC involvement is one option for the faculty member filing the complaint.

Dean concluded the discussion, noting that it will provide a good foundation for future URC discussions regarding dismissal policies and procedures. Dean suggested that committee members think about what existing bodies might be involved in dismissal proceedings and also whether a new body should be established to fulfill that role.

Discussion of non-disciplinary termination

Dean directed the discussion to passages in the revised disciplinary articles regarding non-disciplinary termination, beginning on page 13 (see attached). She reminded committee members that they had agreed to separate passages regarding disciplinary termination and non-disciplinary termination. Stoffel noted the added reference in Section XI.A.1 to "regulations of the Board of Trustees and the ISU Constitution." He disseminated copies of the two documents (see attached) to committee members, who then reviewed passages in both documents pertaining to faculty termination.

Dean noted that, while the constitution refers to "discharge for cause," it does not distinguish between disciplinary and non-disciplinary discharge. Bonnell asked how often the constitution is changed. Boser noted that the version of the constitution that has been disseminated was approved in 2003. Horvath noted that the Board of Trustees apparently has the final say regarding the constitution.

Stoffel referred committee members to Section XI.A.4 on page 2 of the revised disciplinary articles, in the article titled "General Considerations." He noted that the section may aid URC discussion of a framework for passages regarding dismissal. Noting that section, Dean suggested that it might be helpful for the committee to begin its discussions regarding the proposed disciplinary articles by reviewing the "General Considerations" article. Committee members agreed.

Discussion of general considerations

Discussion ensued regarding the construction, content, meaning, intent, and style of Section XI.A on page 1 of the revised disciplinary articles. Questions were raised by committee members regarding recording of oral reprimands, the meaning of the term "recorded reprimand," the intent of the passage "violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices," and what is meant by "ethics laws."

Horvath noted the difference in sentence construction between Sections XI.A.1 and XI.A.2. Sarah Smelser concurred and suggested a rewrite of XI.A.2. Regarding sanctions listed in Section XI.A.2, Goodman said it is common in personnel matters that informal dialogue would not be considered part of the formal disciplinary process and that, in the case of an oral reprimand, the fact that one has been given is recorded in the personnel record but not its content. Boser asked what is meant by “recorded reprimand.” Goodman responded that he does not know, adding that recorded reprimand is not mentioned in standard human resource policies. Horvath suggested consulting AAUP guidelines for references to that term and then removing it from the draft disciplinary articles if the term is not used by AAUP. While the discussion among committee members continued, Goodman consulted AAUP guidelines and reported that the term “recorded reprimand” appears in them but is not defined.

Dean noted that the additional wording proposed in Section XI.A.2 (“pertinent to a faculty member’s responsibilities”) is intended to keep offenses like traffic violations from triggering disciplinary actions. Sheryl Jenkins asked whether the reference to “violations” is intended to mean charged or accused, violated or convicted; she said introduction of the phrase “pertinent to a faculty member’s responsibilities” leaves the passage open to interpretation. She also said it is unclear what ethics laws would apply. Horvath said that he is deeply troubled by the term “felony” laws. He also questioned the intent of the term “ethics laws,” noting that it might refer to ethics guidelines that are the subject of annual state-mandated ethics training for university employees. He said guidelines covered in the annual training are not laws.

Discussion turned to the degree to which the committee should wordsmith the disciplinary articles received from the Caucus. Bonnell noted that many of the revised passages are written in a style different from the style used in the ASPT document that was approved by the Caucus in spring 2016. Jenkins added that if URC does not wordsmith the revisions, they will not be clear. Dean said she is open to wordsmithing. She suggested inviting Kalter to a URC meeting to explain her rationale for the changes.

Horvath said that, if the committee follows the same pattern as the rest of the ASPT document when revising the disciplinary articles, the committee should first set forth definitions, then procedures, and then appeals procedures. He said the revised “General Considerations” article appears to set forth definitions, while procedures are addressed later in the disciplinary articles. Dean noted that detailed procedures begin on page 5 (in the proposed “Sanctions” article).

Goodman noted that many passages proposed to be added to the disciplinary articles have been used verbatim from AAUP guidelines and asked about the appropriateness of doing so. He also noted that it may be more appropriate for URC to consult the 2005 edition of the AAUP guidelines regarding disciplinary actions rather than the earlier edition that had apparently been used to draft the revisions being considered by the committee.

Dean brought the discussion to a close, stating that the committee will continue discussion of “General Considerations” at its next meeting. Smelser asked what documents committee members should review to prepare for that discussion. Jenkins suggested reviewing the ISU constitution and the governing document of the Board of Trustees. Dean said she plans to study the transcript of the September 14, 2016 Caucus meeting. She and Boser suggested studying the AAUP guidelines as well. Goodman said he will email committee members a link to the latest edition of them. Dean said she will also work with Stoffel to draft a schedule of URC discussions and actions for the remainder of the fall semester.

IV. Other business

There was none.

V. Adjournment

Goodman moved that the meeting adjourn. Boser seconded the motion. The motion carried on voice vote, all voting in the affirmative. The meeting adjourned at 3:04 p.m.

Respectfully submitted,
Joseph Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Documents related to AFEGC:

Email dated October 7, 2016, from Susan Kalter to Diane Dean re URC 2016-2017 charge and timeline, with the AFEGC policy current as of October 7, 2016 attached

Faculty Caucus Agenda, October 12, 2016 with the following information items: 10.05.16.01 Proposed changes to 3.3.8 main AFEGC policy, 10.05.16.02 Proposed changes to 3.3.8A AFEGC policy, 10.05.16.03 Proposed changes to 3.3.8B AFEGC policy, 10.05.16.04 Proposed changes to 3.3.8C AFEGC policy, and 10.05.16.05 Proposed changes to 3.3.8D AFEGC policy

Disciplinary actions: Articles XI-XIV as considered by Faculty Caucus on September 14, 2016 (including comments and proposed revisions by Susan Kalter)

Illinois State University Constitution, April 23, 2003

Governing Document of the Board of Trustees, Illinois State University, Revised January 12, 2013

From: [Kalter, Susan](#)
To: [Dean, Diane](#)
Cc: [Stoffel, Bruce](#); [Catanzaro, Salvatore](#)
Subject: Re: URC 2016-17 charge and timeline
Date: Friday, October 07, 2016 4:57:03 PM
Attachments: [FCAgenda10-12-16.zip](#)

Diane,

That seems like no problem, since those documents are now open to campus under Open Meetings Act rules.

Here first is the current policy: <http://policy.illinoisstate.edu/employee/3-3-8.shtml>

Attached are the contemplated revisions. We broke the policy into 5 parts last year, but that hasn't happened on the website yet.

Finally, just know that several other contemplated revisions are tentatively scheduled for 2017-18, depending on what legal research and other conversations with various interested parties bring up. We're finding that once a critical mass of contemplated revisions is in a marked-up draft, it is best to vote those up, down or sideways, get a new, clean draft, and then keep at the improvements. Hopefully they are mostly improvements.

Best,
Susan

[3.3.8 Faculty Academic Freedom Ethics and Grievance ...](#)

policy.illinoisstate.edu

Jump over the site's section navigation. 3.1 General; 3.2 Faculty, AP, & Civil Service Policies; 3.3 Faculty Members; 3.4 Administrative Professionals



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3.3.8 Faculty Academic Freedom, Ethics And Grievance



I. Authority

Initiating body: Academic Senate

The authority to create this Faculty Academic Freedom, Ethics, and Grievance Committee ("AFEGC") is established by the Illinois State University Constitution.

Contact: Vice President and Provost (309-438-7018)

The AFEGC is an external committee of the Illinois State University Academic Senate and is responsible to the Senate for the faithful execution of this policy and for upholding all policies associated with it.

Revised on: 4/2016

For the purposes of this document, faculty is defined as including tenured, probationary tenure-track, unionized and non-unionized non-tenure-track faculty (NTT) and faculty associates. The inclusion of NTT faculty in this document does not create or add any new rights beyond those which may already exist in the NTT negotiated agreement; specifically, the NTT negotiated agreement for union members requires that its members can only bring academic freedom grievances through the AFEGC process.

II. Jurisdiction, Exemptions and Malicious Charges

The AFEGC shall have Faculty jurisdiction over the following:

A. Jurisdiction: The AFEGC has faculty jurisdiction over the following:

Referrals

1. A referral from the Faculty Review Committee ("FRC"), pursuant to Article XIII.G.3 of the Faculty Appointment Salary Promotion and Tenure Policies ("ASPT"), in promotion and tenure cases where "the FRC believes that the basis of the appeal is an academic freedom or ethics violation."

2. A referral from the College Faculty Status Committee ("CFSC"), pursuant to Article XIII.I.I of the ASPT, in performance evaluation cases where "the CFSC believes that the basis of the appeal is an academic freedom or ethics violation."

Complaints

3. A complaint by a faculty member that the action of some person or persons, acting in an official capacity as an ISU employee or member of the Board of Trustees, has violated the faculty member's academic freedom in teaching, research, publication, and/or shared governance. A complaint alleging violation of academic freedom must be consistent with the Illinois State University Constitution, Article III.
4. A complaint by a faculty member, an administrator, or an administrative body alleging that a faculty member or an administrator has violated the Faculty Code of Ethics.
5. A complaint by a probationary faculty member, who has received a notice of dismissal for cause prior to the expiration of the faculty member's contract term, alleging that the basis of the dismissal is an academic freedom or ethics violation. See ISU Constitution, Article III, Section 4.B.1.
6. A complaint by a probationary faculty member, who has received a notice of non-reappointment, alleging that the basis of the non-reappointment is an academic freedom or ethics violation. See ASPT, XIII.K.4.
7. A complaint by a faculty associate against a faculty member or a non-laboratory-school administrator, or a complaint by a faculty member or non-laboratory-school administrator against a faculty associate which is an allegation of an ethics or academic freedoms violation.
8. A grievance in the form of a complaint by a probationary, tenured/tenure-track, or non-unionized NTT faculty member that is not based in academic freedom concerns or the Code of Ethics. A grievance is defined as any dispute with respect to the meaning, interpretation, or application of University policy (including College and Department/School bylaws) or any dispute arising from deviation from long-standing past practice. Board of Trustees Regulations and By-Laws, their meaning and/or interpretation may not be grieved.

B. Exemptions: Except for those cases provided for in II.A.1-2 and II.A.5-6 above, the ASPT guidelines and other university policies provide that the AFEGC has no jurisdiction in the following cases:

1. Faculty complaints in promotion, tenure, or performance evaluation matters, where a faculty member "believes that there has been a misinterpretation, misjudgment, or procedural error relating to a promotion, tenure, or performance evaluation recommendation concerning the faculty member." ASPT,XIII.C
2. Cases involving the "dismissal of a tenured faculty member." ASPT,III.E.
3. All cases heard under the Integrity in Research and Scholarly Activity Policy.
4. All cases alleging violations of University Policy 1.2.1 Anti-Harassment & Non-Discrimination Policy.

C. Malicious Charges: Bringing unfounded charges motivated by malice, or failure to treat colleagues and students fairly, with respect, civility and decency, without exploitation and without discrimination based on irrelevancies, constitutes malicious charges and is a violation of the Code of Ethics. Where appropriate, the Report of the Hearing Committee and/or the

Report of the Appeals Hearing Committee will state explicitly whether there was a reasonable basis in fact and honest belief for making charges.

If either Report should determine that the making of the original charges or the testimony of any person was maliciously motivated, that finding shall be communicated to the Provost and to the respondent and that person can then decide whether to pursue a grievance/counter-complaint. The Provost may enter a finding of malicious conduct in the person's personnel file and communicate the finding to the person, the person's Dean and Department Chair/School Director/Unit Director. Such a finding may be the basis for disciplinary action or other personnel decisions in accordance with University rules and regulations.

3.3.8A Academic Freedom, Ethics, And Grievance Committee ("AFEGC")

Creation and Composition of the Committee

A. Committee chairperson

Since AFEGC terms will coincide with the beginning of the academic year, at the call of the preceding Chairperson, the Chair and Vice-Chairperson will be elected within the first month of classes for one-year terms. In the event the preceding AFEGC chair is no longer serving on the committee, a meeting of the AFEGC will be called by the Chair of the Academic Senate for the sole purpose of electing a chair for AFEGC. The Chairperson and Vice-Chairperson of the AFEGC shall be tenured faculty members.

The Chairperson's duties shall include the following:

1. To inform the university faculty concerning the jurisdiction of the AFEGC and its policies and procedures in AFEGC matters (see AFEGC Flowchart)
2. To inform all university faculty members about the grievance process by providing them annually by e-mail the website for the AFEGC Policies and Procedures and the Code of Ethics.
3. To call and preside over meetings of the AFEGC
4. To ensure that proper procedure is followed in the handling of AFEGC matters, including the timely processing of complaints and referrals
5. To initiate, when deemed appropriate, the informal conciliation of complaints filed with the AFEGC as provided in Policy 3.3.8C.
6. To provide training to members. In order to increase consistency in decision-making when the committee turns over, at the beginning of each year the chairperson of the AFEGC shall provide a summary of all cases of the last five years (those resolved informally and those resolved in a formal Hearing). No individual, department, or college names shall appear in the summaries. These summaries shall be drawn up at the end of each year by that year's chairperson. The cases shall be presented as scenarios for discussion by the new members.
7. To extend deadlines as needed to provide for equitable due process, in consultation with and on agreement of all parties concerned. A

committee may petition the chairperson of the AFEGC for an appropriate extension of deadlines.

8. To oversee the election of committee members other than the Chair to serve as voluntary conciliation facilitators, with duties as outlined in Policy 3.3.8C

B. Members

The AFEGC will consist of thirty-three (33) members defined below. Each year, the faculty members of every department shall nominate by election within the Department one faculty member with tenure. University personnel in the following positions shall NOT be eligible to serve on the AFEGC:

- College deans
- Department chairpersons
- Academic Senate members
- Faculty Review Committee members
- University Review Committee
- College Faculty Status Committee members
- Administrative Personnel
- Civil Service Personnel

Department/School Faculty Status Committee members may not serve on cases involving their own departments. A faculty member with tenure may petition to be included as an addition to the departmental/school nominees by indicating willingness to serve on the annual Senate external committee form.

C. Procedures for electing members

The Academic Senate Faculty Caucus shall elect the AFEGC during the Spring Semester prior to the seating of newly elected Senators using the following procedures.

Tenured faculty: In each year of an election, the six (6) faculty with the highest number of votes shall be declared elected for a three-year term. Any vacancy occurring between elections shall be filled by the first eligible person of those who, at the last election, received the next highest number of votes. The position on the AFEGC of anyone who will be or has been absent from regular duties for one semester or longer shall be declared vacant. A member named to fill any vacancy shall serve the remainder of the unexpired term.

NTT Faculty: The NTT faculty members of each college who are covered by the NTT negotiated agreement will elect a non-tenure-track faculty member from their college and covered by the NTT negotiated agreement to a pool. The pool shall be elected annually each fall. A different member will be chosen from this pool for each committee (hearing, appeals) for cases where a complainant or respondent is a non-tenure-track faculty member covered by the NTT negotiated agreement. These NTT pool members will only serve in cases regarding NTT complainants or respondents covered by the NTT negotiated agreement.

It is understood that two college (Mennonite College of Nursing and Milner Library) have no NTTs covered by the negotiated agreement.

Non-tenure-track faculty members not covered by the NTT negotiated

agreement in Mennonite College of Nursing and Milner Library shall each elect two (2) non-tenure-track faculty members not covered by the NTT negotiated agreement to a pool. The pool shall be elected annually each spring, with members elected by the NTT faculty of their own college. A different member will be chosen from this pool for each committee (hearing, appeals) for cases where a complainant or respondent is a non-tenure-track faculty member not covered by the NTT negotiated agreement. These NTT pool members will only serve in cases regarding NTT complainants or respondents not covered by the negotiated agreement.

Faculty Associate: The faculty associates at Metcalf School and University High School will each elect three (3) faculty associates to a pool. The pool shall be elected annually each spring, with members elected by the faculty associates of their own laboratory school. A different member will be chosen from this pool for each committee (hearing, appeals) for cases where a complainant or respondent is a faculty associate. These faculty associate pool members will only serve in cases regarding faculty associate complainants or respondents.

If a member of the AFEGC is engaged in a hearing or other process related to a complaint or referral, the member will continue to serve regarding that matter until the matter is terminated, even though such service may thereby extend beyond the expiration of the member's term of office.

3.3.8B Types Of Cases & Procedures For Cases

Complaints, Grievances, and FRC or CFSC Referrals

General Procedures for Complaints and Referrals

Complaints and referrals will be filed with the Chairperson of the AFEGC, or in his/her absence, the Vice-Chairperson. Upon receipt of the complaint or referral, the Chairperson or Vice-Chairperson shall confirm in writing to the complainant or referee receipt of the complaint or referral and the date of filing within five (5) business days. The Chairperson or Vice-Chairperson shall also transmit a copy of the complaint or referral to the appropriate respondent(s).

In this and subsequent matters, members of the AFEGC shall use only confidential campus mail envelopes to transmit items related to complaints and referrals, unless the Chairperson of the AFEGC has received signed permission from all parties and committee chairpersons that email or another electronic transmission mode is acceptable.

Referrals

A referral to the AFEGC shall be defined as a referral either from the FRC, as described above in II.A.1, or a referral from a CFSC, as described above in II.A.2. A referral shall at a minimum include:

1. A written statement by the FRC or CFSC describing the basis for the referral;
2. Forwarding of any documentation from the FRC or CFSC pertinent to the referral;
3. Indication from the FRC or CFSC as to the timelines by which the

AFEGC is to submit its report back to the FRC or CFSC.

Procedures in Referral Cases

Where a case is referred to the AFEGC by the FRC or a CFSC, the Chairperson of the AFEGC shall call a meeting of the tenured members of the AFEGC to determine, by majority vote, whether a hearing is warranted. If no hearing is warranted because a decision can be rendered with the materials at hand, the AFEGC reports its decision to the original referring committee - FRC or CFSC.

If a hearing is warranted in the case, the AFEGC shall proceed directly to an appeal hearing. The Chair of the AFEGC shall form an Appeal Hearing Committee (AHC). As outlined in the ASPT, XIII.G.3 and XIII.I.1, the report of the AFEGC, shall offer recommendations to the FRC or CFSC so that they may exercise their ASPT responsibilities.

In the case of an appeal of an Appeal Hearing Committee (AHC) decision by either the complainant or respondent, copies of the decision by the AFEGC AHC will be forwarded to the original referring committee and to the Chairperson of the Academic Senate.

The Executive Committee of the Faculty Caucus will then review the decision within five (5) working days of receiving the AHC decision on appeal. The Executive Committee of the Faculty Caucus may decide that an AHC decision warrants a hearing by the Faculty Caucus of the Academic Senate or it may file a report directly to the original referring body and to the Provost.

Within ten (10) working days, the Faculty Caucus of the Academic Senate will submit its decision to the original referring body and to the Provost.

If the deadline for action by the original committee has passed during any part of this process, the chair of the AFEGC will forward the decision by the AFEGC appeals committee to the President, the Provost, and the original referring committee (for tenure and/or promotion cases) or to both the CFSC and DFSC in performance evaluation cases.

Complaints and Grievances

A complaint shall be defined as a written statement alleging a matter within the jurisdiction of the AFEGC, as defined above by II.A.3-II.A.8.

A grievance shall be defined as a written statement alleging a matter within the jurisdiction of the AFEGC, as defined above by II.A.8.

A complaint or grievance shall at a minimum include:

1. The jurisdictional basis of the complaint or grievance, by specification of the subsection II.A which provides for the jurisdiction of the AFEGC;
2. A written statement detailing the basis of the complaint or grievance, including a narrative of the facts which the complainant believes could be proven if a formal hearing were to take place;
3. For complaints, a statement of the section(s) of the Code of Ethics the complainant believes has been violated, if applicable;
4. For grievances, a statement of the policy or past practice the complainant believes has been violated;

Complaints and grievances may also include as attachments any

documentation believed to be relevant to the complaint.

Procedures in Complaint Cases

In cases of complaints filed by a faculty member, the Chairperson shall consult the Provost's Office as to the appropriate respondent, who shall be designated by agreement of the AFEGC Chairperson and the Provost. In the absence of an agreement between the AFEGC Chairperson and the Provost, the faculty members of the Senate Executive Committee shall determine the appropriate respondent.

Members of the Senate Executive Committee from the complainant's and respondent's own department(s) shall recuse themselves from these decisions and shall not be made aware of the case. For cases from the Senate Chair's own department, the Senate chair will recuse him/herself and hand over the case documentation and the chairing of the decision to the Senate Secretary (if from a different department) or the senior member of the Executive Committee (in years of service on Exec and then years of service on the Senate).

In cases of complaints alleging ethics violations, the appropriate respondent is the person accused of the ethics violation. In appropriate cases, such as where discrimination or sexual harassment is alleged, the Chairperson shall notify the Affirmative Action Officer.

3.3.8C Voluntary Conciliation

Encouragement of Voluntary Informal Conciliation Efforts with Complaint Cases

As a matter of general policy, the Academic Senate and the AFEGC hereby encourage but do not require any complainant, before filing a complaint, to seek informal conciliation and resolution of the perceived grievance.

Such informal conciliation can take many forms. Usually a prospective complainant confers with a representative of the administration who would normally respond to the complaint (if filed by a faculty member); or an administrator considering an ethics complaint against a faculty member confers with that faculty member.

The parties involved in this informal conciliation conference typically seek to resolve the complaint voluntarily, in order to preclude the necessity of filing a complaint.

If such voluntary informal conciliation efforts fail, or if one or more of the parties in the dispute refuse informal conciliation, for whatever reason, they may consult with the University Ombudsperson Council prior to filing a formal complaint with the AFEGC.

If, in exceptional circumstances, a complainant or respondent is concerned about or unwilling to work with a University Ombudsperson in pursuing an informal and voluntary resolution to the issue of concern, that person may contact an AFEGC member who has been elected by the committee to serve as a voluntary conciliation facilitator. The parties may work with this designated committee member in pursuing an informal resolution to the case at any stage.

The complainant may still file a formal complaint with AFEGC after the appropriate Ombudsperson or a voluntary conciliation facilitator elected by the committee has been consulted, if the case remains unresolved.

3.3.8D Hearing Committees, Appeals, And Reports

Faculty Hearing Committee (HC)

In cases of complaints where a conciliation effort is not deemed appropriate by the Ombudsperson or AFEGC voluntary conciliation facilitator, or where such an effort has been unable to resolve the matter, and in all cases of referrals, the Chairperson shall appoint, from the members of the AFEGC, a three (3) member HC for each case that necessitates a hearing. The appointment shall normally take place within five (5) working days of a referral or of a decision that a hearing is warranted.

In cases where the complainant or respondent is a non-tenure-track faculty member, the Chairperson shall appoint two (2) of its T/TT members of the AFEGC to the HC and one (1) non-tenure-track member from the non-tenure-track pool made up of members from each college.

1. The HC shall elect a chairperson from its own membership.
2. The Chairperson of the AFEGC shall supervise the election procedure after deciding that a HC needs to be formed.
3. No member of the AFEGC shall serve on a HC who: (1) is the Chairperson of the AFEGC; (2) is a member of the same department/school as the person for whom the hearing will be held; or (3) for good reason believes he/she cannot or should not serve (e.g., actual or apparent conflict of interest, such as those who have served on a DFSC/SFSC, CFSC, or FRC that has been involved with the complaint). Representatives of Mennonite College of Nursing, Milner Library, Metcalf School and University High School may not serve on a HC of a proceeding in which the complainant or respondent is from the same unit.
4. In the event of vacancies making it impossible to staff a HC with appropriate representatives as established above, the Chairperson may appoint any member of the AFEGC who is not a member of the same unit as the complainant or respondent to the HC.
5. The Hearings shall be conducted according to the following procedures:
 - a. Proceedings shall be conducted in good faith;
 - b. Formal hearings shall be closed unless both parties consent to an open meeting or an open meeting is required by law;
 - c. The chairperson of the Hearing committee or a designee shall, at the outset of the hearing, state the issues in the proceedings to all involved parties;
 - d. Subject to applicable law, the privacy of confidential records and proceedings in the hearing process shall be respected;
 - e. Members serving on hearing panels should scrupulously avoid any conflict of

interest and must notify the Chairperson of the AFEGC if any such conflict exists;

f. Except as modified below, the principal parties should be accorded the right to see all documents considered by the HC, to hear opposing statements, to present evidence, to call witnesses, and to be accompanied by a technical or informal advisor.

Hearing

Within ten (10) working days of the constitution of the committee, the chairperson of the HC shall set a hearing date, unless this timeline is extended by mutual agreement of the chairperson, complainant, and respondent. Within these ten (10) days, the Chairperson of the AFEGC and Chairperson of the HC will schedule a meeting of the HC membership to provide training to review procedures, standards and confidentiality with the HC membership.

The hearing shall be conducted according to the following procedures:

A. The complainant shall be given five (5) working days prior to the scheduled hearing to submit any documentation the complainant deems relevant to the HC. The complainant must also provide the respondent with:

- o A written position statement detailing the basis of the complaint, including a narrative of the facts which the complainant believes could be proven if a formal hearing were to take place;
- o Any documentation the complainant deems relevant.

B. The HC has an obligation to transmit all documentation to the respondent within one working day. If this timeline cannot be met for any reason, the timeline for the respondent's response shall be lengthened by as many days as it took the HC to transmit the information to the respondent.

C. Within ten (10) working days of receipt of the submission by the complainant, the respondent shall submit to the HC and the complainant:

- o A written statement detailing the response to the complaint, including a narrative of the facts that the respondent believes could be proven in a formal hearing.
- o Any documentation the respondent deems relevant.

D. Assuming the timeline outlined in B and C of this section is met, a Hearing shall take place within twenty (20) working days of the formation of the HC.

E. At the scheduled hearing, the HC will:

- o Allow the complainant and the respondent, or their representatives, if they so elect, to make oral presentations supplementing their written submissions;
- o Ask the complainant and the respondent any questions the HC deems relevant regarding their written submissions and/or oral presentations.
- o The HC will inquire into the situation only to the extent necessary to enable the Committee to make a recommendation or to effect a resolution. Presentation and examination of witnesses will take place when the HC deems it to be appropriate in a particular case. The proceedings will be tape-recorded. The HC may limit the oral presentations to any time length that it deems appropriate, but each side will have the same amount of time, not to be less than 20 minutes.

F. Within ten (10) working days after the hearing is conducted, the HC will

issue its written report and recommendation, approved by a majority vote, to the Chairperson of the AFEGC regarding the complaint, which will take one of the following forms:

- The HC may recommend dismissal of the complaint;
- The HC may conclude that there are disputes of material fact such that a further hearing is warranted and necessary, or that a further hearing is warranted for any reason the HC deems appropriate in order for the AFEGC to come to a recommendation regarding the complaint
- The HC may conclude that it has sufficient information to move to a decision and issue its final recommendation regarding the complaint.

The written report shall include:

- A summary of findings of fact;
- A summary of the rationale for reaching a conclusion or holding a further hearing;
- A recommendation of action to the Provost, unless a further hearing by the HC has been recommended.

For written reports containing the HC's final recommendation:

In academic freedom violation cases, the conclusion of the report and recommendation shall follow the format:

"The AFEGC finds that the evidence presented in the complaint of _____ has (substantiated) (not substantiated) the charge against _____. The AFEGC recommends to the Provost that the following action be taken: _____."

In ethics violation cases, the conclusion of the report and recommendation shall follow the format:

"The AFEGC finds that the evidence presented in the complaint of _____ which dealt with section () of the Code of Ethics has (substantiated) (not substantiated) the charge against _____. The AFEGC recommends to the Provost that the following action be taken: _____."

The Chairperson of the AFEGC shall communicate the HC's recommendation to the complainant and the respondent and inform them of their right to appeal. Within five (5) working days after receiving the HC recommendation, the complainant or respondent may appeal the recommendation of the Hearing Committee. The written request will explain the basis for the request.

Appeal Hearings

If, after a hearing, the AFEGC receives a request for an appeal hearing, or on referral from a College Faculty Status Committee (CFSC) or the Faculty Review Committee (FRC), then the Chairperson shall constitute an Appeal Hearing Committee (AHC) with new members. The AHC shall consist of five (5) members.

In the case that both claimant and respondent are tenured or probationary faculty members, the five members shall be drawn from the tenured faculty on the AFEGC. In the case that a claimant or respondent is a non-tenure track member, the AHC shall consist of three (3) tenured faculty AFEGC

members and two (2) non-tenure-track members drawn from the non-tenure-track or faculty pool. If the claimant or respondent is a non-tenure-track member and covered by the NTT negotiated agreement, the AHC shall consist of three (3) tenured faculty AFEGC members, one non-tenure-track faculty member and a non-tenure-track faculty member not covered by the NTT negotiated agreement who did not serve on the HC. In the case that a claimant or respondent is a faculty associate, the AHC shall consist of three tenured faculty AFEGC members, one non-tenure-track faculty member, and a faculty associate who did not serve on the HC.

The Chairperson of the AHC shall schedule the appeal hearing within ten (10) days after the AHC formation. This timeline may be extended by mutual agreement of the chairperson of the AHC, the complainant, and the respondent. The parties will be given written notice of the date, time, place, and purpose of the hearing. In constituting the AHC, the following procedures shall apply:

The AHC shall elect a chairperson from its own membership.

The Chairperson of the AFEGC shall supervise the election procedure after deciding that an AHC needs to be formed.

No member of the AFEGC shall serve on an AHC who (1) is the Chairperson of the AFEGC; (2) is a member of the same department/school as the person for whom the hearing will be held; or (3) for good reason believes he/she cannot or should not serve (e.g., actual or apparent conflict of interest, such as those who have served on a DFSC/SFSC, CFSC, or FRC that has been involved with the complaint)

Representatives of Mennonite College of Nursing, Milner Library, Metcalf School and University High School may not serve on an AHC of a proceeding in which the complainant or respondent is from the same unit.

In the event of vacancies making it impossible to staff an AHC with appropriate representatives as established above, the Chairperson may appoint any member of the AFEGC who is not a member of the same unit as the complainant or respondent to the AHC.

Appeals Hearing shall be conducted according to the following procedures:

Proceedings shall be conducted in good faith;

Hearings shall be closed unless both parties consent to an open meeting or an open meeting is required by law;

The chairperson of the AHC or a designee shall, at the outset of the hearing, state the issues in the proceedings to all involved parties;

Subject to applicable law, the privacy of confidential records and proceedings in the hearing process shall be respected;

Members serving on hearing panels should scrupulously avoid any conflict of interest and must notify the Chairperson of the AFEGC if any such conflict exists;

Except as modified below, the principal parties should be accorded

the right to see all documents considered by the AHC, to hear opposing statements, to present evidence, to call witnesses, and to be accompanied by a technical or informal advisor.

The chairperson of the AHC shall be responsible for conducting the hearing and has the complete authority, in consultation with the other members of the AHC, to control all aspects of the proceedings, including process, the hearing of testimony, and the introduction of other evidence as deemed necessary and appropriate. The AHC will not be bound by any formal rules of federal or state court procedure and evidence, and may consider whatever evidence it deems relevant and give such evidence any weight it deems appropriate in the considered and collective judgment of the committee's members.

The AHC will admit into the record of the proceedings the position statements and any documentation presented by the parties in the hearing, and may accept any additional documentation or evidence from the parties, so long as new allegations or charges are not raised. The AHC will provide reasonable aid, within its ability, in securing attendance of witnesses through its status as an approved university committee. The AHC will afford each party an opportunity to examine all witnesses whose appearance it has approved.

The AHC may determine that the testimony of suggested witnesses is either not relevant or cumulative, and may call witnesses on its own motion. The AHC will afford each party in the dispute an opportunity to be heard by the AHC and to be accompanied by an advisor or representative of their choice. The parties shall normally speak for themselves, but the AHC has the discretion to authorize either party's advisor or representative to examine witnesses or present oral or written arguments.

In all cases, the complainant shall have the burden of proof throughout the hearing by a "preponderance of the evidence" standard. Oral arguments shall be limited to ten minutes, except at the discretion of the Chair.

The written report shall include:

- a summary of findings of fact;
- a summary of the rationale for reaching a conclusion;
- a recommendation of action to the Provost.

In academic freedom violation cases, the conclusion of the report and recommendation shall follow the format:

"The AFEGC finds that the evidence presented in the complaint of _____ has (substantiated) (not substantiated) the charge against _____. The AFEGC recommends to the Provost that the following action be taken: _____."

In ethics violation cases, the conclusion of the report and recommendation shall follow the format:

"The AFEGC finds that the evidence presented in the complaint of _____ which dealt with section () of the Code of Ethics has (substantiated) (not substantiated) the charge against _____. The AFEGC recommends to the Provost that the following action be taken: _____."

The AHC shall issue its final report and recommendation by a majority vote within 10 days of the completion of the formal appeal hearing.

Special Cases

- In cases dealing with grievances, with the exception of cases described in the next bullet below, at the conclusion of a formal appeal hearing the AHC shall file a written report and recommendation on a grievance matter with the Provost.
- In cases referred to AFEGC from a CFSC or FRC the AHC will file its written report and recommendation with the body that referred the case to AFEGC.
- In cases dealing with ethics or academic freedom, the AHC shall file a written report and recommendation with the Chairperson of the Academic Senate.

The Chairperson of the Academic Senate shall distribute the report to the faculty members of the Senate Executive Committee.

The report and recommendations will be forwarded to the Provost if no faculty member of the Executive Committee requests that the report be considered by the joint faculty members of the Executive Committee. Otherwise, the joint faculty members of the Executive Committee will decide whether to forward the report to the Provost or to send it to the Faculty Caucus.

If the faculty members of Senate Executive Committee decide to forward the report to the Faculty Caucus, the Faculty Caucus will make a recommendation to the Provost on whether the AHC report should be accepted or rejected. This recommendation will be based entirely on whether the report adheres to the Faculty Ethics Code or to the principles of academic freedom cited in Article III, Section 1.A. of the Illinois State University Constitution.

Within 25 working days of the Senate Chairperson's receiving the AHC written report and the results of a possible appeal, the Faculty Caucus shall forward its recommendation to the Provost. If a recommendation is not made within 25 academic working days, the written report will go directly to the Provost without recommendation.

At the request of either party, a copy of the tape recording of the formal hearing shall be made available.

Provost's Reply to AFEGC Reports and Recommendations

After receiving the Final Report of the HC and, when applicable, the written report of an Appeals Hearing Committee and the recommendation of the Faculty Caucus, the Provost shall inform the AFEGC whether or not the report and recommendation are acceptable and, if applicable, inform the AFEGC of the nature of any redress. This notification shall be in writing, within 25 administrative working days, and shall be sent to the complainant, the respondent, and the chair of the AFEGC. If the recommendation of the FHC or AHC has been rejected, the notification must include a rationale supporting that decision.

Appeals to the President

The complainant or the respondent may appeal a decision by the Provost to the President. The appeal shall take the form of a written statement to the President, filed within 5 working days of the Provost's decision, explaining the basis for the appeal. Unappealed decisions of the Provost, or decisions of the President in appealed cases, shall constitute final resolution of the complaint, and shall not be subject to any further appeal.

Links:

Flow Chart: [AFEGCFlowchart2006-04-03.ppt](#)

[Policy 1.17 Code of Ethics and appendices](#)

[Policy 1.17A Professional Relationships](#)

[3.1.44 Consensual Relations in the Instructional Context and Outside of the Instructional Context](#)

[3.3.12A Appendix to Code of Ethics: Faculty Responsibilities to Students](#)

[3.3.12B Appendix to Code of Ethics: Consensual Relations in Instructional Settings](#)

[3.3.12C Appendix to Code of Ethics: Involvement in Political Activities](#)

[3.3.13 Academic Freedom Policy](#)



***Faculty Caucus Agenda
October 12, 2016
Old Main Room, Bone Student Center
Immediately Following the Academic Senate Meeting***

Information Items:

10.05.16.01 Proposed changes to 3.3.8 main AFEGC policy

10.05.16.02 Proposed changes to 3.3.8A AFEGC policy

10.05.16.03 Proposed changes to 3.3.8B AFEGC policy

10.05.16.04 Proposed changes to 3.3.8C AFEGC policy

10.05.16.05 Proposed changes to 3.3.8D AFEGC policy

Adjournment

3.3.8 Faculty Academic Freedom, Ethics and Grievance

I. Authority

The authority to create this Faculty Academic Freedom, Ethics, and Grievance Committee ("AFEGC ") is established by the [Illinois State University Constitution](#).

Comment [c1]: Add a link to the ISU Constitution, if possible

The AFEGC is an external committee of the Illinois State University Academic Senate and is responsible to the Senate for the faithful execution of this policy and for upholding all policies associated with it.

For the purposes of this document, faculty is defined as including tenured, probationary tenure-track, unionized and non-unionized non-tenure-track faculty (NTT) and faculty associates. ~~The inclusion of reference to negotiated~~ NTT faculty in this document is for the express purpose of academic freedom and the Code of Ethics and does not create or add any new rights beyond those which may already exist in the NTT negotiated agreement. ~~Specifically, the NTT negotiated agreement for union members provides that its members requires that its members can only bring to the AFEGC academic freedom grievances complaints as defined in II.A.3 below and/or Code of Ethics complaints as defined in II.A.4 below through the AFEGC process. The AFEGC will not hear complaints that:~~ 1) relate to the subject matter of a filed or future grievance as defined in the NTT negotiated agreement; 2) that meet the definition of a grievance in the NTT negotiated agreement; or 3) that are specifically noted as not subject to the grievance process in the NTT negotiated agreement.

Comment [SK2]: It was brought to the attention of the Faculty Caucus Exec by the NTT union president (and the AFEGC chair) that this sentence needs clearly to include NTT rights to file non-union-related ethics complaints (as against other NTTs or TTs), as the negotiated agreement does not have a process for ethics complaints and faculty nationally have rights to academic due process in such matters.

Please note that the NTT negotiated agreement needs to have an addendum added to clarify that the third sentence of this paragraph is indeed the case! Currently, this statement is not strictly true.

II. Jurisdiction, Exemptions and Malicious Charges

A. Jurisdiction: The AFEGC has faculty jurisdiction over the following:

Referrals

1. A referral from the Faculty Review Committee ("FRC"), pursuant to Article XIII.G.3 of the Faculty Appointment Salary Promotion and Tenure Policies ("ASPT"), in promotion and tenure cases where "the FRC believes that the basis of the appeal is an academic freedom or ethics violation."
2. A referral from the College Faculty Status Committee ("CFSC"), pursuant to Article XIII.I.1 of the ASPT, in performance evaluation cases where "the CFSC believes that the basis of the appeal is an academic freedom or ethics [violation](#)."

Comment [c3]: The question of referrals and individual complaints related to *post-tenure review* cases has been referred to URC (through Bruce Stoffel on May 25, 2016 from the Senate chair) since changes to ASPT policy need to happen in sync with changes to AFEGC policy with regard to any specification of this jurisdiction. I believe post-tenure review came in after AFEGC policy was written, and it hasn't been taken up as a question in revision cycles for AFEGC policy following its adoption in ASPT policy since.

Complaints and Grievances

3. A complaint by a faculty member that the action of some person or persons, acting in an official capacity as an ISU employee or member of the Board of Trustees, has violated the faculty member's academic freedom in teaching, research, publication, ~~and/or~~ shared governance or extramural activity. A complaint alleging violation of academic freedom must be consistent with the Illinois State University Constitution, Article III.
4. A complaint by a faculty member, an administrator, or an administrative body alleging that a faculty member or an administrator has violated the ~~Faculty~~ Code of Ethics.
5. A complaint by a probationary faculty member, who has received a notice of dismissal for cause prior to the expiration of the faculty member's contract term, alleging that the basis of the dismissal is an academic freedom or ethics violation. See ISU Constitution, Article III, Section 4.B.1.
6. A complaint by a probationary faculty member, who has received a notice of non-reappointment, alleging that the basis of the non-reappointment is an academic freedom or ethics violation. See ASPT, XIII.K.4. Complaints must be filed within 5 business days of the date that the faculty member received the official notice of non-reappointment.
7. A complaint by a faculty associate against a faculty member or a non-laboratory-school administrator, or a complaint by a faculty member or non-laboratory-school administrator against a faculty associate which is an allegation of an ethics or academic freedoms violation. Complaints alleging ethics or academic freedom violations that are related to dismissal, non-reappointment, or resignation under duress must be filed 30 days prior to the date of termination of employment, 30 days after the receipt of the notice if less than 30-days notice was given, or by September 30 if notice was received between May 16 and August 15.
8. A grievance in the form of a complaint by a probationary, tenured/tenure-track, or non-unionized NTT faculty member that is not based in academic freedom concerns or the Code of Ethics. A grievance is defined as any dispute with respect to the meaning, interpretation, or application of University policy (including College and Department/School bylaws) or any dispute arising from deviation from long-standing past practice. Board of Trustees Regulations and By-Laws, their meaning and/or interpretation may not be grieved.

B. Exemptions: Except for those cases provided for in II.A.1-2 and II.A.5-6 above, the ASPT guidelines and other university policies provide that the AFEGC has no jurisdiction in the following cases:

1. Faculty complaints in promotion, tenure, or performance evaluation matters, where a faculty member "believes that there has been a misinterpretation, misjudgment, or procedural error relating to a promotion, tenure, or performance evaluation recommendation concerning the faculty member." ASPT, XIII.C.
2. Cases involving the "dismissal of a tenured faculty member." ASPT, III.E.
3. All cases heard under ~~the~~ University Policy 1.8 Integrity in Research and Scholarly Activity ~~Policy~~.

Comment [c4]: This accords with current ASPT policy.

9/8/16: Senator Horst as the Rules Committee representative suggested adding the sentence: "This notice will contain language explaining this timeline." She also noted: "CFSC language like XIII.I.1 in ASPT needs to be added to ASPT XIII.K.3. Also a note: "CFSC appeal referral in non-reappointment case not considered."

I would recommend against adding the first sentence here, as it would be better for it to be in ASPT policy and not duplicated. This policy set is already very, very long. Will ask Senator Horst what the other notes meant. Some have been referred to URC for consideration and others may need to be.

Comment [c5]: The effort here is to set reasonable limits while accounting for lags due to the different academic calendars of the lab schools and ISU and the greater likelihood that lab school faculty will not be immediately aware of their rights to file AFEGC complaints.

Comment [SK6]: This exemption may change if certain changes to the ASPT dismissal policy are made by the Faculty Caucus in 2016-17.

4. All cases alleging violations of University Policy 1.2.1 Anti-Harassment & Non-Discrimination ~~Policy~~

C. Malicious Charges: Bringing unfounded charges motivated by malice, or failure to treat colleagues and students fairly, with respect, civility and decency, without exploitation and without discrimination based on irrelevancies, constitutes malicious charges and is a violation of the Code of Ethics. Where appropriate, the Report of the Hearing ~~Committee Panel~~ and/or the Report of the Appeals Hearing ~~Committee Panel~~ will state explicitly whether there was a reasonable basis in fact and honest belief for making ~~charges~~.

If either Report should determine that the making of the original charges or the testimony of any person was maliciously motivated, that finding shall be communicated to the Provost and to the respondent and that person can then decide whether to pursue a grievance/counter-complaint. The Provost may enter a finding of malicious conduct in the person's personnel file and communicate the finding to the person, the person's Dean and the person's Department Chair/School ~~Director~~/Unit Director. Such a finding may be the basis for disciplinary action or other personnel decisions in accordance with University rules and regulations.

Comment [SK7]: The AFEGC members requested that we change all names of subsidiary groups (HC and AHC) to Hearing Panel (HP) and Appeals Hearing Panel (AHP).

Comment [c8]: Remove stray mark between "School" and "Director."

10.05.16.02
From Faculty Caucus Chair (by way of Rules Committee 2014-16)
Dist. Executive Committee 10/3/16
Information Item 10/12/16

3.3.8A Academic Freedom, Ethics, and Grievance Committee (“AFEGC”)

Creation and Composition of the Committee

A. Committee Chairperson

Since AFEGC terms will coincide with the beginning of the academic year, at the call of the preceding Chairperson, the Chair and Vice-Chairperson will be elected within the first month of classes for one-year terms. In the event the preceding AFEGC chair is no longer serving on the committee, a meeting of the AFEGC will be called by the Chair of the Academic Senate for the sole purpose of electing a chair for AFEGC. The Chairperson and Vice-Chairperson of the AFEGC shall be tenured faculty members. The Chairperson and the Vice-Chairperson must hold tenure in different colleges; neither shall handle any case originating from their own department.

The Chairperson's duties shall include the following:

1. To inform the university faculty concerning the jurisdiction of the AFEGC and its policies and procedures in AFEGC matters (see AFEGC Flowchart)
2. To inform all university faculty members about the grievance-referral, complaint and grievance processes by providing them annually by e-mail the websites for the AFEGC Policies and Procedures and the Code of Ethics
3. To call and preside over meetings of the AFEGC
4. To ensure that proper procedure is followed in the handling of AFEGC matters, including the timely processing of complaints and referrals
5. To initiate, when deemed appropriate, the informal conciliation of complaints filed with the AFEGC as provided in Policy 3.3.8C
6. To provide training to members. In order to increase consistency in decision-making when the committee turns over, at the beginning of each year the chairperson of the AFEGC shall provide a summary of all cases of the last five years (those resolved informally and those resolved in a formal Hearing). No individual, department, or college names shall appear in the summaries. These summaries shall be drawn up at the end of each year by that year's chairperson. The cases shall be presented as scenarios for discussion by the new members. This summary shall be filed with the Academic Senate chairperson, who will keep the information contained therein in strict confidence.
7. To extend deadlines as needed to provide for equitable due process, in consultation with and on agreement of all parties concerned. A committee may petition the chairperson of the AFEGC for an appropriate extension of deadlines.
8. To oversee the election of committee members other than the Chair to serve as a voluntary conciliation facilitators, with duties as outlined in Policy 3.3.8C

Comment [c1]: AFEGC Flowchart should be hyperlinked here: An update to the Flowchart will be needed. We may need to wait for staff support before considering the flow chart revision.

Comment [c2]: This language was added to respond to AVP Catanzaro's suggestion that a copy of the summary of cases should go to the Provost. It is not appropriate for the summary of cases to go to the Provost, as many of them are resolved informally (as stated in this paragraph) and should not rise to the attention of the academic officer through whom all faculty are appointed, salaried, tenured, promoted, etc. by the President. However, if there is a wish for greater continuity, this suggested language would be the most appropriate, since historically there have been breaks in continuity among AFEGC chairs/committees. It could also be filed with the Academic Senate clerk if people are uncomfortable with the Senate Chair seeing it. This matter can be debated in the Faculty Caucus before being finalized.

Martha Horst suggests that any cases that actually do rise to the Provost's attention during the course of a given year should be kept in some sort of file by the Provost's office so that there is continuity from Provost to Provost with regard to sanctions imposed for like offenses. To some extent, the new ASPT disciplinary articles *might* help with some of that, but it is a good idea. It might be more of an internal Provost's office practice, so such wording—if in AFEGC policy—should task it in that way rather than making it a responsibility of the AFEGC. Also, it should be noted that in the past there have been AFEGC cases that are legally sealed against opening except by a court order or the consent of the Board of Trustees. Such cases cannot be kept by the Provost's office.

B. Members

The AFEGC will consist of ~~thirty one (31)~~thirty-three (33) members defined below. Each year, the faculty members of every department shall nominate by election within the Department one faculty member with tenure. University personnel in the following positions shall not be eligible to serve on the AFEGC:

- College deans
- Department chairpersons
- Academic Senate members
- Faculty Review Committee members
- University Review Committee members
- College Faculty Status Committee members
- Administrative Personnel
- Civil Service Personnel

Department/School Faculty Status Committee members may not serve on cases involving their own departments. A faculty member with tenure may petition to be included as an addition to the departmental/school nominees by indicating willingness to serve on the annual Senate external committee form.

Only persons holding full-time faculty appointments (tenure-line or non-tenure-line) or full-time faculty associate appointments may serve as members of AFEGC.

C. Procedures for electing members

The Academic Senate Faculty Caucus shall elect the AFEGC during the Spring Semester prior to the seating of newly elected Senators using the following procedures.

Tenured faculty (18): In each year of an election, the six (6) faculty with the highest number of votes shall be declared elected for a three-year term. Any vacancy occurring between elections shall be filled by the first eligible person of those who, at the last election, received the next highest number of votes. The position on the AFEGC of anyone who will be or has been absent from regular duties for one semester or longer shall be declared vacant. A member named to fill any vacancy shall serve the remainder of the unexpired term.

NTT Faculty (9, consisting of 5 negotiated and 4 non-negotiated): The NTT faculty members of each college who are covered by the NTT negotiated agreement will elect ~~a one (1) full-time~~ non-tenure-track faculty member with status from their college and covered by the NTT negotiated agreement to a pool. The pool shall be elected annually each ~~fall~~spring ~~through the~~ Senate office. A different member will be chosen from this pool for each committee (hearing, appeals) for cases where a complainant or respondent is a non-tenure-track faculty member covered by the NTT negotiated agreement. These NTT pool members will only serve in cases regarding NTT complainants or respondents covered by the NTT negotiated agreement.

Comment [c3]: Suggesting change to spring, as even though an NTT may need to be replaced by fall if s/he is not offered a contract, being elected in fall does not allow the NTTs to attend the first meeting of AFEGC each year.

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It is understood that two colleges (Mennonite College of Nursing and Milner Library) have no NTTs covered by the negotiated agreement.

Non-tenure-track faculty members not covered by the NTT negotiated agreement in Mennonite College of Nursing and Milner Library shall each elect two (2) full-time non-tenure-track faculty members with at least eight consecutive semesters of service with no more than one one-semester break in service and not covered by the NTT negotiated agreement to a pool. The pool shall be elected annually each spring through the Senate office, with members elected by the NTT faculty of their own college. A different member will be chosen from this pool for each committee (hearing, appeals) for cases where a complainant or respondent is a non-tenure-track faculty member not covered by the NTT negotiated agreement. These NTT pool members will only serve in cases regarding NTT complainants or respondents not covered by the negotiated agreement.

NTT members serve a one-year renewable term.

Faculty Associate (6): The faculty associates at Metcalf School and University High School will each elect three (3) tenured faculty associates to a pool. The pool shall be elected annually each spring through the Senate office, with members elected by the faculty associates of their own laboratory school. A different member will be chosen from this pool for each committee (hearing, appeals) for cases where a complainant or respondent is a faculty associate. These faculty associate pool members will only serve in cases regarding faculty associate complainants or respondents.

Faculty Associate members serve a one-year renewable term.

If a member of the AFEGC is engaged in a hearing or other process related to a complaint or referral, the member will continue to serve regarding that matter until the matter is terminated (i.e. any appeals elected by the parties have been exhausted), even though such service may thereby extend beyond the expiration of the member's term of office. Terms extend for three full years (tenured faculty) or one full year (NTT, FA) from the beginning of the academic year on August 16, and may occasionally include service between May 15 and August 16 if a matter is not terminated by May 15 or if urgent need arises.

3.3.8B TYPES OF CASES & PROCEDURES FOR CASES

Complaints, Grievances, and FRC or CFSC Referrals

General Procedures for Complaints and Referrals

Complaints and referrals will be filed with the Chairperson of the AFEGC, or in his/her absence or if the complaint or referral arises from the department/school of the Chairperson, with the Vice-Chairperson. Upon receipt of the complaint or referral, the Chairperson or Vice-Chairperson shall confirm in writing to the complainant or referee receipt of the complaint or referral and the date of filing within five (5) business days. The Chairperson or Vice-Chairperson shall also transmit a copy of the complaint or referral to the appropriate respondent(s).

In this and subsequent matters, members of the AFEGC shall use only confidential campus mail envelopes to transmit items related to complaints and referrals, unless the Chairperson of the AFEGC has received signed permission from all parties and committee chairpersons that email or another electronic transmission mode is acceptable.

Referrals

A referral to the AFEGC shall be defined as a referral either from the FRC, as described above in II.A.13, or a referral from ~~the~~ a CFSC, as described above in II.A.24. A referral shall at a minimum include:

1. A written statement by the FRC or CFSC describing the basis for the referral;
2. Forwarding of any documentation from the FRC or CFSC pertinent to the referral;
3. Indication from the FRC or CFSC as to the timelines by which the AFEGC is to submit its report back to the FRC or CFSC.

Procedures in Referral Cases

Where a case is referred to the AFEGC by the FRC or a CFSC, the Chairperson of the AFEGC shall call a meeting of the tenured members of the AFEGC —except for any members from the department(s) from which the case originates or having other conflicts of interest— to determine, by majority vote, whether a hearing is warranted. If no hearing is warranted because a decision can be rendered with the materials at hand, the AFEGC reports its decision to the original referring committee – FRC or CFSC.

If a hearing is warranted in the case, the AFEGC shall proceed directly to an appeal hearing. The Chair of the AFEGC (or the Vice Chair if the Chair is from a department from which the case originates) shall form an Appeal Hearing Committee Panel (AHP~~C~~). As outlined in ~~the~~ ASPT,

Comment [SK1]: 9/9/16: Here and wherever timelines are indicated, the AFEGC has requested that the Caucus create REALISTIC deadlines for the Hearing Panels and Chair duties. They are finding that the practicalities of cases often mitigate against meeting 5-day deadlines, especially if electronic communication is refused. I indicated that the Caucus would try to find a happier medium between the complainant/respondent need for an expeditious process and the committee need for a realistic one. In effect, currently, the AFEGC chair is constantly having to invoke the consent to extend deadlines.

We will need to talk about whether the timing of such changes needs to be decoupled from this current policy revision.

Comment [c2]: Vickie Kiser editorially cleaned up several of these areas requiring only editorial rechecking from the Spring 2016 revisions, following a meeting with Senator Kalter regarding mistakes she neglected to catch in the finalized copy.

XIII.G.3 and XIII.I.1, the report of the AFEGC, shall offer recommendations to the FRC or CFSC so that they may exercise their ASPT responsibilities.

In the case of an appeal of an Appeal Hearing ~~Committee Panel~~ (AHPC) decision by either the complainant or respondent, copies of the decision by the AFEGC AHPC will be forwarded to the original referring committee and to the Chairperson of the Academic Senate.

The ~~elected members of the~~ Executive Committee of the Faculty Caucus ~~—except for any members from the department(s) from which the case originates or having other conflicts of interest--~~ will then review the decision within five (5) ~~working-business~~ days of receiving the AHPC decision on appeal. The Executive Committee of the Faculty Caucus may decide that an AHPC decision warrants a hearing by the Faculty Caucus of the Academic Senate or it may file a report directly to the original referring body and to the Provost.

Comment [c3]: See comment in 3.3.8D, as some of these numbers are cumulative in 3.3.8D.

~~If a hearing is held by the Faculty Caucus of the Academic Senate, W~~within ten (10) ~~working-business~~ days, the Faculty Caucus ~~of the Academic Senate~~ will submit its decision to the original referring body and to the Provost. ~~Members of the Faculty Caucus from the department(s) from which the case originates or having other conflicts of interest shall not participate in the hearing or receive materials regarding the case.~~

Comment [c4]: Cross-check the deadlines here. I believe that in 3.3.8D, this is 25 business days rather than 10.

If the deadline for action by the original committee has passed during any part of this process, the chair of the AFEGC will forward the decision by the AFEGC appeals ~~hearing committee panel~~ (AHP) to the President, the Provost, and the original referring committee (for tenure and/or promotion cases) or to both the CFSC and DFSC in performance evaluation cases.

Complaints and Grievances

A complaint shall be defined as a written statement alleging a matter within the jurisdiction of the AFEGC, as defined above by II.A.3-II.A.78.

A grievance shall be defined as a written statement alleging a matter within the jurisdiction of the AFEGC, as defined above by II.A.87.

A complaint or grievance shall at a minimum include:

1. The jurisdictional basis of the complaint or grievance, by specification of the subsection II.A which provides for the jurisdiction of the AFEGC;
2. A written statement detailing the basis of the complaint or grievance, including a narrative of the facts which the complainant believes could be proven if a formal hearing were to take place;
3. For complaints, a statement of the section(s) of the Code of Ethics the complainant believes has been violated, if applicable.
4. For grievances, a statement of the policy or past practice the complainant believes has been violated.

Complaints and grievances may also include as attachments any documentation believed to be relevant to the complaint.

Procedures in Complaint Cases

In cases of complaints filed by a faculty member, the Chairperson shall consult the Provost's Office as to the appropriate respondent, who shall be designated by agreement of the AFEGC Chairperson and the Provost. In the absence of an agreement between the AFEGC Chairperson and the Provost, the faculty members of the Senate Executive Committee shall determine the appropriate respondent.

Members of the Senate Executive Committee from the complainant's and respondent's own department(s) shall recuse themselves from these decisions and shall not be made aware of the case. For cases from the Senate chair's own department, the Senate chair will recuse him/herself and hand over the case documentation and the chairing of the decision to the Senate Secretary (if from a different department) or the senior member of the Executive Committee (in years of service on Exec and then years of service on the Senate).

In cases of complaints alleging ethics violations, the appropriate respondent is the person accused of the ethics violation. In appropriate cases, such as where discrimination or sexual harassment is alleged, the [AFEGC](#) Chairperson shall notify the [Affirmative Action Officer/Office of Equal Opportunity and Access](#).

10.05.16.04
From Faculty Caucus Chair (by way of Rules Committee 2014-16)
Dist. Executive Committee 10/3/16
Information Item 10/12/16

3.3.8C Voluntary Conciliation

Encouragement of Voluntary Informal Conciliation Efforts with Complaint Cases

As a matter of general policy, the Academic Senate and the AFEGC hereby encourage but do not require any complainant, before filing a complaint, to seek informal conciliation and resolution of the perceived grievance.

Such informal conciliation can take many forms. Usually a prospective complainant confers with a representative of the administration who would normally respond to the complaint (if filed by a faculty member); or an administrator considering an ethics complaint against a faculty member confers with that faculty member.

The parties involved in this informal conciliation conference typically seek to resolve the complaint voluntarily, in order to preclude the necessity of filing a complaint.

If such voluntary informal conciliation efforts fail, or if one or more of the parties in the dispute refuse informal conciliation, for whatever reason, they may consult with the University Ombudsperson Council prior to filing a formal complaint with the AFEGC.

If, in exceptional circumstances, a complainant or respondent is concerned about or unwilling to work with a University Ombudsperson in pursuing an informal and voluntary resolution to the issue of concern, that person may contact an AFEGC member who has been elected by the committee to serve as a voluntary conciliation facilitator. The parties may work with this designated committee member in pursuing an informal resolution to the case at any stage.

A voluntary conciliation facilitator who works with parties to pursue an informal resolution may neither serve on nor appoint any hearing panel or appeals hearing panel related to the case without the consent of all parties.

The complainant may still file a formal complaint with AFEGC after the appropriate Ombudsperson or a voluntary conciliation facilitator elected by the committee has been consulted, if the case remains unresolved.

3.3.8D Hearing **Committees**Panels, Hearings, Appeals, and Reports

Principles applicable to all hearings

Hearings shall be conducted according to the following procedures:

- a. Proceedings shall be conducted in good faith;
- b. Formal hearings shall be closed unless both parties consent to an open meeting or an open meeting is required by law;
- c. The chairperson of the Faculty Hearing **Committee**Panel (FHPC), Appeals Hearing **Committee**Panel (AHPC), or the Faculty Caucus, or a designee shall, at the outset of the hearing, state the issues in the proceedings to all involved parties;
- d. Subject to applicable law, the privacy of confidential records and proceedings in the hearing process shall be respected;
- e. Members serving on hearing and appeals panels should scrupulously avoid any conflict of interest and must notify the Chairperson of the AFEGC if any such conflict exists or arises;
- f. Except as modified below, the principal parties should be accorded the right to see all documents considered by the hearing or appeals panel, to hear opposing statements, to present evidence, to call witnesses, and to be accompanied by a technical or informal advisor ~~who may be present only to advise the party and not to participate.~~

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Faculty Hearing **Committee**Panel (FHPC)

In cases of complaints where a conciliation effort is not deemed appropriate by the complainant, the AFEGC Chairperson, an Ombudsperson or an AFEGC voluntary conciliation facilitator, or where such an effort has been unable to resolve the matter, ~~and in all cases of referrals, the~~ Chairperson shall appoint, from the members of the AFEGC, a three (3) member Faculty Hearing Panel (FHPC) for each case that necessitates a hearing. The appointment shall normally take place within five (5) ~~working-business~~ days of a referral or of a decision that a hearing is warranted. The AFEGC Chairperson shall make every effort to avoid seating members from the complainant's and respondent's own college(s) in cases that may involve college-level issues, but may do so if other AFEGC members are not available.

Comment [c1]: Referrals go straight to an AHP if hearing is warranted

In cases where the complainant or respondent is a non-tenure-track faculty member or faculty associate, the Chairperson shall appoint two (2) ~~of its T/TF~~ tenured members of the AFEGC to the FHPC and one (1) non-tenure-track or faculty associate member from the ~~non-tenure-track appropriate pool made up of members from each college of NTT or faculty associate members of AFEGC.~~

1. The FHPC shall elect a chairperson from its own membership.
2. The Chairperson of the AFEGC shall supervise the election procedure after deciding that an FHPC needs to be formed.
- ~~3. No member of the AFEGC shall serve on a FHPC who: (1) is the Chairperson of the AFEGC; (2) is a member of the same department/school/unit as the person(s) for whom the hearing will be held; or (3) for good reason believes he/she cannot or should not serve (e.g., actual or apparent conflict of interest, such as those who have served on a DFSC/SFSC, CFSC, or FRC that has been involved with the complaint). Representatives of Menomonie College of Nursing, Milner Library, Metcalf School and University High School may not serve on a HC of a proceeding in which the complainant or respondent is from the same unit.~~
- 4.3 In the event of vacancies making it impossible to staff a FHPC with appropriate representatives as established above, the Chairperson may appoint any member of the AFEGC who is not a member of the same department/school/unit as the complainant or respondent to the FHPC.
- ~~5. The Hearings shall be conducted according to the following procedures:

 - a. Proceedings shall be conducted in good faith;
 - b. Formal hearings shall be closed unless both parties consent to an open meeting or an open meeting is required by law;
 - c. The chairperson of the Hearing committee or a designee shall, at the outset of the hearing, state the issues in the proceedings to all involved parties;
 - d. Subject to applicable law, the privacy of confidential records and proceedings in the hearing process shall be respected;
 - e. Members serving on hearing panels should scrupulously avoid any conflict of interest and must notify the Chairperson of the AFEGC if any such conflict exists;
 - f. Except as modified below, the principal parties should be accorded the right to see all documents considered by the HC, to hear opposing statements, to present evidence, to call witnesses, and to be accompanied by a technical or informal advisor.~~

Comment [c2]: Given that other clauses state that you cannot appoint people to an FHP from the same unit no matter what, this clause is unnecessary.

Comment [c3]: Moved to common principles section above

Hearing

Within ten (10) working days of the constitution of the committee, the chairperson of the FHPC shall set a hearing date for the hearing, unless this timeline is extended by mutual agreement of the chairperson, complainant, and respondent. Within these ten (10) days, the Chairperson of the AFEGC and Chairperson of the FHPC will schedule a meeting of the FHPC membership to provide training and to review procedures, standards and confidentiality with the FHPC membership.

The hearing shall be conducted according to the following procedures:

- A. The complainant shall be given five (5) working days prior to the scheduled hearing to submit any documentation the complainant deems relevant to the FHPC. Through the chair of the FHP, the complainant must also provide the respondent with:

- o A written position statement detailing the basis of the complaint, including a narrative of the facts which the complainant believes could be proven if a formal hearing were to take place;
 - o Any documentation the complainant deems relevant;
 - o A list of proposed witnesses, if relevant;
 - o Notification of intent to bring a technical or informal advisor who in rare circumstances may be an attorney, and notification of the name of that advisor.
- B. The chairperson of the FHPC has an obligation to transmit all documentation, names of witnesses tentatively agreed to by the full FHP, and names of advisors to the respondent within one (1) working day. If this timeline cannot be met for any reason, the timeline for the respondent's response shall be lengthened by as many days as it took the chairperson of the FHPC to transmit the information to the respondent.
- C. Within ten (10) working days of receipt of the submission by the complainant, the respondent shall submit to the FHPC and the complainant, through the chairperson of the FHPC:
- o A written statement detailing the response to the complaint, including a narrative of the facts that the respondent believes could be proven in a formal hearing.
 - o Any documentation the respondent deems relevant;
 - o A list of proposed witnesses, if relevant;
 - o Notification of intent to bring a technical or informal advisor who in rare circumstances may be an attorney, and notification of the name of that advisor.
- ~~D~~D. Within one (1) working day of receipt of the materials from the respondent, the chairperson of the FHP has an obligation to transmit all documentation, names of witnesses tentatively agreed to by the full FHP, and names of advisors to the complainant. If this timeline cannot be met for any reason, the timeline for the succeeding steps shall be lengthened by as many days as it took the chairperson of the FHP to transmit the information to the complainant.
- ~~D~~E. Assuming the timeline outlined in B, ~~and C~~ and D of this section is met, a Hearing shall take place within twenty (20) working days of the formation of the FHPC.
- ~~E~~F. At the scheduled hearing, the FHPC will:
- o Allow the complainant and the respondent, or their representatives, if they so elect, to make oral presentations supplementing their written submissions;
 - o Ask the complainant and the respondent any questions the FHPC deems relevant regarding their written submissions and/or oral presentations.
 - o The FHPC will inquire into the situation only to the extent necessary to enable the Committee to make a recommendation or to effect a resolution. Presentation and examination of witnesses will take place only when the FHPC deems it to be appropriate in a particular case. The proceedings will be audiotape-recorded. The FHPC may limit the oral presentations to any time length that it deems appropriate, but each side will have the same amount of time, not to be less than 20 minutes.
- ~~F~~G. Within ten (10) working days after the hearing is conducted, the FHPC will issue its written report and recommendation, approved by a majority vote, to the Chairperson of the AFEGC regarding the complaint, which will take one of the following forms:
- o The FHPC may recommend dismissal of the complaint;

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- o The **FHPC** may conclude that there are disputes of material fact such that a further hearing is warranted and necessary, or that a further hearing is warranted for any reason the **FHPC** deems appropriate in order for the AFEGC to come to a recommendation regarding the complaint.
- o The **FHPC** may conclude that it has sufficient information to move to a decision and issue its final recommendation regarding the complaint.

The written report shall **include**:

- A summary of findings of fact;
- A summary of the rationale for reaching a conclusion or holding a further hearing;
- A recommendation of action to the Provost, unless a further hearing by the **FHPC** has been recommended.

For written reports containing the **FHPC's final recommendation:**

In academic freedom violation cases and grievance cases, the conclusion of the report and recommendation shall follow the format for each separate charge in the complaint:

“The AFEGC finds that the evidence presented in the complaint of _____ has (substantiated) (not substantiated) the charge against _____. The AFEGC recommends to the Provost that the following action be taken: _____.”

In ethics violation cases, the conclusion of the report and recommendation shall follow the format for each separate charge in the complaint:

“The AFEGC finds that the evidence presented in the complaint of _____ which dealt with section () of the Code of Ethics has (substantiated) (not substantiated) the charge against _____. The AFEGC recommends to the Provost that the following action be taken: _____.”

Once the FHP has delivered its final written report either dismissing the complaint or reporting its decision and making recommendations, the Chairperson of AFEGC shall review that report, flag any areas of concern, and ask the FHP to clarify it in writing as necessary. The Chairperson of the AFEGC shall then communicate the **FHPC**'s recommendation to the complainant and the respondent and inform them of their right to appeal. Within five (5) working days after receiving the **FHPC** recommendation, the complainant or respondent may appeal the recommendation of the Faculty Hearing Committee Panel. The appellant's written request will explain the basis for the request appeal.

Appeal Hearings

If, after a hearing, the AFEGC receives a request for an appeal hearing, or on referral from a College Faculty Status Committee (CFSC) or the Faculty Review Committee (FRC) deemed to warrant a hearing by an AHP, then the Chairperson shall constitute an Appeal Hearing

Comment [c4]: Senator Horst suggests “shall be limited to.”

What are the pros and cons of changing this long-standing language? Has there been a chronic problem of FHP reports going far beyond this scope? Would this language possibly shut down beneficial elements of a written report as needed in specific cases?

The present chairperson of the AFEGC recommends against this change, given the wide variation in cases.

~~Committee Panel~~ (AHP) with ~~new~~ members who did not serve on any FHP in the case. The AHP shall consist of five (5) members.

In the case that both ~~claimant-appellant~~ and ~~the~~ respondent to the appellant are tenured or probationary faculty members and/or administrators, the five members shall be drawn from the tenured faculty on the AFEGC. In the case that ~~an~~ claimant-appellant or respondent to the appellant is ~~a~~ non-tenure track member, the AHP shall consist of three (3) tenured faculty AFEGC members and two (2) non-tenure-track members drawn from the appropriate non-tenure-track ~~or~~ faculty pool. ~~If the claimant or respondent is a non-tenure-track member and covered by the NTT negotiated agreement, the AHC shall consist of three (3) tenured faculty AFEGC members, one non-tenure-track faculty member and a non-tenure-track faculty member not covered by the NTT negotiated agreement who did not serve on the HC.~~ In the case that ~~an~~ claimant-appellant or respondent to the appellant is a faculty associate, the AHP shall consist of three tenured faculty AFEGC members, ~~one non-tenure-track faculty member~~, and ~~two~~ faculty associates ~~who did not serve on the HC~~.

The Chairperson of the AHP shall schedule the appeal hearing within ten (10) days after the AHP formation. This timeline may be extended by mutual agreement of the chairperson of the AHP, the ~~complainant-appellant~~, and the respondent to the appellant. The parties will be given written notice of the date, time, place, and purpose of the hearing. In constituting the AHP, the following procedures shall apply:

- ~~1.~~ The AHP shall elect a chairperson from its own membership.
- ~~2.~~ The Chairperson of the AFEGC shall supervise the election procedure after deciding that an AHP needs to be formed.
- ~~3.~~ No member of the AFEGC shall serve on an AHP who (1) is the Chairperson of the AFEGC; (2) is a member of the same department/school/unit as the person for whom the hearing will be held; or (3) for good reason believes he/she cannot or should not serve (e.g., actual or apparent conflict of interest, such as those who have served on a DFSC/SFSC, ~~CFPSC~~, or FRC that has been involved with the complaint) ~~Representatives of Mennonite College of Nursing, Milner Library, Metcalf School and University High School may not serve on an AHC of a proceeding in which the complainant or respondent is from the same unit.~~
- ~~4.~~ In the event of vacancies making it impossible to staff an AHP with appropriate representatives as established above, the Chairperson may appoint to the AHP any member of the AFEGC who is not a member of the same department/school/unit as the complainant-appellant or respondent to the AHCappellant.

~~Appeals Hearing shall be conducted according to the following procedures:~~

~~Proceedings shall be conducted in good faith;~~

~~Hearings shall be closed unless both parties consent to an open meeting or an open meeting is required by law;~~

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Comment [c5]: Given that other clauses state that you cannot appoint people to an AHP from the same unit no matter what, this clause is unnecessary.

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~~The chairperson of the AHC or a designee shall, at the outset of the hearing, state the issues in the proceedings to all involved parties;~~

~~Subject to applicable law, the privacy of confidential records and proceedings in the hearing process shall be respected;~~

~~Members serving on hearing panels should scrupulously avoid any conflict of interest and must notify the Chairperson of the AFEGC if any such conflict exists;~~

~~Except as modified below, the principal parties should be accorded the right to see all documents considered by the AHC, to hear opposing statements, to present evidence, to call witnesses, and to be accompanied by a technical or informal advisor.~~

The chairperson of the AHPE shall be responsible for conducting the [appeals](#) hearing and has the complete authority, in consultation with the other members of the AHPE, to control all aspects of the proceedings, including process, the hearing of testimony, and the introduction of other evidence as deemed necessary and appropriate. The AHPE will not be bound by any formal rules of federal or state court procedure and evidence, and may consider whatever evidence it deems relevant and give such evidence any weight it deems appropriate in the considered and collective judgment of the committee's members.

The AHPE will admit into the record of the proceedings the position statements and any documentation presented by the parties in the hearing, and may accept any additional documentation or evidence from the parties, so long as new allegations or charges are not raised. The AHPE will provide reasonable aid, within its ability, in securing attendance of witnesses through its status as an approved university committee. The AHPE will afford each party an opportunity to examine all witnesses whose appearance it has approved.

The AHPE may determine that the testimony of suggested witnesses is either not relevant or cumulative, and may call witnesses on its own motion. The AHPE will afford each party in the dispute an opportunity to be heard by the AHPE and to be accompanied by an advisor or representative of their choice. The parties shall normally speak for themselves, but the AHPE has the discretion to authorize either party's advisor or representative to examine witnesses or present oral or written arguments.

In all cases, the [complainant-appellant](#) shall have the burden of proof throughout the hearing by a "preponderance of the evidence" standard. Oral arguments shall be limited to ten minutes, except at the discretion of the Chair.

The written report shall [include](#):

- a summary of findings of fact;
- a summary of the rationale for reaching a conclusion;
- a recommendation of action to the Provost.

Comment [c6]: See c19 above

In academic freedom violation cases and grievance cases, the conclusion of the report and recommendation shall follow the format for each separate charge in the complaint:

"The AFEGC finds that the evidence presented in the complaint of _____ has (substantiated) (not substantiated) the charge against _____. The AFEGC recommends to the Provost that the following action be taken: _____."

In ethics violation cases, the conclusion of the report and recommendation shall follow the format for each separate charge in the complaint:

"The AFEGC finds that the evidence presented in the complaint of _____ which dealt with section () of the Code of Ethics has (substantiated) (not substantiated) the charge against _____. The AFEGC recommends to the Provost that the following action be taken: _____."

The AHPC shall issue its final report and recommendation by a majority vote within 10 days of the completion of the formal appeal hearing.

Once the AHP has delivered its final written report, the Chairperson of AFEGC shall review that report, flag any areas of concern, and ask the AHP to clarify it in writing as necessary. The Chairperson of the AFEGC shall then communicate the AHP's recommendation to the complainant and the respondent and inform them of their right to appeal. Within five (5) working days after receiving the AHP recommendation, the complainant or respondent may appeal the recommendation of the Appeals Hearing Panel. The appellant's written request will explain the basis for the appeal.

~~Special Cases~~

AFEGC Reports and Recommendations

- ~~In all cases dealing with academic freedom complaints, ethics complaints, or grievances, with the exception of cases described in the next bullet below sentence, at the conclusion of a formal appeal hearing, the FHP or AHPC shall file thea written report and recommendation on thea grievance matter with the Provost and the Chairperson of the Academic Senate: at the conclusion of the hearing, if no appeal, or at the conclusion of the appeals hearing, if the FHP report is appealed.~~
- In cases referred to AFEGC from a CFSC or FRC the AHPC will file its written report and recommendation with the body that referred the case to AFEGC.
- ~~In cases dealing with ethics or academic freedom, the AHC shall file a written report and recommendation with the Chairperson of the Academic Senate.~~

In the case of an appeal of the AHP final report and recommendations, the Chairperson of the Academic Senate shall distribute the report to the elected faculty members of the Senate Executive Committee. Members of the Executive Committee and of Faculty Caucus from the parties' department(s) and those who have an actual or apparent conflict of interest, such as those

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Comment [SK7]: Recommend reformatting this bulleted set into a regular paragraph. Too messy to do so in "Track Changes" now, but if approved, will reformat in that way.

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who have served on a DFSC/SFSC, CFSC, or FRC that has been involved with the complaint shall not be included in this distribution or in any deliberations.

The report and recommendations will be forwarded to the Provost if there is no appeal or if in the case of an appeal no faculty member of the Executive Committee requests that the report be considered by the joint faculty members of the Executive Committee. Otherwise, the joint faculty members of the Executive Committee will decide whether to forward the report to the Provost or to send it to the Faculty Caucus. If the joint faculty members of the Executive Committee decide to forward the report to the Provost, they may/may not append their written comments regarding the final report and recommendations. This comment may not be in the form of a recommendation to accept or reject the AHP report and must be based entirely on observations regarding procedure and policy interpretation.

Comment [c8]: We need to decide this. Good reasons for and against, particularly given 2015-16 cases.

If we decide "may not", the next sentence stays out of the policy revision. Same with the addition in the next major section below (Provost's Reply...) referring to Exec.

If the elected faculty members of Senate Executive Committee decide to forward the report to the Faculty Caucus, the Faculty Caucus will meet to discuss the appeal and will make a recommendation to the Provost on whether the AHP report should be accepted or rejected. This recommendation will be based entirely on whether the report adheres to the Faculty Ethics Code, to the relevant policy at issue in any grievance, or to the principles of academic freedom cited in Article III, Section 1.A. of the Illinois State University Constitution. Ordinarily, the Faculty Caucus will not hold a formal hearing with the parties in attendance, but may vote to do so if circumstances warrant such a hearing. The recommendation to the Provost from the Faculty Caucus shall occur only after any such hearing.

Within 25 working-business days of the Senate Chairperson's receiving the AHP written report and the results of a possible appeal, the Faculty Caucus shall forward its recommendation to the Provost. If a recommendation is not made within 25 academic working-business days, the written report will go directly to the Provost without recommendation.

Comment [c9]: It is a complete mystery what this phrase is supposed to refer to if not to the results of the Faculty Caucus's own deliberations!!!

Thus, should it not be struck?

At the request of either party, a copy of the tape audio recording(s) of the-any formal hearing(s) shall be made available to them.

Comment [c10]: I have left in the term "academic" as it seems to be an effort to say that fall or spring semester must be in session rather than just any old business day. It is unclear whether summer session is included, but I would recommend that it not be, even though extraordinary cases or circumstances may require the Caucus to meet during the summer on an urgent case.

Provost's Reply to AFEGC Reports and Recommendations

After receiving the Final Report of the FHPC and, when applicable, the written report of an Appeals Hearing ~~Committee~~ Panel, the comment of the elected faculty members of the Executive Committee, and the recommendation of the Faculty Caucus, the Provost shall inform the AFEGC whether or not the report and recommendation are acceptable have been accepted and, if applicable, inform the AFEGC of the nature of any redress. This notification shall be in writing, within 25 administrative working-business days, and shall be sent to the complainant, the respondent, ~~and~~ the chair of the AFEGC, and the chair of the Academic Senate, in the case of appeals of the AHP report. If the recommendation of the FHPC or AHP or Faculty Caucus has been rejected, the notification must include a rationale supporting that decision.

Comment [c11]: Remove this addition if the Caucus feels it inadvisable to allow Exec comments/observations on the FP and/or AHP process, procedures, policy interpretation.

Appeals to the President

The complainant or the respondent may appeal a decision by the Provost to the President. The appeal shall take the form of a written statement to the President, filed within 5 working days of the Provost's decision, explaining the basis for the appeal. Unappealed decisions of the Provost, or decisions of the President in appealed cases, shall constitute final resolution of the complaint, and shall not be subject to any further appeal.

Links:

Flow Chart: [AFEGCFlowchart2006-04-03.ppt](#)

Policy 1.17 Code of Ethics and appendices:

Policy 1.17A Professional Relationships

Policy 3.1.44 Consensual Relations in the Instructional Context and Outside of the Instructional Context

Policy 3.3.12A Appendix to Code of Ethics: Faculty Responsibilities to Students

Policy 3.3.12B Appendix to Code of Ethics: Consensual Relations in Instructional Settings

Policy 3.3.12C Appendix to Code of Ethics: Involvement in Political Activities

Policy 3.3.13 Academic Freedom Policy

Comment [c12]: It may be a good idea to move these links, or some of them, to 3.3.8main; or to include them on the 3.3.8 that is most appropriate

Comment [c13]: We'll need to check this and add the new chart according to Billy Lim's requested revisions (for normal flowchart symbols).

Disciplinary Actions

XI. General Considerations

A. Types of Disciplinary Actions; Conditions under which they may be applied

1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal.
2. Sanctions: As defined by the American Association of University Professors' 1971 guidelines regarding progressive discipline, sanctions that can be imposed upon a faculty member are: oral reprimand, written reprimand, recorded reprimand, requirement to make restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period, and disciplinary suspension for a stated period without other prejudice.

Sanctions may be imposed for such ~~adequate causes~~ reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices.

Specific policies related to sanctions are provided in ASPT XII.

3. Suspension: Suspension occurs when a faculty member, as a result of disciplinary findings or allegations, is:
 - a. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University and is excluded from all or parts of campus and its privileges (e.g. access to email services); or
 - b. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University but is not excluded from campus; or
 - c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or
 - d. reassigned out of some portion thereof (e.g. reassignment out of a particular class for the remainder of a semester; exclusion from a laboratory space). ~~The faculty member could be on paid or unpaid status.~~

~~Specific policies related to suspensions are provided in ASPT XIII.~~

~~It is understood that suspension (with or without pay)~~ Suspension of faculty members will only be contemplated (i) in circumstances when there is a

Comment [SC1]: This entire major section, which comprises Articles XI through XIV, is almost entirely new. Initiated at the request of former Academic Senate Chair Dan Holland, these articles have been through several iterations over two academic years (2013-14 and 2015-16) with feedback from both Faculty Affairs Committee of the Senate and University Review Committee and input from General Counsel.

Flow Charts for Sanctions, Suspensions, and Tenured Faculty Dismissals added as Appendices 5 through 7, respectively.

Comment [SK2]: This draft reflects changes recommended by the Faculty Caucus during the 2015-16 academic year. Note that in SC1 above, 2015-16 is a typo for 2014-15.

Comment [SK3]: It seems wise to isolate the use of the term "cause" to the sections on dismissal.

reasonable threat of imminent harm to ~~the University, including~~ the faculty member in question, students, ~~and~~ other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice, 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.

Specific policies related to the first type of suspension are provided in ASPT XIII. The second type of suspension follows the same process as described for dismissal in ASPT XIV, with due consideration to the protections provided for in ASPT XIII, and may be proposed as an alternative to dismissal or as a penalty unrelated to dismissal.

4. Dismissal as a disciplinary action: Dismissal is the termination of the appointment of a probationary or tenured faculty member for cause. Dismissal for cause of a probationary faculty member must be distinguished from non-reappointment for academic reasons and follows different procedures.

Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.

As noted in the AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (last updated in 1990), “A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur.” The statement goes on to indicate that a “necessary precondition of a strong faculty is that it have first-hand concern with its own membership [which] is properly reflected both in appointments to and in separations from the faculty body” and that the “faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.”

Dismissal of a probationary or 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.

Specific policies related to ~~termination of tenured faculty appointments~~ dismissal are provided in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents

Comment [SC4]: This text appears in the Beige Book as ASPT Policy XI.B.1.

and all applicable policies including the right of appeal.~~B.~~

5. Note regarding dismissals that might be considered under non-disciplinary circumstances: Termination of a faculty member's appointment due to financial exigency or program termination will follow the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B.2), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal, and must not be used, construed or disguised as a disciplinary action process. Faculty may appeal termination proceedings on the basis that disciplinary issues are being alleged in order to effect a dismissal for reasons of financial exigency or program termination, or vice versa.

Non-disciplinary termination of a faculty member's appointment on the grounds either of lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher or failure to perform assigned duties in a manner consonant with professional standards also follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal.

B. Faculty Rights

1. Disciplinary actions (including suspension or ~~termination~~dismissal for disciplinary reasons) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the ISU Constitution, Article III, the Academic Freedom Ethics and Grievance policy and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy.
2. Suspension, as defined in XI.A.3, shall not be effected without a recommendation to the President from a three-member hearing committee of the Academic Freedom, Ethics, and Grievance Committee convened by the chairperson of that committee. The written recommendation from the hearing committee shall including i) a recommendation for or against suspension, ii) a recommendation regarding the length of any recommended suspension, and iii) recommendations regarding other aspects of any recommended suspension, including the nature and scope of the suspension (e.g. restriction only from a single course, banishment from campus pending felony criminal investigation, etc.). If immediate action must be taken due to a reasonable threat of imminent harm, consultation with the AFEGC must occur within 24 hours and a preliminary written recommendation formulated within 3 business days. The faculty member shall have the same rights to a full hearing and set of appeals as in other AFEGC cases.

3. In all disciplinary proceedings, faculty members have the rights to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process, ~~and~~. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member ~~only~~ and to no other party.

Comment [SK5]: Place here the right to have counsel speak in suspension cases or just in general? Perhaps "The faculty member shall normally speak for themselves, but may elect to authorize their advisor or representative to present oral or written arguments."

~~Faculty members' duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed. The reasons for such reassignment of duties will be provided to the faculty member. Such reassignments shall be made to prevent reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings.~~

Comment [SK6]: I don't think we will need to come back to this one, as the University Counsel may always advise the President upon his/her receipt of AFEGC recommendation. The President's role is to weigh legal advice against the advice of the faculty and to determine which should carry the most weight if there is any conflict.

4. Probationary faculty who face disciplinary actions and are either whether exonerated or not ~~or required to complete corrective actions~~ may request a one year "stop-the-clock" extension of their probationary period, as described in IX.B.3.

Comment [SK7]: AAUP strongly recommends against the "corrective actions" idea, since they can create conditions of indefinite suspension without academic due process, and therefore become tantamount to dismissal once again. In any case, if someone is required to complete corrective actions, they have been found to be sanctionable, so just make this a general statement.

5. The records of the disciplinary process, including documentation of exoneration and completion of any required corrective actions ~~and/or imposition of sanctions~~, may not be reviewed in the tenure and/or promotion process except when necessary to affirm exoneration or imposition of sanctions, and then only as it bears on the faculty member's performance in teaching, research, and service. The purpose of such review will be to ensure that only the documented facts of the individual's exoneration and/or ~~corrective actions~~ sanctions are considered and not held against the faculty member.

Comment [SK8]: Problem of double jeopardy, see minutes from Sept 23, 2016, page 15, Senate chair's comment

- 4-6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that they might need to exonerate themselves; if access to such material poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense.

This wording "and not held against the faculty member" is not quite right. Can we find wording that prevents tenure denial as a type of dismissal for cause after a person has already been disciplined in a lesser way and corrected their behavior, but that allows consideration of a continuing pattern of unacceptable behaviour?

XII. Sanctions

A. Sanctions shall be considered in order from the most minor (oral reprimand) to the most major (limited term suspension without other prejudice, including temporary reassignment). The American Association of University Professors' 1971 guidelines regarding progressive discipline shall be followed, which rank sanctions in minor to major order as follows: ~~include oral and written reprimand, fines, reduction in salary, and requirement of corrective action.~~

1. Oral reprimand
2. Written reprimand
3. Recorded reprimand
4. Restitution
5. Loss of prospective benefits for a stated period
6. Fine
7. Reduction in salary for a stated period
8. Suspension for a stated period without other prejudice

The fifth sanction in this guideline regarding progressive discipline—loss of prospective benefits for a stated period—applies only to benefits provided by the department/school, college, or university and cannot be applied to pension, healthcare, or other benefits provided by the state of Illinois.

The eighth sanction in this guideline regarding progressive discipline—suspension for a stated period without other prejudice—may only be effected through the procedures described in XIV with regard to dismissal and must include recommendations by a hearing committee of the Academic Freedom, Ethics, and Grievance Committee. The President has final authority in all such cases.

Demotion in rank may only be considered as a possible sanction through a due process proceeding, generally following similar committee steps as the promotion or appointment, if promotion to or appointment at the associate professor level was found to have been obtained by fraud or academic dishonesty. Such cases as involve fraud or dishonesty in scholarly and creative productivity should be adjudicated through the Integrity in Research and Scholarly Activities policy.

In general, effort should be made to apply the most minor sanction likely to effect a change of behaviour; repeated cause for discipline will in certain circumstances merit increased severity of sanction, though it should not be assumed that it will in every case.

While chairs/directors may engage in informal instructional or corrective conversations with faculty in their departments/schools, formal oral reprimands are the purview of the ASPT process, may not be issued without DFSC/SFSC approval, and will be conducted in the presence of the DFSC.

Sanctions may be initiated by the appropriate College Dean or the Provost, or by a DFSC/SFSC.

Comment [SK9]: The 2015-16 Faculty Caucus deliberated oral discipline at length on February 3. The recommendation at that time was to remove “oral reprimand” from the list of sanctions. We could do so. However, it seems better in retrospect to this Senate chairperson to maintain consistency with the AAUP and to differentiate informal oral instructive or corrective one-on-one conversations from formal oral reprimands through the presence of the DFSC as witness/deliverer of any formal reprimand. Individual departments/schools may choose never to invoke the oral reprimand and can move directly to written reprimand on the first offense that rises to that level. Leaving the option in for this lowest level formal sanction would help protect faculty members from having an inappropriately high level of sanction applied.

Senator Clark asked after the meeting if oral directives as distinct from oral reprimands could be clarified, as they would fall under “informal” conversations. It is not clear, however, whether these would be considered “instructional” or merely “corrective,” as a “directive” implies that the chair as a supervisor can prohibit a faculty member from doing something or require that person to do something. We’ll need to discuss further to see what Faculty Caucus, URC, and Legal think, as well as whether that language (“oral directive”) needs to be added to the informal side of the equation here.

~~The Dean or Provost may initiate sanctions upon receipt of a substantiated finding of violation from University Ethics Officer, for violations of the State Ethics Act and other relevant laws; the Academic Freedom, Ethics, and Grievance Committee, for violations of academic freedom or the Code of Ethics; the Office of Equal Opportunity, Ethics, and Access, for violations of the Anti-Harassment and Anti-Discrimination Policy; or the Associate Vice President for Research, for violations of the Integrity in Research and Scholarly Activities policy. Disciplinary action will not be implemented until all appeals as provided for in the relevant policies are exhausted. When the recommendation to initiate disciplinary action comes from the Dean or the Provost, the faculty member and the DFSC/SFSC shall be informed in writing of the 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.~~

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

B. A proposal to deliberate the appropriateness of a sanction may be presented to the DFSC/SFSC by its chairperson under the following circumstances.

1. Receipt from the University Ethics Officer of a substantiated finding of violation of the State Ethics Act and/or other relevant laws, following opportunity to appeal the finding to the relevant state agency (e.g. Office of the Executive Inspector General for State Ethics Act violations);
2. Receipt from the Office of Equal Opportunity, Ethics, and Access of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy, following opportunity to exhaust all university and state-level appeals;
3. The chairperson has otherwise become aware of credible evidence potentially substantiating cause for a sanction as described in XI.A.2, unrelated to suspension due to reasonable threat of imminent harm and short of dismissal.

Following notice to the faculty member and deliberations, including a meeting with the faculty member, the DFSC shall provide to the faculty member their decision regarding whether a sanction should or should not be imposed, including any minority reports. Unless no reprimand or an oral reprimand is recommended, this notification shall be in writing. Should suspension as defined in XI.A.3 be recommended, a hearing committee of the Academic Freedom, Ethics and Grievance Committee must confirm this recommendation prior to its being effected.

Comment [SK10]: The AFEGC process has already provided for academic due process, so should not be included here as though the judgment of their body or bodies can be readjudicated by a DFSC. If needed, place in the AFEGC policy mention of power of HC, AHC, and FC to recommend minor and major sanctions to the Provost. If needed, place in this policy the ability for the Provost to obtain other advice regarding recommended sanctions, but we should exercise caution here as the entire AFEGC process up to this point has excluded parties from the faculty member's college involved in the complaint.

Comment [SK11]: The IRSA policy provides for thorough academic due process, so should not be included here as though the judgment of those bodies can be readjudicated by a DFSC. Mention of who has the power to recommend sanctions is already in the IRSA policy. Possibly we might need to consider adding that appeal of sanctions (only) to AFEGC on academic freedom grounds is permissible, suspension required to go through AFEGC, and dismissal required to go through DFSC/IRC/FRC.

~~A.C.~~ No sanctions may be implemented until all appeals relevant to the policies in question are exhausted. The appeals procedure for sanctions short of suspension and dismissal shall follow the same steps as the appeals procedure for performance evaluations, with a similar timeline and including provisions for appeal to the Academic Freedom, Ethics and Grievance Committee initiated by the CFSC or the faculty member.

~~B.D.~~ Once academic due process leading to a sanction short of suspension or dismissal has been exhausted, the ~~A~~ application of any sanctions other than oral reprimand will be communicated to the faculty member in writing by the Chair/Director of the Department/School, who shall also convey this written communication to the Dean and the Provost in writing. If a DFSC has received a finding according to XII.B.1 or XII.B.2 and imposed no sanctions or an oral reprimand, the chair will verbally communicate that result to the Dean. In such cases, the Dean may initiate a review of the decision of the DFSC by the CFSC and the CFSC may either demote or increase the recommended sanction if it is widely inconsistent with university standards. The final results of all department/school and college deliberations regarding findings under XII.B.1 and XII.B.2 shall be reported to the Provost and copied to the personnel/ASPT file, by the Provost, who shall also inform the Chair/Director and Dean. If the sanctions include corrective actions, the requirements of these corrective actions, including timeline and acceptable documentation will be described in the same written communication and copied to the personnel/ASPT file. The faculty member may request, and shall receive, clarification of such requirements.

Comment [SK12]: We may soon be making changes based on URC recommendations to Policy 3.1.29 Right of Access to Personnel Files. This line should be conformed to any relevant changes.

XIII. Faculty Suspensions

A. All parties involved in a proposed faculty suspension should refer to the definitions in Section XI.A.3 and to the faculty rights listed in Section XI.B.

~~A.B.~~ Because suspension without academic due process is tantamount to summary dismissal, only the President of the University may authorize the full or partial suspension of a faculty member. Faculty members may only be suspended for a specified time period, and upon a written recommendation by the Academic Freedom, Ethics, and Grievance Committee, or with requirements of corrective action to be completed prior to reinstatement, or as a preliminary step toward termination of appointment/dismissal for cause (see XIV). If the President determines that a suspension is warranted despite a recommendation against it by the Academic Freedom, Ethics, and Grievance Committee, he or she must furnish a written rationale to the faculty member, the AFEGC hearing committee, and the AFEGC chairperson.

~~B. 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, other employees, and the institution itself.~~

Comment [SK13]: This is already stated in XI.B.3. No need to restate.

Comment [SK14]: The ability to protect people and property against imminent harm is already stated in XI.B.2. No need to restate.

C. A suspension may only be imposed upon a faculty member prior to the start of academic due process proceedings under the conditions described in Section XI.B.2.

D. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will only occur after the process described in XIII.E.D, or in XIV, if applicable, is completed and all appeals or related grievances are adjudicated. In extraordinary cases when there is evidence that the faculty member has abandoned professional duties or is unable to fulfill such duties, a temporary suspension without pay may be instituted prior to completion of the University's process. Individuals suspended without pay and subsequently exonerated may seek compensation.

~~C.E.~~ Procedural Considerations Related to Suspension

1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated in XIII.E.2 through XIII.E.6. However, the Chairperson of the Academic Freedom, Ethics, and Grievance Committee ~~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~~ Chairperson of the Academic Freedom, Ethics, and Grievance Committee 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.
2. Within 5 business days of an allegation that might lead to suspension or has led to suspension under XI.B.2, there shall be informal discussion

between the faculty member, and either the Chair/Director, the Dean, ~~and the~~ Provost, or their ~~Provost's~~ designees. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is also deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). ~~the Provost's designee will not be an attorney for the University, though there may be exceptions.~~ The intention of this discussion will be to develop a mutually agreeable solution that ensures safety for the University community and educational success of students. This mutually agreeable solution could result in a suspension ~~or a re-assignment of duties~~ as defined in Sections XI.A.3.i, XI.A.3.ii, XI.A.3.iii, or XI.A.3.iv.

3. Suspension will only be in effect during the informal discussion stage upon recommendation by the Academic Freedom, Ethics, and Grievance Committee, subject to the terms listed under XI.A.3, XI.B.2, and XIII.B. ~~While discussion is ongoing, the University reserves the right to temporarily re-assign a faculty member from any or all duties, including teaching, in order to prevent harm to the University or members of its community; when required by law; or when necessitated by pending criminal investigation or legal proceedings. (See XI.C.)~~
4. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university. A mutually agreeable solution should be finalized within 5 business days of initiation of discussion. However, if the parties mutually agree in writing, this period may be extended if such extension would make agreeing to a solution likely. Such an agreement will be communicated to the Dean and Provost within 5 business days of the initiation of discussion.
5. If a mutually agreeable solution cannot be found, whether or not ~~and if the~~ President following the preliminary consultation with the hearing committee of the Academic Freedom, Ethics, and Grievance Committee has determined ~~is determined~~ that suspension is necessary or should be extended, then the following process will take place ~~a full hearing with the AFEGC with opportunity to appeal shall take place.~~
 - ~~The Chair/Director will consult with DFSC/SFSC. Such consultation will entail informing the DFSC/SFSC of the areas of concern and the reasons why suspension is indicated. Such consultation will include review of relevant documentation/information (e.g., past performance evaluations; investigation report) and/or advice of Legal Counsel.~~
 - ~~The faculty member shall be notified in writing of the consultation with the DFSC/SFSC, including the reasons why suspension 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.~~

~~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, and any recommendations made by the DFSC/SFSC, shall be completed within 10 business days.~~

~~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, Dean, and Provost within 5 business days. The DFSC/SFSC shall be informed of the decision. If the reasons for the suspension also constitute adequate cause for dismissal as described below and in XIV.B.1, the written notice shall so indicate, and the dismissal procedures delineated below shall commence.~~

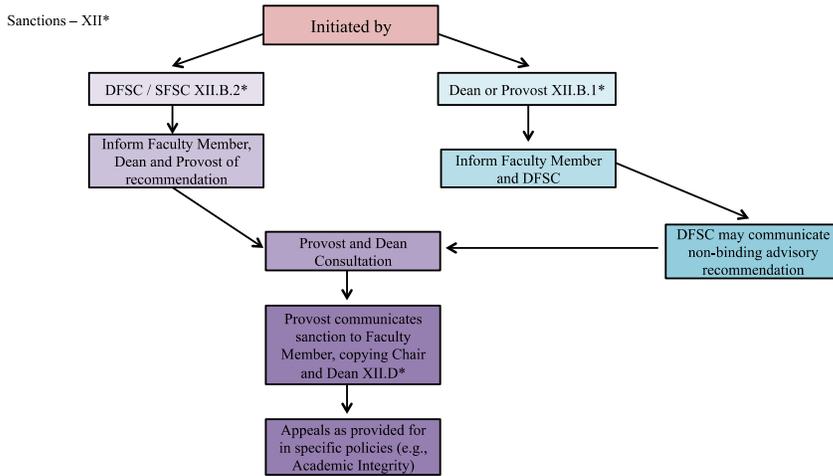
6. A suspended faculty member may appeal through the ordinary AFEGC process, which includes appeal to the President as a final step, within 10 business days of the written notice from the Chair/Director. Such appeal must be made in writing, with copies provided to the Chair/Director, Dean, and Provost. Appeals may be based on substantive or procedural grounds. The President shall rule on the any final appeal or final recommendation within 21 business days.

~~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.~~

7. A faculty members who are may be suspended during dismissal proceedings only if the imminent harm standard in XI.A.3 applies. Faculty members will retain their right to academic due process throughout the dismissal proceedings, which shall follow the principles and steps described below independently with respect to suspension proceedings and dismissal proceedings.

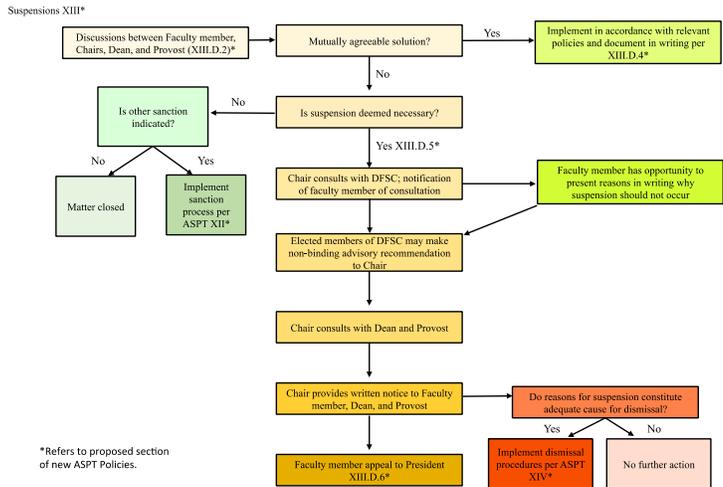
~~D.F.~~ Suspensions may not be of indefinite duration and their duration may not be contingent upon the faculty member performing other corrective actions. Suspension must be followed by reinstatement unless the faculty member has been dismissed following the academic due process described in XIV. Ordinarily, a suspension shall be for no longer than 6 calendar months.

**APPENDIX 5
Overview of the Sanctions Process**



*Refers to proposed section of new ASPT Policies.

APPENDIX 6 Overview of the Suspension Process



XI. Termination of Appointment of Probationary and Tenured Faculty

A. Non-reappointment of a Probationary Faculty Member

1. A recommendation for the non-reappointment of a faculty member during the probationary period must follow the regulations of the Board of Trustees and the ISU Constitution. Recommendations for non-reappointment 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 non-reappointment in writing to the faculty member, the Dean, and the Provost. Non-reappointment can also be the result of a negative tenure recommendation. Official notices of non-reappointment, 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 XI.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~~ follow the provisions of Article XIII.K.
 - d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provisions of Article XIII.G and XIII.H.
2. Notice of termination shall be given as follows:
 - a. Except for appointments that terminate during an academic year, 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~~

Comment [SK1]: The first question that we need to resolve is whether XI should become XIV (which could imply that all Termination is disciplinary, when it is not) or whether proposed articles XI, XII and XIII should become XII, XIII, and XIV (or some other solution to termination – non-reappointment & dismissal) out from under the disciplinary-only heading, such as alternate formatting of the proposed new table of contents and associated internal section breaks).

~~appointment terminates during an academic year, at least six months in advance of its termination; and~~ at least twelve months before the termination of an appointment after two or more years of service.

~~a.b.~~ For appointments that terminate during an academic year, at least three months in advance of its termination during the first year of service; at least six months in advance of its termination during the second year of service; and at least twelve months before the termination of an appointment after two or more years of service.

B. Dismissal of a Probationary or Tenured Faculty Member:

1. Dismissal of a probationary or 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. Procedures and standards for dismissal shall be according to ~~University policies XI.C; any changes shall be~~ approved by the Faculty Caucus of the Academic Senate, which. ~~These procedures and standards, and any changes to them, will~~should adhere to the principles set forth in the American Association of University Professors' documents (as of January 1, 1999) regarding principles of academic freedom and tenure and procedural standards in dismissal proceedings.
3. ~~3.~~—The standard for dismissal of a probationary or 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.

C. Procedures and Standards for Dismissal of a Probationary or Tenured Faculty Member

1. 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 in writing. The President, Provost, or their designee shall

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. Probationary faculty members may invoke their stop-the-clock rights under General Considerations, B. Faculty Rights.

Comment [SK2]: Substitute in the appropriate Article/Section numbers once that is decided. Too confusing right now to say Section XI.B, since there are two article XIs in play!

2. Preliminary Proceedings

- a. If potential evidence of adequate cause for dismissal of a probationary or tenured faculty member arises, including financial exigency or program termination, there shall be informal discussion between the faculty member and the Chair/Director. When appropriate, the Dean, the Provost, or an administrative designee with information pertinent to the matter (such as the University Ethics Officer) may also be present. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). The intention of this discussion will be to develop a mutually agreeable solution.
- b. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university and approved by the President. If requested, the faculty member may meet with the President.
- c. If a mutually agreeable solution does not result, the DFSC/SFSC shall be charged with the function of inquiring into the situation, to effect an adjustment, if possible, and, if none is effected, to determine whether in its view formal proceedings to consider the faculty member's dismissal should be initiated. Section V.C.3 provides for initiation of dismissal proceedings by the DFSC/SFSC. The DFSC/SFSC should meet with the faculty member and any person who may have relevant information, and may have access to any relevant documentation. The DFSC/SFSC shall provide a formal written recommendation to the faculty member and the Provost, with notification to the Dean, within 20 business days of the failure to effect voluntary adjustment.
- d. If the DFSC/SFSC recommends that dismissal proceedings should be begun, action should be commenced and a statement with

reasonable particularity of the grounds proposed for the dismissal should then be jointly formulated by the Provost and the DFSC/SFSC, with notification to the Dean.

- e. If the Provost, even after considering a recommendation of the DFSC/SFSC favorable to the faculty member, expresses the conviction that further review is necessary, action should be commenced and the Provost or the Provost's representative should formulate a statement with reasonable particularity of the grounds proposed for dismissal and provide it to an Independent Review Committee (IRC), convened according to XI.C.2.f, along with the DFSC/SFSC's recommendation against the commencement of proceedings. This statement shall be provided to the DFSC and the Dean.
- f. If XI.C.2.d or XI.C.2.e is invoked, the Provost shall direct, in writing, the Faculty Caucus of the Academic Senate to select an Independent Review Committee (IRC) of seven faculty members not previously concerned with the case or its circumstances. This written direction shall be made within 5 business days of date of the DFSC/SFSC's recommendation. The choice of members of the hearing committee should be on the basis of their objectivity and competence and of the regard in which they are held in the academic community. Prospective members shall be disqualified for bias or interest and shall recuse themselves voluntarily or at the faculty member's request. The faculty member and the Provost's representative shall also each be permitted to exercise challenges to two proposed members of the committee without having to state cause. The Faculty Caucus should meet in executive session within 20 business days of the date of the Provost's written direction to select the Independent Review Committee members. Members of the Faculty Caucus from the faculty member's department may not participate in the selection of the IRC. Once formed, the IRC will elect its own chair.

3. Commencement of Formal Proceedings

- a. The Provost shall communicate in writing to the faculty member: (1) the statement of grounds for dismissal; (2) information regarding the faculty member's procedural rights; and (3) a statement informing the faculty member that, at the faculty

member's request, a hearing will be conducted by the Independent Review Committee (IRC) to determine whether s/he should be removed from the faculty position on the grounds stated. This communication to the faculty member shall be delivered within 5 business days of the date of the statement. The hearing date should be far enough in advance to permit the faculty member to reasonably formulate and prepare a defense, and at least 20 business days from the date of the Provost's letter communicating the decision to the faculty member.

b. The faculty member should state in reply no later than 5 business days before the time and date set for the hearing whether s/he wishes a hearing. If a hearing is requested, the faculty member shall answer the statements in the Provost's letter in writing and submit this document to the Provost and the IRC no later than 5 business days before the date set for the hearing. If no hearing is requested, the faculty member may respond to the charges in writing at any time before the date set for the hearing.

4. Independent Review Committee Proceedings

a. The Independent Review Committee (IRC) shall consider the statement of grounds for dismissal already formulated, the recommendation of the DFSC/SFSC, and the faculty member's response before the hearing.

b. If the faculty member has not requested a hearing, the IRC may consider the case on the basis of the statement of grounds, the DFSC/SFSC recommendation, the faculty member's response, and any other obtainable information and decide whether the faculty member should be dismissed.

c. If the faculty member has requested a hearing, the IRC must hold a hearing. The IRC, in consultation with the faculty member and the Provost, shall decide whether the hearing is public or private. Generally speaking, ASPT matters, including dismissal proceedings, are conducted confidentially and in private, but the IRC may exercise its discretion on this matter.

d. With the consent of all parties, the IRC may hold joint prehearing meetings with the parties to simplify the issues, effect stipulations of

facts, provide for the exchange of documentary or other information, and achieve such other appropriate objectives as will make the hearing ensure fair, effective, and expeditious.

e. The Provost or a designee may attend the hearing and choose an appropriate representative to assist in developing the case. A member of the Faculty Caucus, elected by the Faculty Caucus, will attend the hearing as an observer. Members of the Faculty Caucus from the faculty member's department may not serve as the elected observer.

f. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the hearing and any pre-hearing meetings. The faculty member shall have the option of assistance from counsel and/or an academic advisor, whose functions will be similar to those of the representative chosen by the Provost. The faculty member will also have the procedural rights set forth in the 1940 AAUP Statement of Principles on Academic Freedom and Tenure.

g. The IRC will determine the order of proof, conduct the questioning of witnesses, and secure the presentation of evidence important to the case. The proceedings shall be recorded by audiotape or videotape at the expense of the University, and be made available to the faculty member at no cost at the faculty member's request.

h. If facts are in dispute, testimony of witnesses should be taken and other evidence received. The faculty member shall have the assistance of the committee in securing the attendance of witnesses. Both the faculty member, or his/her counsel/advisor, and the Provost's representative have the right within reasonable limits to question all witnesses who testify orally. The faculty member shall have the opportunity to be confronted by all adverse witnesses. Because the committee cannot compel the participation of a witness, the proceedings shall not be delayed by the unavailability of a witness. Where unusual and urgent reasons move the hearing committee to withhold the right to question and be confronted by all witnesses, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards,

Comment [SK3]: AAUP is quite clear on this point: The faculty member should have the option of assistance by counsel, whose functions should be similar to those of the representative chosen by the president [in our case the provost, since our Board does not play a role in dismissal for cause]. The faculty member should have the additional procedural rights set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, and should have the aid of the committee, when needed, in securing the attendance of witnesses. The faculty member or the faculty member's counsel and the representative designated by the president provost should have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member should have the opportunity to be confronted by all adverse witnesses. Where unusual and urgent reasons move the hearing committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence should be duly recorded. Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.

statements may, when necessary, be taken outside the hearing and reported to it.

- i. The Provost's representative and the faculty member, or his/her counsel/advisor, shall present any information helpful to the determination. Each may request the committee in writing to ask witnesses to answer specific questions. Appropriate procedure shall be determined by the IRC. The IRC will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- j. The IRC shall permit a statement and closing by both the Provost's representative and the faculty member, or his/her counsel/advisor. The IRC may exercise its discretion in allowing a reasonable amount of time for each statement.
- k. The IRC may request written briefs by the parties.
- l. The IRC shall reach its decision promptly in conference, on the basis of the hearing if one was held, or it may await the availability of a transcript of the hearing if its decision would be aided thereby. The burden of proof will be satisfied only by clear and convincing evidence in the record considered as a whole. The IRC must make explicit findings with respect to each of the grounds of dismissal presented, present a reasoned opinion, and submit a full written report to the Provost and the faculty member. The report may recommend dismissal or penalties short of dismissal. The written report shall be submitted to the Provost within 20 business days of the hearing. A record of any hearing should be made available to the Provost and to the faculty member.
- m. The faculty member may appeal the report and its recommendation to the FRC as provided in III.E. The FRC may refer the case to the AFEGC, or the faculty member may file a complaint with the AFEGC, if an academic freedom concern is raised. Any report by the AFEGC, including appeals reports, will be provided to the Provost and by the Provost to the President with the reports in XI.C.5.a.

5. Consideration by the President

- a. The Provost shall review the full report of the IRC stating its decision, and if relevant, the full report and the decision on the

Comment [SK4]: Current ASPT policy has only probationary faculty being able to file a complaint with AFEGC regarding dismissal. Tenured faculty currently only get the DFSC step and an appeal to FRC, though the policy is contradictory in its vagueness at current XI.B.2

It is unclear where the institutional memory lies regarding the rationale for this differentiation. In general, AAUP recommendations favour review of serious cases by the institution's academic freedom committee, so we may wish to consider a change here. It would be especially appropriate for cases where a suspension is NOT put into effect while dismissal proceedings are underway. It would seemingly be important in both disciplinary and non-disciplinary dismissal cases, unless I am missing something.

We may also want to state this right to review by the AFEGC earlier than C.4.m

appeal by the FRC, and transmit them to the President. Acceptance of the IRC's decision is normally expected, unless the FRC has sustained the faculty member's appeal. In that case, acceptance of the FRC's decision is normally expected.

- b. If the President chooses to review the case, that review should be based on the record of the previous hearing(s), accompanied by opportunity for argument, oral or written or both, by the principals at the hearing(s) or their representatives.
- c. The decision of the FRC (or the IRC, if no appeal) should either be sustained or the proceedings be returned to the final committee with objections specified. In such a case, the committee in question should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before.
- d. Only after study of the final committee's reconsideration, if any is requested, should the President make a final decision to sustain or overrule that committee. The President may decide in favor of dismissal or for penalties short of dismissal.
- e. The President shall communicate the final decision to the faculty member, the Provost, Dean, DFSC/SFSC, IRC, and, if applicable the FRC, within 20 business days of the final report of the FRC (or IRC, if no appeal).
- f. If dismissal for cause is effected, the faculty member must receive one year of notice or severance salary, unless the grounds for dismissal legally prohibit such provision.
- g. 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 must be made only through the President's office and must include a statement of the FRC's original decision, if this has not previously been made known.

ILLINOIS STATE UNIVERSITY CONSTITUTION

PREAMBLE

Illinois State University was established by the Legislature in 1857 as the first public institution of higher education in the State. Today it operates as a free-standing institution governed by the Board of Trustees, which has adopted this Constitution to provide for the University's internal organization, governance and processes by which representative advice on educational policies is provided to the President. The Board and the University are committed to the students, faculty, and staff who comprise the University community. The University affirms its dedication to the teaching-learning process through which it serves its students, the body of scholars, and the general public.

ARTICLE I.

External Governance and the University Community

Section 1. External Governance

The Illinois General Assembly representing the people of the State, exercises ultimate control over Illinois State University by virtue of its authority to enact and amend laws pertaining to the University and to appropriate funds for the continued operation and expansion of the University.

The Board of Trustees, established by law and appointed by the Governor by and with the advice and consent of the Illinois Senate, is directly responsible to the Governor and the General Assembly for the management, operation control, and Illinois State University. The powers and duties of the Board of Trustees are detailed in the BOARD OF TRUSTEES GOVERNING DOCUMENT. The Board of Trustees is responsible for the governing of the University, but it may properly delegate authority with commensurate responsibility to the President of the University and to the Academic Senate. While it cannot divest itself of ultimate responsibility and reserves to itself the power to act on its own initiative in all matters affecting the University, the Board ordinarily will not act on any matter for which its governing document calls for participation of the University community without first obtaining its advice and recommendations. Such advice shall be obtained from representatives of the Academic Senate and the Campus Communication Committee, and transmitted by the President in accordance with the Board of Trustees Governing Statutes VII.B. When acting on curriculum, instruction, faculty appointment, salary, promotion and tenure procedures, academic freedom issues, faculty ethics and grievance procedures, the Board shall receive and ordinarily follow the advice of the Academic Senate as recommended to it by the President.

The Board of Higher Education exists to facilitate the coordination of the total higher educational system in Illinois. It is authorized to approve or disapprove proposals of major new academic programs and units of instruction. It is directed to analyze and make recommendations to the Governor, the Legislature, and the public regarding institutional requests for operating and capital funds, as prepared by the University and recommended by the Board of Trustees.

Within the framework of statutory provisions of the State of Illinois, with the approval of the Board of Higher Education where applicable, and with the approval of the Board of Trustees, Illinois State University is charged with the responsibility of providing quality higher education programs involving teaching, scholarly productivity, and public service responsive to the needs of the State and the People of Illinois. In fulfilling its assigned mission, the University shall be governed and will operate within the framework of this Constitution including such By-Laws and legislation as are later adopted by the Academic Senate as stipulated in the Board of Trustees Governing Document.

Section 2. University Community Membership

The University community shall include faculty and administrative/professional employees, students,

civil service, and other employees as defined in the University Policies and Procedures Manual. The academic community shall include students and those holding faculty rank. The University shall maintain personnel files adequate to provide at any time an accurate listing of persons as defined.

Illinois State University is committed to non-discrimination and equal opportunity in programs, activities, and employment for students and employees regardless of race, color, religion, sex, national origin, sexual orientation, ancestry, age, marital status, physical or mental disability, unfavorable discharge from military or status as a disabled veteran or veteran of the Vietnam Era or other factors prohibited by law. Further, Illinois State University is committed to a comprehensive program of Affirmative Action to insure access, equity and fairness in educational programs, related activities and employment for minorities, women, disabled persons, disabled veterans, and veterans of the Vietnam Era.

ARTICLE II

Students

Any person admitted to the University who is currently enrolled for University academic credit shall be defined as a student.

Section 1. Student Rights and Responsibilities

A. Student Rights

Among the goals of the University are the transmission of knowledge, the pursuit of truth, the development of its members, and improvement of the general well-being of society. Academic freedom in the form of freedom of inquiry and freedom of expression is indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. The standards of academic freedom of students detailed in this article are essential to any community of scholars. Student freedom to learn and faculty freedom to teach are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. University students are expected to exercise their freedom with responsibility, but the responsibility to secure and respect students' freedom to learn is shared by all members of the University community.

B. Student Responsibilities

The academic community requires a system of order to support the educational process, which is the purpose of the University. Preservation of the system of order depends on the individuals who make up the group. Implicit in the community's recognition of the rights of students is their obligation to accept their responsibilities toward the community.

1. The primary responsibility of students is to advance their own education.
2. The obligation of students to fellow students requires conduct which shows respect for the opinions and rights of all. In seeking to effect change, students rely on reasoned argument and utilize procedures which do not interfere with the opportunity of other students to pursue their education.
3. Students' responsibilities toward their instructors include the obligation to fulfill assignments, to participate in discussion and other activities, to increase their scholarly competence in the discipline being studied, and to work creatively and independently. Through fairness and courtesy, they invite respect for themselves and the entire student community.
4. The obligation of students to the University is to be effective participants in the teaching-learning process. They observe the rules of the University, yet guard their right to criticize. They speak or act on

their own behalf, not as a representative of the University. They accept their share of responsibility for the University governance.

5. The responsibility of students to the community beyond the University is to be good citizens. While recognizing that complying with laws and rules cannot of itself make one good, students should obey national, state, and local laws. If the processes of the law have been exhausted without achieving substantial justice, then those who have violated the law in the name of justice must be prepared to accept the consequence of their violation.

Section 2. Student Admission Policy

Consistent with the University's commitment to diversity, equal opportunity, and affirmative action, admission to Illinois State University shall not be denied because of race, color, religion, sex, national origin, sexual orientation, ancestry, age, marital status, physical or mental disability, unfavorable discharge from military, or status as a disabled veteran or veteran of the Vietnam Era, or other factors prohibited by state or federal law. The University's stance on diversity, equal opportunity, and affirmative action extends beyond the scope of state and federal legislation

Section 3. Classroom Relationships

A. Protection of Freedom of Expression

Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled. The professor in learning environments and in conference shall encourage free discussion, inquiry, and expression.

B. Protection Against Improper Academic Evaluation

Students shall have the protection through established procedures against prejudiced or capricious academic evaluation. Students' performance shall be evaluated in a course solely on the basis of success in meeting reasonable standards established and communicated by the instructor for that course. When called upon to participate in rating faculty, students are under an obligation to rate with the same degree of fairness to which they are entitled as students.

C. Protection Against Improper Disclosure

While judgments of an individual student's ability and character may be provided under appropriate circumstances, information about student views, beliefs, and political associations which members of the academic community acquire in the course of their work as instructors, administrators, advisors, and counselors shall be considered confidential. Improper disclosure of such confidential information about students shall be considered a breach of professional ethics. The Academic Senate shall recommend policy concerning student permanent educational records and students disciplinary records which shall specify the conditions of disclosure of information contained in these records.

Section 4. Student Activities and Affairs

A. Freedom of Association

Students are free to organize and join associations to promote their common interests.

B. Freedom of Inquiry and Expression

Students are entitled to academic freedom as it relates to student activities as well as in the classroom.

1. Students individually and collectively are free to examine and to discuss all questions of interest to

them including questions relating to University policies and to express opinions publicly and privately. They are free to support causes by an orderly means which do not disrupt the operations of the University. They may participate, through regularly established channels, in the formulation and application of the regulations which govern them. It shall be understood and made clear to the University and larger community that in their public statements or demonstrations, students or groups of students speak only for themselves and not the total University community.

2. Students shall be allowed to invite and hear any person of their own choosing. Routine procedures required by the University before a guest speaker is invited to appear on campus shall be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is to be conducted in a manner appropriate to an academic community. It shall be made clear to the University and larger community that the presence of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the University.

C. Student Participation in Academic Governance

As essential constituents of the academic community, student members shall be free to express their views on issues of institutional policy and on matters of special interest to the students. Students shall be provided a voice in the formulation of University policy by representation on the Academic Senate.

D. Student Communications Media

The Academic Senate shall recommend policy concerning the principles and procedures governing student publications and other communications media. Editorial freedom shall be guaranteed to all student publication and other communications media.

Section 5. Student Citizenship

A. Student Exercise of Rights of Citizenship

University students enjoy the same freedom of speech, peaceful assembly, and right to petition that any other citizen enjoys. As members of the academic community, they are subject to the special responsibilities of the student.

Faculty members and administrative officials shall not employ institutional powers to inhibit such intellectual and personal development of students as may be promoted by the exercise of their rights of citizenship both on and off campus.

B. University Authority and Civil Penalties

At all times and places a student is subject to public laws. In addition, University regulations apply to students whenever they are on University property. The University assesses penalties only for violation of its own regulations.

Section 6. Student Code and Procedural Standards in Disciplinary Proceedings

Recognizing its obligations to formulate and communicate clearly and in advance standards of behavior which are considered essential to its educational mission and community life, the University shall publish a student code which shall be reviewed periodically by the Academic Senate and made available to all students.

ARTICLE III.

Faculty

Section 1. Faculty Rights and Responsibilities

A. Faculty Rights

It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication and to protect members of the academic community against influences, from within or without the University, which would restrict them in the exercise of these freedoms. The University exists for the common good and not for the promotion of the narrow interests of a segment of the faculty, the institution as such, or any given orthodoxy of content or method. The University shall ensure that each member of the faculty and instructional staff has freedom in teaching, research and publication as well as in the expression of opinion on University affairs. Academic freedom carries with it responsibilities correlative with rights. A concomitant of academic freedom is the faculty's adherence to standards of professional ethics which define its highest ideals of conduct.

B. Faculty Responsibilities

Faculty members, guided by a deep conviction of the worth and dignity of their service to the advancement of knowledge, recognize the special responsibilities placed upon them. They accept the obligation to exercise critical self-discipline and judgment in gathering information, in using it, and in transmitting it.

1. Faculty members' primary responsibility to their subject is to seek and to state the truth as they see it. To this end they devote their energies in developing and improving their scholarly competence. They practice intellectual honesty and shun irrelevancy. They avoid conflict of interest that may restrict their freedom of inquiry and teaching.

2. Faculty members' responsibility to their students is to teach them according to the best scholarly standards of their discipline. By rigorous self-scrutiny, by fairness and courtesy, and by attention to the details of their professional conduct, they strive for a deportment that will invite respect for themselves and their profession. In their teaching they maintain an atmosphere of free and unhampered inquiry and they encourage independence and originality of thought. They adhere closely to their role as intellectual guide and counselor, avoid exploitation of students for their private advantage, acknowledges significant assistance from students, and protects student academic freedom.

3. Faculty members' obligations to their professional colleagues derive from common membership in the community of scholars. They seek to be supportive in their diverse relations with colleagues. In exchange of criticism and ideas they show respect for the opinions of others. They acknowledge their academic debts and their professional judgments of colleagues are impartial. They accept their share of faculty responsibility for University governance.

4. The faculty members' responsibilities to the University are teaching, scholarly productivity and service. They are encouraged to participate actively in the shared governance of the University. Faculty members observe stated rules and regulations of the University, yet guard rigorously their right of criticism. When they speak or act as a private person, they avoid creating the impression that they speak or act for their department, college, or the University. They determine the amount and character of work they do outside the University with due regard to their paramount responsibilities within the institution and in case it is for remuneration, with the knowledge of the University. When considering the interruption or termination of their service, they weigh the effect of their decision upon the academic program of the University.

5. The faculty members' obligations to the community, like their rights within the community, cannot be less than those of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, and to their University. As a citizen engaged in a profession that depends upon freedom, the professor has a special obligation to promote conditions of free inquiry and to further, in the civil community, the understanding of academic freedom.

Section 2. Terms and Conditions of Faculty Appointments

A. Statement of Terms of Appointments

The terms and conditions of faculty appointments are governed by written contract between the Board of Trustees of Illinois State University as employer and the faculty member as employee. Any extension of or change in the terms and conditions of employment will be achieved through an addendum to contract or through a subsequent contract of employment. The Board of Trustees of Illinois State University has delegated to the President full authority to act on its behalf in all matters relating to faculty appointments, promotion and tenure (see ASPT document January 1, 2000, Section I. A., page 5).

B. Types of Faculty Appointments

All full time appointments for faculty holding academic rank shall be one of two types (1) tenure appointments, (2) probationary tenure track appointments. Non-tenure-track appointments do not hold academic rank. The continuation of all appointments shall be contingent upon the availability of appropriated funds. The definition of the three types of faculty appointments is included in the University Policies and Procedures web site. The Appointment, Salary, Promotion and Tenure (ASPT) document contains relevant policy and procedure for tenure and probationary tenure-track faculty.

Tenure appointments shall be for an indefinite term and may be terminated only by (1) retirement, (2) acceptance of resignation, (3) demonstrable financial exigencies, (4) discharge for cause, or (5) the reduction or elimination of a department or program. No appointment shall entail tenure unless the appointment explicitly so states.

Appointments to a faculty position at Illinois State University shall be made without regard to race, color, religion, sex, national origin, sexual orientation, ancestry, age, marital status, physical or mental disability, unfavorable discharge from military, or status as a disabled veteran or veteran of the Vietnam Era or other factors prohibited by state or federal law.

Section 3. Academic Freedom and Tenure

A. Academic Freedom

All members of the faculty have academic freedom in conformance with nationally recognized standards. Dismissal of a faculty member with tenure at any time and of a faculty member on probationary tenure or non-tenure-track appointment before the end of the specified term of appointment shall be in substantial conformity with the procedure for handling faculty academic freedom and tenure cases as outlined in the University ASPT Document. If a faculty member on probationary appointment alleges that considerations violative of academic freedom significantly contributed to a decision not to reappoint him or her, the case shall be considered in accordance with the procedure for handling faculty academic freedom and tenure cases as outlined in the University

ASPT Document. If a non-tenure track faculty member alleges that considerations violative of academic freedom significantly contributed to a decision not to reappoint him or her, the case shall be considered in accordance with the procedure for handling faculty academic freedom cases as outlined in the Academic Freedom, Ethics and Grievance Document.

B. Faculty Tenure

Tenure status confers on its holder: (1) protection against arbitrary dismissal through abrogation of their freedom in teaching, scholarly productivity and service and (2) a sufficient degree of economic security to make the profession of college teaching in general and a teaching career at Illinois State University in particular attractive to persons of ability. Freedom and economic security as provided by tenure, are indispensable to the success of the University in fulfilling its obligations to its faculty members and students and to society. After the completion of a successful probationary period faculty shall have permanent or continuous tenure under the terms and conditions set forth in the University ASPT document.

No administrative assignment, including that of department chairperson or head, entails tenure. All persons serve in administrative posts at the pleasure of the President. While serving in an administrative post, however, a person shall not sacrifice the rank and tenure they held as a faculty member. Upon leaving an administrative post and provided that they are deemed qualified by their department, faculty members with tenure may resume a teaching research faculty position in the department where they hold rank. Upon the recommendation of an academic department for good reasons stated in writing, the President may recommend to the Board of Trustees that a new faculty appointment at either of the two higher professional ranks be made with tenure.

Section 4. Termination of Faculty Appointments

A. Termination of Appointment by the Faculty Member

Faculty members may terminate their appointments effective at the end of an academic year, provided that they give notice in writing at the earliest possible opportunity, but not later than May 15, or thirty days after receiving notification of their appointment for the coming year, whichever date occurs later. Faculty members may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

B. Termination of Appointment by the University

Termination by the University of a faculty member's appointment shall be accomplished only under the following conditions:

1. Termination of a tenure appointment, or of a probationary or non-tenure track appointment before the end of a specified term, may be effected by the University for adequate cause. Cause for dismissal shall be related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers or researchers, and may be deemed to exist when faculty members can no longer be relied upon to perform their University duties and functions in a manner consonant with professional standards. These standards are set forth in Section 1 of this Article and in legislation enacted by the Academic Senate. If termination takes the form of dismissal, it shall be pursuant to the procedures specified in Section 5 of this article.

2. Where termination of appointment is based upon demonstrable financial exigency, or bona fide reduction or elimination of a program or department, Section 5 will not apply, but faculty members shall be able to have the issue reviewed by the Academic Senate, the President or both. In all such cases the faculty member being displaced will be given notice as soon as possible after the decision to reduce or eliminate has been made. Such notice shall be given to tenured faculty at least twelve months before the end of the academic year in which the faculty member is to be terminated. Notice for non-tenure

appointments shall be given according to the dates established in Article III, Section 2. B. 2. Before terminating an appointment because of the bona fide reduction or elimination of a program or department, the University will make every effort to place affected faculty members in another suitable position or one in which they may become professionally qualified. If an appointment is terminated before the end of a period of appointment, because of demonstrable financial exigency, or because of the bona fide reduction or elimination of a program or department, the released faculty member's position will not be filled by a replacement within a period of two years, unless the replaced faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

3. Termination for medical reasons for a tenured appointment, or a probationary appointment before the end of the period of appointment, will be based on clear and convincing medical evidence which shall, if the faculty member so requests, be reviewed by the Faculty Review Committee before a final decision is made by the Board of Trustees on the recommendation of the President.

Section 5. Procedural Standards in Faculty Ethics, Grievance, Academic Freedom and/or Due Process Tenure Procedures

A. Faculty Grievance Procedures

The Academic Senate shall adopt legislation which shall provide for faculty grievance committees and procedures.

B. Faculty Academic Freedom and Tenure Procedures

The Academic Senate shall adopt a procedures for handling faculty academic freedom, tenure, and dismissal cases, which guarantee academic due process and which conform to nationally recognized standards.

Section 6. Faculty Activities and Affairs

A. Faculty Participation in Academic Governance

As essential constituents of the academic community, faculty members are free to express their views on academic processes and procedures, other issues of special interest for which faculty have expertise, and matters of institutional policy. Faculty members shall be provided a voice in the formulation of University policy by representation on Academic Senate.

B. Faculty Assembly

A Faculty Assembly may be established by a referendum of the faculty.

C. Faculty Meetings

A meeting of the faculty will be convened at any time the President, the Provost, or the Chairperson of the Academic Senate so designates, or upon petition of five per cent of the members of the faculty. Except in case of emergency declared by the President, or in his or her absence the Provost, each member of the faculty will be notified by mail at least two weeks in advance of a meeting of the faculty. Such notice will include information on the purpose of the meeting. Ten per cent of the members of the faculty constitutes a quorum for a faculty meeting. The Chairperson and the Secretary of the Academic Senate serve the same offices for meetings of the faculty. The faculty at any meeting may take action advisory to any committee of the University, the Academic Senate, the President, or the Board of Trustees, but legislative authority shall be exercised or delegated only by the Academic Senate.

D. University Review Committee

The Academic Senate shall adopt legislation which shall provide for a University Review Committee to

recommend detailed policies on the handling of faculty appointment, promotion, salary and tenure matters with such policies being approved by the Academic Senate and the President.

Report on Faculty Status -- Specific promotion, salary and tenure recommendations shall be reviewed by the faculty members of the Academic Senate in Executive Session and forwarded to the President.

E. Faculty Political Activities

Faculty members, as citizens, are free to engage in political activities. When necessary on timely application, and for a reasonable period of time, leaves of absence may be given for the duration of an election campaign or a term of office. The terms of such a leave shall be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to.

F. Sabbatical Leave and Leave Policy

The bylaws of the Academic Senate shall provide for faculty participation in the formulation of policies on sabbatical and other forms of faculty leave.

ARTICLE IV

Administration and Academic Organization

Section 1. University President

A. Presidential Responsibilities

The President is the chief academic and administrative officer of the University, the Executive Officer of the Board of Trustees in the University, and the principal intermediary between the University and its Board. The President is accountable to the Board for every aspect of the conduct and development of the University over which he or she has authority. The President shall serve at the pleasure of the Board and shall be accountable to the Board for the operations of the University and the achievement of its mission. Members of the university community consider the following responsibilities to be those of the President:

1. Conduct of the University in accordance with the BOARD OF TRUSTEES GOVERNING DOCUMENT, relevant statutes and the provisions of this Constitution.
2. Implementation of protections afforded faculty and administrators, students, civil service and other employees in this Constitution and provision of administrative structures to serve those needs.
3. Effective communication between the Board of Trustees and the University community.
4. Preparation of University budgets as may be necessary for proper planning and reporting.
5. Transmission to the Board, with his or her recommendations, of proposals initiated within the University, including actions of the Academic Senate.
6. Recruitment and retention of a competent faculty of scholar-teachers and administrators.
7. Development of educational programs, in accordance with a flexible and evolving academic master plan for the University.
8. Development of democratic leadership within the University community.
9. Development of rapport between the University and the community in which it is located.

10. Interpretation to the public of the University and its mission.

11. Presentation of an annual "State of the University" report.

B. Selection of University President

When a vacancy arises in the position of University President, the Board of Trustees shall establish a Presidential Search Committee to provide assistance and advice to the Board in selecting a new President of the University.

Section 2. University Administration Organization

A. Organizational Structure of Administration

The President under authority granted by the Board of Trustees is responsible for a viable organizational structure of University administration including the designation of administrative positions and the responsibilities of administrative officers. The President shall inform and seek the advice of the Academic Senate regarding changes in administrative positions, functions, or structure.

B. Faculty-Student Participation in Selection of Administrators

The President shall be responsible for all appointments of administrative officers. Faculty, staff members and students shall be involved in the search process for principal administrators, including college and library deans and department chairs. The Academic Senate shall recommend procedures for the selection and appointment of administrators and forward them to the President for consideration. The President has the authority to accept, amend or reject the procedures recommended by the Academic Senate.

Section 3. Administrative/Professional and Civil Service Staff

A. Administrative/Professional Employees

Professional employees are essential members of the University. The definition of this employee group is included in the University Policies and Procedures Manual.

1. Administrative/Professional Employees Rights

As employees of Illinois State University Administrative/Professional employees have rights similar to those of students and faculty in the pursuit of learning and in the creation of a civil and collaborative campus environment. Administrative/Professional employees have the right to express opinions as they relate to the strengthening of the campus environment, institutional policy and procedures and activities of special interest to this group. Administrative/Professional employees participate through regularly established governance channels in the formulation and application of the regulations which govern them.

2. Administrative/Professional Employees Responsibilities

a. The freedom to learn and teach are inseparable facets of the academic enterprise and as such must be supported by all employees in the university environment. Administrative/Professional employees have a critical role to ensure that the campus environment is maintained in support of these freedoms. Administrative/Professional employees are essential for developing and implementing efforts to enhance the campus environment so that learning and the acquisition of knowledge can take place within multiple campus experiences.

b. Administrative/Professional employees work to support the university mission. In this commitment to service to the institution, Administrative/Professional employees recognize the special responsibilities

placed on them. They accept the obligation to exercise critical self-discipline and judgment in gathering, using, and transmitting information and providing service in support of the University mission.

c. The Administrative/Professional employees' responsibilities to the university community are productivity and service. They are encouraged to participate in the shared governance of the University. Administrative/Professional employees are full members of the University community and as such share responsibilities similar to others in the community to support and maintain the goals of their units and the University.

B. Civil Service Staff

Civil Service employees are essential members of the University. The definition of this employee group is included in the University Policies and Procedures Manual. The rights and responsibilities of this employee group are enumerated in the Illinois State University Civil Service Employee Handbook.

Section 4. University Academic Organization

A. Academic Organization and Self-Governance

The Provost, in consultation with the President and with the advice of the Academic Senate, is responsible for developing and maintaining a viable academic organizational structure including academic units (departments, colleges, or other such units) of instruction, research, or public service.

The Provost shall inform and seek the advice of the Academic Senate before effecting a reorganization or change in the academic organization of the University, including the establishment or abolition of any academic unit. Each academic unit of the University shall be entitled to exercise a degree of self-government which does not infringe upon other academic units.

The governance process of each academic unit shall include provisions for faculty and student participation. Such governance units shall be established for the purpose of advising the unit administrator.

B. Colleges and Their Academic Units

Each college of the University shall formulate and adopt By-Laws providing for the governance of the college and its departments or other academic units. For purposes of this Article the University Libraries shall be considered a College. After being adopted by a majority vote of the faculty members of the college participating in the election, College By-Laws shall be subject to approval by the Academic Senate. College By-Laws shall provide for the following:

1. A method of formulating college policy and advising the dean of the college either through an elected college council or by college faculty meetings.
2. A provision for periodic meetings of the college faculty.
3. Procedures for the college council to handle curriculum and appointment-promotion-tenure matters or for college committees on curriculum, appointment-promotion-tenure, and for other committees as necessary.
4. Guidelines within which departments shall provide for their own governance.
5. A procedure for the selection of department chairpersons or heads and for periodic evaluation of academic units.
6. Appropriate representative student participation in college and department affairs.

C. Graduate School

The Dean of Graduate Studies shall have primary responsibility for developing and maintaining a viable graduate academic program. The Graduate School shall formulate and adopt By-Laws providing for an elected Graduate Council responsible for formulating Graduate School policy and advising the Graduate Dean. The By-Laws of the Graduate School shall be subject to approval by the Academic Senate after being adopted by a majority vote of the graduate faculty members participating in the election.

D. Academic Programs

The Provost with the assistance of the Academic Planning committee shall be responsible for drafting and periodically reviewing an Academic Plan for the University which charts the directions of future academic plans and programs. The Provost, with the participation of the Dean of Graduate Studies where graduate programs are involved, shall assist and encourage academic units in the development of plans and proposals to fulfill the objectives of the academic plan. The establishment of new academic programs, disestablishment of existing academic programs, or changes in existing academic programs shall follow procedures established by the Academic Senate and approved by the President, consistent with Board of Trustees policies. In order to insure that the academic programs of the University remain viable, the Provost shall require their periodic review.

ARTICLE V.

Academic Governance

Section 1. Academic Senate

The primary governing body at Illinois State University shall be the Academic Senate, which shall provide for faculty and student participation in academic governance. The Academic Senate shall have an Executive Committee.

A. Membership

The voting membership of the Academic Senate shall consist of 29 elected faculty tenure/probationary tenure faculty members, one non-tenure track faculty, one faculty associate, 20 elected student members from the Student Government Association, and the President of the Student Body. The voting membership shall also include a representative of the Administrative Professional Council and a representative of the Civil Service Council.

The ex-officio, non-voting membership shall be: the President of the University, the Vice President and Provost, the Vice President of Student Affairs, the Vice President for Finance and Planning, the Associate Vice President of Graduate Studies, Research and International Studies, the Associate Vice President of Undergraduate Studies, the Chairperson of the Chairs Council, a representative of the Deans Council and the Student Trustee.

To be eligible to serve as a member of the Senate, an undergraduate student shall have been enrolled in the University one full academic term prior to his election and be registered as a full-time student, and a graduate student shall be currently enrolled in graduate school. To be eligible to serve as a member of the Academic Senate, faculty members shall have been faculty members at the University one full academic term prior to their election, and hold a full-time appointment to the rank of instructor, assistant professor, associate professor, or professor. A member of the faculty who has an administrative appointment, other than as a department chairperson or head, is not eligible for election to the Academic Senate.

B. Elections

The Senate shall approve rules for the conduct of elections of representatives, which shall conform to the following provisions:

1. Full time tenure and probationary tenure faculty members with the rank of assistant professor, associate professor and professor shall be eligible to vote in the election of tenure and probationary tenure faculty representatives to the Academic Senate. All full or part time non-tenure-track faculty shall be eligible to vote in the election of the non-tenure-track representative to the Academic Senate. Students in good standing shall be eligible to vote in the election of student representatives to the Student Government Association. The elected students shall also serve as student representatives to the Academic Senate.
2. Tenure and probationary tenure faculty representatives shall be elected in proportion to the number of faculty members in each College of the University. Each College shall have at least one representative on the Academic Senate. There shall be a reapportionment of seats at least every two years. Each College Council or faculty of the College in a case where a College Council does not exist, shall determine the method of nomination and election of its representatives to the Academic Senate. Provisions shall be made for nomination by petition.
3. Nominations or self-nominations for the non-tenure-track faculty representative shall be made by non-tenure-track faculty.
4. Undergraduate and graduate representatives shall be elected according to rules prescribed by the Student Government Association. The ratio of graduate to undergraduate students shall be in reasonable proportion to their current enrollment.
5. Tenure and probationary tenure faculty representatives shall serve three-year terms except that in the first regular election the terms will be staggered for one, two, and three years. The non-tenure-track faculty representative shall serve a one-year term. Student representatives shall serve one-year terms as specified in the Academic Senate Bylaws.

C. Officers

The officers of the Academic Senate shall include a Chairperson, Vice Chairperson, and a Secretary.

1. The Chairperson and Secretary of the Senate shall be elected annually by and from the Academic Senate. The Chairperson and Secretary of the Senate shall be faculty representatives while the Vice Chairperson shall be the President of the Student Body. In the absence of the Chairperson, the Vice Chairperson shall assume the functions of the Chairperson.
2. The Chairperson of the Academic Senate shall designate a Parliamentarian to serve at his or her pleasure.

D. Meetings

The Academic Senate shall meet at least once each month with the exception of June and July. Meetings during June and July are subject to call by the Academic Senate Executive Committee. A quorum shall consist of a majority of the membership. The Chairperson of the Senate may convene a special session of the Academic Senate when necessary and shall be obliged to call a special meeting when requested to do so by the Executive Committee, the President of the University, or in his or her absence the Provost, or a petition signed by one fifth of the members of the Academic Senate. The agenda for meetings of the Academic Senate shall be determined by the Executive Committee.

E. Functions

Within the limits established by legislative statute and the authority delegated thereby to the Board of Higher Education and the Board of Trustees, the Academic Senate shall be the primary body to recommend educational policies of the University, including those described below, and to advise the President on their implementation. Policies recommended by the Academic Senate shall be forwarded to the President for consideration. The President may approve or disapprove them, amend them or return them to the Academic Senate for further discussion before final consideration by the President. The Senate shall:

1. Recommend policy for the admission of students to the University.
2. Recommend policy for degree requirements, and the procedures for inaugurating, changing, or terminating degree programs.
3. Recommend policy for the annual calendar of the University.
4. Recommend policy for the adoption and standards of educational and academic conduct common to all elements of the University community.
5. Recommend policy for intercollegiate programs and activities.
6. Recommend policy with respect to student life and conduct.
7. Recommend policy for the evaluation of faculty members including academic administrators in connection with their appointment, promotion, remuneration, and retention.
8. Recommend policy to insure the protection of the rights and privileges of the various elements of the academic community, and establish procedures for the hearing of grievances.
9. Recommend policy and act on report of standing and ad hoc committees of the Academic Senate. Standing Committees shall be established by the By-Laws of the Senate which shall delineate the composition of and the procedures of each committee.
10. Recommend patterns of the academic community's self-government by exercising its authority to delegate responsibility to colleges or departments or committees.
11. Participate in the formulation of capital and operating budgets and requests to be submitted to the Board of Trustees.
12. Participate in the formulation of long range academic plans including those to be submitted to the Board of Trustees.
13. Participate in the formulation of long-range plans for campus buildings and physical facilities.
14. Participate in the formulation of the academic and administrative structure of the University.
15. Advise the President on any matter, at his or her request or on the initiative of the Academic Senate.
16. Participate in the formulation of policies governing the terms under which individuals and groups can use University facilities for out-of-class activities.

Section 2. Executive Committee

The Executive Committee of the Academic Senate shall be established by the Senate to expedite the

business of University governance. Any action of the Executive Committee shall be subject to review and confirmation by the Academic Senate.

A. Membership

The Executive Committee shall consist of the President and the Vice President and Provost of the University (non-voting), six faculty members and four students. The faculty and student members shall consist of the Chairperson, Vice Chairperson/Student Body President, and Secretary of the Academic Senate, the President of the Student Body, and seven members elected annually by and from the Academic Senate.

B. Officers

The Chairperson of the Academic Senate shall function as the Chairperson of the Executive Committee and shall preside over its meetings. In the absence of the Chairperson, the Vice Chairperson shall assume the functions of the Chairperson. The Secretary of the Academic Senate shall serve as the Secretary of the Executive Committee.

C. Meetings

The Executive Committee shall meet regularly, and its meetings shall be open to all members of the University community. A quorum shall consist of a majority of the membership. Any member of the Academic Senate may request floor but not voting privileges at meetings of the Executive Committee. Any student or any member of the faculty or administration may submit in writing agenda items which shall be considered by the Executive Committee. The Executive Committee may include such items on the agenda to the Academic Senate or may recommend consideration of the matter to the appropriate University board, committee or administrative officer. The Chairperson of the Academic Senate or the President of the University may convene a special meeting of the Executive Committee when necessary.

D. Functions

The Executive Committee of the Academic Senate shall serve to expedite the business of University governance by establishing the place and time and agenda for all meetings of the Academic Senate, by recommending faculty and administration members of all University committees which are subject to review and confirmation by the Academic Senate, by recommending items for consideration of any University committee and by performing any other duties assigned to it by resolution of the Academic Senate.

Section 3. Campus Communication Committee (CCC)

To facilitate communication between the Board of Trustees and the various campus constituencies, a Campus Communication Committee (CCC) of 8 members shall be established. In accordance with Section A. VII. Part B: Shared Governance of the Board of Trustees Governing Document, the CCC shall consist of:

Three faculty from the Academic Senate: two faculty members nominated and elected by the Senate and the Chairperson of the Academic Senate;

One student nominated and elected by the Student Government Association;

Two Civil Service employees nominated and elected by the University Civil Service Council; and

Two Administrative/Professional (A/P) members nominated and elected by the Administrative/Professional Council.

All elected members shall serve staggered two-year terms.

ARTICLE VI.

Legislation and By-Laws Amendments

Section 1. Definitions

A. Legislation

Legislation is defined as a written policy statement passed by the Academic Senate. All such legislation shall be forwarded to the President for amendment and/or approval or disapproval or returned to the Academic Senate for further discussion before final consideration by the President.

B. By-Laws

By-Laws are defined as rules and regulations governing the structure, procedures, and functions of a University organization. (By-Laws called for in this Constitution, including the By-Laws of the Academic Senate and of each school and college of the University, shall be approved by the Academic Senate and the President.) By-Laws of the administrative/professional and civil service staff councils, including changes, shall be approved by the President of the University.

C. Amendments

Amendments are defined as changes in either this Constitution or in the By-Laws for which it provides. All amendments to the By-Laws shall be subject to the approval of the Academic Senate and the President.

Section 2. Amendments to the Constitution

An Amendment to the Constitution of Illinois State University may be initiated by a petition signed by two percent of the student currently enrolled in the University or ten percent of the faculty of the University or by a petition signed by five members of the Academic Senate. A proposed amendment shall be submitted at a regular meeting of the Academic Senate, be distributed in the Senate minutes, and be voted upon at a regular Senate meeting following distribution of the minutes. If the Academic Senate shall approve the amendment by a two-thirds vote of its members the amendment shall be transmitted to the President for concurrence and recommendation to the Board of Trustees for approval, unless within ten days of its promulgation a petition signed by ten percent of the students currently enrolled in the University or ten percent of the faculty of the University shall call for a referendum. All students and all faculty are entitled to vote in a referendum. An amendment approved by a majority of both the students voting and a majority of the faculty members voting shall be transmitted to the President for consideration. If the President approves the amendment, he or she will forward such amendment to the Board of Trustees for final consideration. If the Board of Trustees approves the amendment such amendment shall become a part of the Constitution.

An amendment to the Constitution of Illinois State University may also be initiated by the Board of Trustees. Upon motion, duly seconded and passed, a voting member of the Board of Trustees may introduce an amendment for consideration by the full Board. Such amendment shall then be published for first and second readings at consecutive public meetings of the Board before final action by the Board. The University community shall be afforded the opportunity to comment on any Board initiated amendment to the Constitution before final action by the Board.

Governing Document of the Board of Trustees

Illinois State University

Revised January 12, 2013

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Introduction

The governance of Illinois State University is vested by law in the Board of Trustees. Within the limits set by the State Constitution and the federal and state laws, the Board of Trustees is the final authority in all matters affecting the institution, and it exercises jurisdiction over the institution's financial, educational, and other policies and its relation with the state and federal governments. This Board of Trustees Governing Document describes the composition, powers, and duties of the Board of Trustees of Illinois State University, as defined by Illinois Statutes, and establishes policies for the performance of its functions. In the Board of Trustees Governing Document, the Board of Trustees has delegated certain responsibilities to the President in order to provide for the accomplishment of its goals. As the chief administrative officer of the University, the President is authorized by the Board to promulgate the University Policy Manual which provides interpretation and implementation of the Board of Trustees Governing Document. The Academic Senate is authorized to issue rules implementing the responsibilities delegated to it in the University Policy Manual.

User's Guide

Terminology

Unless otherwise specified or clearly indicated, terms used throughout the Board of Trustees Governing Document are defined as follows:

- a. Board refers to the Board of Trustees of Illinois State University.
- b. Adopted immediately following the topic title refers to the date on which the Board of Trustees first approved the material within the topic.
- c. Amended immediately following the topic title refers to the date on which the Board of Trustees modified material within the topic.

Replacement Pages(as noted above)

The President's Office will maintain all amendments to the Board of Trustees Governing Document after adoption by the Board. Replacement pages containing a specific amendment or for all amendments adopted subsequent to publication can be obtained by

request to the President's Office. Individual users are responsible for keeping their own volume of the Board of Trustees Governing Document up-to-date.

Interpretive Memoranda

From time to time the President's Office may issue interpretive memoranda in response to issues of interpretation which are posed by users of this document. Such interpretive memoranda will be made available to the members of the Board of Trustees and such additional persons as may be concerned. They too, will be maintained on file in the President's Office and available to any user upon request.

Inquiries

Inquiries regarding the Board of Trustees Governing Document should be addressed to the President's Office, Illinois State University, Campus Box 1000, Normal, IL, 61790-1000.

Section A: Government Statutes

Power and Duties

The Board of Trustees of Illinois State University is a public corporation established by 110 ILCS 675 to "operate, manage, control and maintain Illinois State University in accordance with the rights, powers and duties now or hereafter vested by law in the Board." The Board has been given by statute the usual powers and duties of public corporations, including the power to contract; to sue and be sued; to acquire property by purchase, eminent domain or otherwise; to hold and convey real property for the benefit of the people of the State of Illinois and for the use of Illinois State University; and to expend funds appropriate to Illinois State University, with the proviso that the Board shall not create any liability or indebtedness of funds from the State Treasury in excess of the funds appropriated to Illinois State University.

The General Assembly of the State of Illinois has set a number of statutory limitations upon the Board's exercise of its powers. Included among these limitations are the powers given to the Illinois Board of Higher Education to carry out such coordinating functions as the approval or disapproval of new units of instruction, research and public service proposed by the Board of Trustees.

The Board is also directed by statute to carry out its powers and duties through the adoption of rules, regulations and bylaws and through the employment of a President and all other necessary officers and employees of the University. It is through the adoption of policies, rules, regulations and bylaws and through the employment of a President that the Board primarily acts to exercise its statutory powers. The Board is the final institutional authority and, therefore, the Board of Trustees Governing Document has precedence over the university constitution, and policies and procedures of the University. Where the Board of Trustees Governing Document conflicts with the Illinois State University Constitution or policies and procedures of the University, or policies and procedures of units of the University, the Board of Trustees Governing Document shall prevail.

In general, the Board will act to ensure that the University is administered in a manner that is in compliance with the Board of Trustees Governing Document as well as with fiscal and legal mandates and requirements, by holding the President accountable for such compliance, rather than through processes which require advance review and/or approval by the Board of university documents or administrative actions. In order to achieve and maintain this desired accountability, the Board will refrain from participating in the day-to-day management decisions and actions of the University, and it hereby delegates responsibility for the administration and management of Illinois State University to the President of the University. Except in limited instances and except when specifically provided for in university documents approved by the Board, the Board of Trustees will not serve as an appellate body for decisions made by the President or university administration.

In carrying out their statutory responsibilities, members of the Board as representatives of the State and its citizens, may exercise official Board authority only when the Board or a committee of the Board is in session or when they are acting on behalf of the Board pursuant to its direction.

Delegation of Authority to President

The President of Illinois State University shall be the Chief Executive Officer of the University and is responsible to the Board for the operations of the University. The President is granted the necessary authority to carry out those responsibilities except for powers that are legislative or judicial in nature, which cannot be delegated pursuant to applicable law. The Board delegates to the President all authority:

1. Related to personnel of the University including the authority to hire and terminate individual employees of the University as provided for by Board policy.
2. To make final determinations with regard to promotions, tenure and sabbaticals for faculty and staff.
3. To execute all contracts, agreements, grants, warrants and other binding legal instruments presented in the name of the Board of Trustees which are necessary and appropriate to the normal operation of the institution and within the budgeted expenditures as approved by the Board of Trustees.
4. To approve capital projects and purchasing contracts up to and including \$500,000 per project or contract.
5. To enter into lease agreements of up to seven (7) years and up to \$100,000 per year per agreement.
6. To license products and inventions of the University in accordance with University policies.
7. To speak for the University before all federal, state and local government officers, boards and agencies.

Board of Trustees Governing Statutes, Bylaws and Policies, Adoption and Amendment

The Board of Trustees Governing Document has three sections: Governing Statutes, Bylaws and Policies

Governing Statutes, Bylaws and Policies may be adopted, amended, or repealed at any regular meeting of the Board by a majority vote of the voting membership of the Board. Requests for the adoption, amendment, or repeal of Governing Statutes, Bylaws or Policies shall be submitted to the President who shall notify the Board's Chairperson of such requests. The President shall report such requests with recommendations for action to the Board. Except as specified below, the adoption, amendment, or repeal of Governing Statutes, Bylaws or Policies shall occur only after a proposal for adoption, amendment, or repeal has been presented to the Board for first reading by the President.

Board action on the proposal shall not be taken earlier than the next regular meeting following the first reading unless the Board determines that timing considerations or the nature of the subject matter requires immediate action. During the interim between first reading and Board action, the President shall distribute copies of the proposal to appropriate faculty, staff, and student groups. Up to ten days prior to the Board meeting at which action is to be taken, members of the faculty, staff, and student body may submit their views and comments in writing to the President for distribution to the Board together with the President's recommendation for action on the proposal.

The President is authorized to make nonsubstantive amendments to the Board of Trustees Policies as may be necessary for such purposes as name or title changes, correcting typographical errors and cross-references, and updating citations.

The President shall have established a process for

Presidential Delegation of Accountability

- A. The President may delegate authority and responsibility for administration and management of the University in any manner which will ensure accountability. It is the Board's expectation that the President will make management decisions and will delegate authority and responsibility for the making of such decisions in a manner which will:
 - a. Protect the public interest in the successful achievement of the University's mission
 - b. Maximize use and conservation of university resources
 - c. Protect the University's public image as an institution of integrity and value
 - d. Assure compliance with applicable federal and state law
 - e. Assure diversity among the employees and students
- B. In the event the President advises the Board of his/her incapacity, or the Board determines that the President is incapacitated, the Vice President and Provost shall exercise the functions of the President in the absence of the appointment of an interim president by

the Board of Trustees.

Reservation of Powers

The Board of Trustees is charged by law with full responsibility for governing Illinois State University. Although the Board properly and necessarily has delegated authority to the President, it cannot divest itself of its ultimate legal responsibility. Accordingly, the Board expressly reserves to itself the power to act on its own initiative in all matters affecting Illinois State University. It further reserves unto itself the final decision-making authority to:

1. Appoint and evaluate the President.
2. Set tuition, other registration and non-registration fees, and room and board rates.
3. Approve honorary degrees.
4. Approve the annual operating budget and any changes greater than 10% of any one line item.
5. Approve the annual appropriations request.
6. Approve capital projects and purchasing contracts in excess of \$500,000 per project or contract.
7. Establish any new unit of instruction requiring approval by the Illinois Board of Higher Education.
8. Purchase and transfer land.
9. Approve the University Constitution.
10. Alter such delegations of authority as it deems appropriate.

Operating Philosophy

The operating philosophy describes the values and guiding principles through which the Board seeks to govern Illinois State University. Through it, the Board sets forth its expectations of its own operations upon which all of its policies and resulting university documents are based.

The Board of Trustees serves as a steward for society, and seeks to use the institution's resources wisely. It will make its fundamental decisions based on long-range objectives and goals for the University. On an annual basis, the Board will request that the President present to the Board a set of goals and objectives. Upon acceptance by the Board, these goals and objectives will serve as a guide for the efforts of both the Board and the University. Periodically the Board will assess and approve the long-range goals of the University in an effort to assure the future success of Illinois State University.

Governing by Policy Direction

The Board seeks to work effectively with the President and to make contributions to the University by its efforts in policy direction and control. In carrying out its work, the Board expects the President to recommend sufficient policies for the Board's consideration so that it can exercise well-balanced control through policy direction.

The Board recognizes that the University exists for purposes that set it apart from other institutions: it exists to seek the truth, to improve minds, to conduct research, and to carry out its public service missions. It is a means for passing on to individuals the sum total of our knowledge, plus the attitude of seeking and valuing knowledge; and it is a place where new basic knowledge may be generated. The efforts of the Board of Trustees are therefore designed to foster these purposes.

Governing through the President

The Board will select the President of the University to serve at the Board's pleasure. The Board will exercise its authority through the President. The President is encouraged to consult the Board before making decisions on highly sensitive matters.

Trusteeship is a Joint Endeavor

The Board will work as a responsible corporate body taking into consideration individual interests and concerns. Board decisions and position statements will reflect the position of the Board and not any one individual. Trustees will work through the President and his/her

designated staff members to facilitate the work and the implementation of decisions by the Board.

Individual Responsibility of Members

Individual Trustees affirm their active participation in governance by regularly preparing for Board meetings, studying thoroughly all important matters facing the future of the institution, advocating and fund raising on behalf of Illinois State University, and making decisions which assist the University in reaching its goals.

Evaluating Results

Periodically the Board will review the goals and objectives of the University, the quality of the educational programs, use of resources and facilities and any other such topic as it may deem necessary to assure the highest quality is attained at Illinois State University.

The Board and Planning

The Board will use a five-year planning cycle with annual updates prepared by the President for its review. Over time, the components of the plan may change but the following core elements should be included: educational, research and public service programs, enrollment trends, facilities, employees, and benefits.

Governing Statements

Academic Freedom

The University serves the people of Illinois and the common good through learning, teaching, research, scholarship, and public service. Fulfillment of these functions requires the preservation of intellectual freedoms of teaching, expression, research, and debate. The right to search for truth, to support a position the searcher believes is the truth, and to disagree with others whose intellect reaches a different conclusion is the fiber of America's greatness. It is, likewise, the strength of a great University, and its preservation is vital.

A teacher or researcher is entitled to freedom in research, and publication of the results of research, limited only by the precepts of scholarship and faithful performance of academic obligations.

Members of the faculty, staff and student body are entitled to freedom in the classroom in discussing academic related matters.

The Board reaffirms belief in, pledges support of, and directs all segments of the University community to sustain and follow the foregoing commitment to academic freedom. It further recognizes that tenure is a means of protecting freedom of inquiry, research, discourse, teaching, learning and publications.

Shared Governance

The Board delegates the conduct of administration and management to the President. It entrusts the conduct of teaching and research through the President to the faculty. It recognizes that the faculty has primary responsibility in matters of student recruitment and retention, academic standards, the fundamental areas of curriculum and the necessary policies and procedures for its conduct, subject matter and methods of instruction, instructional materials, methods of research and general requirements for degrees. The Board further recognizes the appropriate role of faculty in recommending to the President faculty appointments, reappointments, promotion, tenure and salary incrementation. It encourages significant student and staff participation in decision-making processes which affect these groups when such participation can be effective.

The Board, Administration, Academic Senate, Administrative/Professional Council, Civil Service Council, Student Government Association and other representative bodies, carry out their respective responsibilities and advisory duties not as isolated entities, but as major and primary constituents of a total University organization and structure that remains mutually interdependent, and which must be supportive of the purposes, functions and obligations of the University.

In order to promote shared participation in responsible and wise decision-making and to ensure channels of communication, the University

shall provide for elected representative campus organizations, the structures of which shall be determined by the constituencies they represent, approved by the President and set forth in the University's Constitution. These organizations shall serve as the primary organizations for consultation at the institutional level. The Board shall consult with these organizations regarding the selection of the University President. (revised: February 1998: Resolution No. 1998.02/42)

The Academic Senate, as established in the University Constitution, shall serve as the primary body for consultation regarding the establishment of academic guidelines and academic procedures of the University. In the event of serious disagreement between the President and a majority of the members comprising the Academic Senate, the Senate, through established Board procedures, shall have an opportunity, through a spokesperson, to explain its views before the Board at the time the President brings the matter to the Board.

The Board expects members of the University community to develop for Board approval a University Constitution which will embody the principles and philosophies on which representative advice concerning the academic activities and programs of the University shall be provided to the decision-making processes of the University and which will be in concert with the goals, objectives and operating processes of the Board of Trustees.

To facilitate communication between the Board and the various campus constituencies, the University shall establish a Campus Communication Committee (CCC) of 8 members; 3 from the Academic Senate, 2 each from the Administrative /Professional Council and Civil Service Council, and 1 representative of the Student Government Association. The Campus Communication Committee shall provide a written report to the President's office two working days prior to the Board meeting for distribution at the Board meeting and shall present the report during the Board meeting in behalf of its constituencies. The Chairperson of the Board or the President of the University may request a meeting with the CCC at any time. The existence of the CCC does not preclude other members of the university community from addressing the Board in accordance with published Board procedures.

The President shall serve as the official medium of communication between the Board of Trustees and the Academic Senate, Administrative/Professional Council, Civil Service Council, Student Government Association, and other representative bodies, officers, individual members of the faculty and staff, and students. In this connection it shall be the President's responsibility to transmit to the Board all formal communications from these bodies and individuals along with the viewpoints of the body submitting a communication, including any minority opinions, and the President's own recommendations for action.

revised: 02/17/1998

Mission Statement

The Board, being composed of lay members, shall exercise the traditional and time-honored role for such boards as their role has evolved in the United States and shall constitute the keystone of the governance structure. In this regard the Board:

1. Shall preserve Illinois State University's independence and shall defend its right to manage its own affairs through its chosen administrators and employees
2. Shall enhance the public image of Illinois State University
3. Shall interpret the community to Illinois State University and interpret the University to the community
4. Shall nurture and encourage financial support of Illinois State University to the end that it achieves its full potential within its role and mission and
5. Shall insist on clarity of focus and mission of Illinois State University.

Individual Rights

1. Equal Opportunity

Equal opportunities shall be provided for all persons throughout the University in recruitment, appointment, promotion, payment, training, and other employment practices without regard to race, color, religion, sex, national origin, sexual orientation, ancestry, age, marital status, physical or mental disability, unfavorable discharge from military, or status as a disabled veteran or veteran of the Vietnam era, or other

factors prohibited by law.

The President is responsible for the development of an affirmative action program by which full implementation of this policy can be effected in the University.

2. Sexual Harassment

It is the policy of the Board that sexual harassment of students, faculty, and staff is prohibited. Complaints of sexual harassment will be treated and investigated with full regard for the University's due process requirements. Definitions and procedures relative to handling complaints of sexual harassment are provided in the University Sexual Harassment Policy, the Office of Affirmative Action, and the Policies and Procedures Manual.

Freedom of Information

Definitions and procedures relative to handling requests for public information shall be provided in the University's Operating Procedures for Implementation of Illinois State University Freedom of Information Act Policy

Ethics Statement

The activities of the Board and those of its employees shall be consistent with the principle that there shall be no conflict between the private interests of a public official or employee and his/her official duties. Each member of the Board and each employee shall conform to the following guidelines:

1. Inform himself/herself of conflict of interest perils and remain alert to them in his/her activities;
2. Make certain that no outside activities interfere with the discharge of University obligations;
3. Freely disclose outside activities to the University regarding situations that could involve, or be construed as, conflicts of interest;
4. Consult, in advance and whenever circumstances suggest it, with the appropriate officers of the Board or of the University on outside activities undertaken in the general field of individual competence;
5. Have no substantial financial or personal interest in business transactions of the University; and
6. Not grant or make available to any person any consideration, treatment, information, or favor beyond that which is general practice to grant or make available to the public at large.

Bylaws

Location

1. Equal Opportunity

The office of the Board of Trustees of Illinois State University shall be located in Normal, Illinois on the campus of Illinois State University.

Meetings

Section 1. Regular Meetings

Regular meetings of the Board of Trustees, hereinafter referred to in these Bylaws as the Board, shall convene at least quarterly each year at Normal, Illinois on the Illinois State University campus and at such other place on a date and at a time set by the Chairperson of the Board of Trustees or by a majority of the members of the Executive Committee of the Board of Trustees. All regular sessions shall be open to the public and comply with the Illinois Open Meetings Act.

Section 2. Special Meetings

Special meetings may be held upon call of the Chairperson of the Board of Trustees or by a majority of the members of the Executive

Committee of the Board of Trustees or upon request of not less than four members of the Board of Trustees, or by the President of Illinois State University. Notice of any special meetings shall be posted at least 48 hours prior to such meetings. Emergency meetings may be held as provided by state law and as soon as practical following the posting of the meeting.

Section 3. Closed Meetings

3.1 The Board may hold meetings closed to the public to discuss matters which are exempted from public discussion under the provisions of the Illinois Open Meetings Act. Closed meetings will be held upon a majority vote of a quorum present, taken at a meeting open to the public for which notice has been given.

3.2 Minutes of closed meetings will be kept and will be available for inspection only after the Board determines, by periodic assessment, that confidentiality of such meetings is no longer required.

3.3 Executive sessions of the Board will be closed meetings. The President of the University shall attend all executive sessions unless excused. The Board may approve the attendance of additional administrators or others at its discretion.

Section 4. Agenda

It is the responsibility of the President in consultation with the Chairperson to develop the proposed agenda for each Board meeting.

Section 5. Quorum

A quorum for business shall be five (5) voting members of the Board. A quorum of the Board must be physically present at the location of the meeting. If a quorum of the Board is physically present at the location of the meeting, a majority of the Board may allow a member to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency. "Other means" is by video or audio conference. (revised January 12, 2013: Resolution No. 2013.01/01)

Section 6. Voting

Each member of the Board, including the Student Trustee, shall cast one vote. All votes of the Board shall be a voice vote, provided, however, any member may request a roll call vote of the membership on any question. A simple majority of the quorum present and voting is required for any action and is sufficient unless otherwise required by law. The minutes shall note those voting in favor, those voting against and those abstaining on any matter except on voice votes. (revised: July 1997: Resolution No. 97.07/33: Change effective 07/24/1998 when House Bill 2364 was signed by Governor.)

Section 7. Communication to the Board of Trustees

Any written material to be distributed to members of the Board at a public meeting shall be submitted to the President two (2) weeks in advance of the regularly scheduled meeting. All University communications shall be transmitted through the Dean or other heads of University units to the President's Office.

Section 8. Resolutions

All resolutions shall be submitted in writing before action is taken by the Board.

Section 9. Board Action

All actions taken by the Board shall be printed in the Proceedings of the Board of Trustees of Illinois State University and the mailing of a copy of the Proceedings of the Board of Trustees of Illinois State University shall constitute due notice of such action. Copies of the Proceedings shall also be filed and be available electronically.

Section 10. Addressing the Board

The Trustees of Illinois State University welcome constructive communications from members of the University community, the citizens of Illinois, and others who share the Trustees goals for the University. Mechanisms for communicating with the Board vary depending on the subject matter and nature of presentation. Faculty and staff are encouraged to provide information relative to the academic mission of the University.

10.1 The Board of Trustees requires that persons wishing to comment on agenda action items during a public meeting of the Board, request permission in writing to speak at least seventy-two (72) hours before the meeting. In the event of a special called meeting, the Board

requires a written request no less than twenty-four (24) hours before the scheduled special meeting. In the event that a regular or special meeting immediately follows a weekend or holiday, any written request to address the Board must be received by 4:00 p.m. on the last business day preceding the weekend or holiday. Such requests should be submitted to the Assistant to the President, or designee, and should provide the following information: (revised July 1998: Resolution No. 1998.07/11)

- a. Name
- b. Business or residential address
- c. Relationship to the University
- d. Topic upon which the person wishes to address the Board
- e. Statement of position, relevant facts and any appropriate written material

10.2 At the discretion of the Chairperson of the Board, persons wishing to speak on agenda items who have properly completed and submitted the required materials will be heard before a vote is taken on relevant action item. Individual audience presentations on any agenda action item will be limited to five (5) minutes. The total time for audience presentation on any single agenda action item will be limited to fifteen (15) minutes unless an extension of time is approved by the Chairperson of the Board of Trustees. If more than three persons wish to speak on any single agenda action item, the amount of time devoted to audience presentation will be divided equally among all those who wish to speak on the item. When large numbers of persons wish to speak on any single agenda action item, it is recommended they choose one or more persons to speak for them.

10.3 Persons wishing to speak on matters not on the agenda must submit the required information in Section 10.1, above, no less than 72 hours before the scheduled meeting time. In addition to the information in Section 10.1 above, those wishing to address the Trustees should submit a text or detailed outline of the issue which will be considered by the Trustees. Individuals who have submitted the required materials and are in the audience may be invited by the Trustees to respond to questions or provide additional information as requested by the Trustees.

revised: 07/29/1997

revised: 07/28/1998 following the posting of the meeting.

Officers

Section 1. Officers of the Board of Trustees

1.1 Officers of the Board shall be the elected Chairperson and Secretary, the appointed Treasurer and such additional officers as the Board may elect to establish.

1.2 At the first regular meeting of the University's fiscal year unless the Board elects to delay, but no more than three (3) months after the start of the fiscal year, the Board shall elect a Chairperson and Secretary from among its voting members, and shall appoint a Treasurer from the University staff. Each of these officers shall hold office for one year or until a successor is duly selected. Vacancies may be filled by the Board at any regular or special meeting and a person or persons selected shall serve for the remaining portion of the unexpired terms. (revised: October 2000: Resolution No. 2000.10/23)

1.3 Any officer may be removed with or without cause by a vote of the majority of the Board of Trustees.

Section 2. Chairperson of the Board of Trustees

2.1 The Chairperson of the Board shall preside at all meetings of the Board and in the Chairperson's absence or in the absence of the Secretary, the Chairperson may appoint or designate a member of the Board to preside. The Chairperson, or the presiding member in the absence of the Chairperson, shall conduct all business according to parliamentary rules in Robert's Rules of Order Newly Revised (or the latest revision or amendment thereto), unless modified by standing or special rules of the Board. The Chairperson shall serve as Chairperson of the Executive Committee, but may designate the Secretary or in the Secretary's absence any member of the Board as such. The Chairperson shall appoint all regular and special committees of the Board. No committee shall have fewer than three Board members, and

the Chairperson of the Board may appoint additional members. The Chairperson shall appoint a Chairperson for each committee, and may appoint a Vice Chairperson. The Chairperson shall have the right to vote upon all questions, motions or recommendations submitted to the Board.

2.2 The Chairperson of the Board of Trustees or designee shall sign all contracts and other instruments requiring execution on the part of the Board and shall discharge any other duties usually devolving upon a presiding officer, unless it is otherwise ordered.

Section 3. Secretary of the Board of Trustees

The Secretary of the Board shall perform all duties and have all the prerogatives set forth in Section 2 of Chapter III devolving upon the Chairperson in the Chairperson's absence, incapacity or retirement from the Board until the Chairperson resumes office or a successor has been duly elected as provided in Section 1b above. The Secretary of the Board or designee shall be custodian of the University seal and shall sign and attest with said seal all certifications of the acts of the Board and all documents, certificates, deeds, contracts and other like instruments authorized by the Board

Section 4. Treasurer of the Board of Trustees

The Board will select from the University's staff an employee to serve as Treasurer but not as a member. The Treasurer shall serve in an ex-officio capacity and shall receive and disburse all monies and report to the Board of Trustees on the financial status and fiscal affairs of the University. The Treasurer or designee shall periodically furnish to the Board, but at least annually, an accounting for all monies received and dispersed during the preceding fiscal year.

Section 5. Delegation of Signature Authority

The President and the Treasurer are authorized to sign documents on behalf of the Chairperson and the Secretary, provided no one official may sign both names to the same document. Change effective 07/24/1998 when House Bill 2364 was signed by Governor.)
revised: 10/20/2000

Personnel

Section 1. President of the University

The President of the University shall report directly to the Board of Trustees. The President of Illinois State University shall be the Chief Executive Officer of the University. The President's duties are those prescribed by the Board. The President shall be appointed by the Board of Trustees and shall hold office subject to the pleasure of the Board. The President will serve as ex-officio non-voting member of the Board and its Executive Committee.

Section 2. Director of Internal Audit

The Director of Internal Audit shall report directly to the President with access to the Board. The duties of the Director of Internal Audit are prescribed by the Illinois State University Internal Auditing Charter.

Committees

Section 1. Executive Committee

1.1 The Executive Committee shall consist of the Chairperson and Secretary of the Board, and at least one other member selected by the Chairperson of the Board. The Chairperson of the Board shall serve as Chairperson of the Executive Committee except as provided in Chapter III.

1.2 The Executive Committee shall make recommendations on all such matters not specifically assigned to another committee. By an affirmative vote of a majority of the members of the Board at any regular or special meeting, the Executive Committee may be authorized to act finally for the Board on any matter submitted to it, provided a quorum of the members of the Executive Committee present and voting. For sufficient cause, when the Board is not in session, the Executive Committee shall act for the Board. Final action taken by the Executive Committee shall be reported to the Board at its next regular or special meeting. (revised: May 1996: Resolution No. 96.05/31)

Section 2. Audit Committee

The Audit Committee shall provide general oversight of external and internal auditing functions of the University, including review and approval of annual audit plans and staffing of audits, quarterly internal audit summaries, and University Audit Department follow-up. The committee shall also review the nature of any significant accounting and/or auditing problems, and make recommendations for changes to improve any practice or function under the committee's purview.

Section 3. Special Committees

3.1 Special committees may be appointed by the Chairperson of the Board and shall report to the Board with recommendations the committee or committees may wish to make on the subject involved. By an affirmative vote of a majority of the members of the Board, at any regular or special meeting, a special committee may be authorized to act for the Board. When so authorized, the action taken by the committee on behalf of the Board shall be by unanimous agreement of the committee members present and voting.

3.2 Special committees shall be considered discharged when the committee's work has been reported to and acted upon by the Board, and in any case all committee assignments terminate at the time of the organizational meeting of the Board held each year as provided in Chapter III, Section 1b.

Section 4. Selection of Committee Members

The Chairperson shall appoint members of all committees for one year terms which run concurrently with the Chairperson's. The President of the University and all members of the Board of Trustees shall serve as ex-officio non-voting members of all committees.
revised: 05/10/1996

Compensation & Conflict of Interest

Section 1. Compensation

Except as provided by law, no Trustee or officer of the University as such shall transact any business or professional activity by reason of which the Trustee or officer shall receive any pecuniary award or compensation from the University or the Illinois State University Foundation funds except Board-approved compensation for the officers. All permitted transactions must be approved in advance by the Board directly or through a designated officer

Section 2. Trustee and Presidential Conflict of Interest

2.1 Trustees and the President of Illinois State University shall at all times act in a manner consistent with their fiduciary responsibilities to the University and shall exercise particular care that no detriment to the University results from conflicts between their interests and those of

the University. If a Trustee or President believes that he/she may have a conflict of interest, the Trustee or President shall promptly and fully disclose the conflict to the Assistant to the President and shall refrain from participating in any way in the matter to which the conflict relates until the conflict question has been resolved. The minutes of the Board meeting where a disclosure of conflict or possible conflict of interest is made shall reflect the disclosure and that the Trustee or President having such, abstained from participation in the matter.

2.2 The Trustee or President is considered to have a conflict of interest when any of his/her family or associates, either (i) has an existing or potential financial or other interest which impairs or might appear to impair the Trustee's or President's independence of judgment in the discharge of responsibilities to the University, or (ii) may receive a material, financial, or other benefit from knowledge of information confidential to the University. The "family" of a Trustee or President includes his/her spouse, parents, siblings, children, and if living in the same household and sharing expenses, other individuals. An "associate" of a Trustee or President includes any person, trust, organization, or enterprise in or with which the Trustee or President has knowledge that he/she or any member of his/her family (i) is a director, officer, employee, member, partner, or trustee; or (ii) has a financial interest that represents 5% or more of his/her assets or any interest that enables him/her acting alone or in conjunction with others, to exercise control or to influence policy significantly, or (iii) has any other material association.

2.3 The Assistant to the President shall consult with the Chairperson of the Board and Board Legal Counsel regarding all conflict questions of which he/she is informed and shall report regularly to the Board of Trustees regarding any unresolved conflict questions. This policy statement is to be interpreted and applied in a manner that will best serve the interest of the University. In some cases, it may be determined that, after full disclosure to those concerned, the University's interests are best served by participation by the Trustee or President despite the conflict. The Board Legal Counsel will provide a Trustee or President, upon his/her request, a written opinion as to whether a conflict of interest situation exists

2.4 This policy incorporates by reference any obligations imposed on a Trustee, President or other university employee by state law to comply with state disclosure of outside income.

2.5 Notwithstanding anything to the contrary set forth in state law, it shall be a conflict of interest for a Trustee in any capacity to be employed by or associated with a professional service firm which directly or indirectly provides services to the University. In the event that a firm is providing services to the University prior to one of its employees becoming a Trustee, it may complete all work in progress for the University but may not be engaged for any additional work until the Trustee is no longer employed by or associated with the professional service firm.

2.6 The Assistant to the President shall distribute annually a copy of the Board of Trustees Conflict of Interest statement to each Trustee and the President.

Amendments to the Bylaws

The Bylaws shall be added to or amended only by a vote of at least a majority of the members of the Board at a regular meeting or a special meeting duly called for that purpose. Any proposed addition or amendment shall be filed with the Assistant to the President in writing 15 days before such meeting, and it shall be the duty of the Assistant to the President forthwith to mail a copy thereof to every member of the Board.

Adopted by the Board of Trustees of Illinois State University by Resolution No. 96.01/01, January 3, 1996.

revised: 05/10/96

revised: 07/29/97

revised: 07/28/1998

revised: 10/20/2000

revised: 01/12/2013

Policies

Academic Programs

University Calendar

The University shall develop an annual university calendar which shall become effective when approved by the President. Copies shall be shared with the Board.

Degrees

1. Honorary Degrees

a. Authorization

Honorary degrees may be awarded by Illinois State University in recognition of persons who have achieved a record of major distinction at the state or national level in education, public service, literature, business, or the professions. The degrees that may be awarded are the Doctor of Law (LLD), Doctor of Science (Sc.D.), Doctor of Literature (Litt.D.), and Doctor of Humane Letters (L.H.D.). Honorary degrees may be granted only on the recommendation of the President, who shall seek the advice of the elected campus organizations concerning the possible candidates.

b. Restriction

Members and employees of the Board of Trustees of Illinois State University and members and employees of the Board of Higher Education are ineligible during the term of their office or employment.

2. Conferring of Degrees

Earned and honorary degrees shall be conferred by the President upon the recommendation of the faculty and under authority of the Board of Trustees. Although degrees normally are conferred at the scheduled commencement exercises, students, at the discretion of the President, may receive their degrees and diplomas prior to the date of commencement

Program Approval

The approval of the Board of Trustees is required prior to the establishment of any new unit of instruction which is submitted to the Illinois Board of Higher Education for approval. These items include new degree programs, certificate of advanced study, professional development sequences, centers, institutes, departments, schools, divisions, campuses, off-campus programs, and international programs.

Program deletions, consolidations, title changes, structural modification of research or public service units, and other such administrative changes which do not require Board of Trustee approval should be provided as information items to the Board in an annual report of units of instruction, research and public services that are added or deleted.

University Plan

The Board of Trustees reserves to itself the final adoption of the basic long-range objectives of the University. To provide the Board with the appropriate planning information, the Administration will submit annually a five-year planning document which includes specific and detailed statements on the role of the University, its long-range mission and the time period in which major changes are to be achieved. The detailed set of objectives for the University is complemented by statements of objectives for each of the colleges, library, and other operating units. Specific goals that are to be achieved within the stated time period normally will be included in this plan.

Program Review

Each academic degree program and each research or public service unit is required to undergo periodic review, a schedule for which will be promulgated by the Illinois Board of Higher Education. The results of each review will be summarized and reported to the Board of Trustees as an information item, prior to submission to the Illinois Board of Higher Education.

Grants and Contracts

For the purposes of this section the phrase grants and contracts shall be interpreted to include instructional, research, public service, and other academic-related activities but not student assistance, university business and capital operations, or private support from individuals and corporations generated through the Illinois State University Foundation.

The University shall establish and maintain comprehensive policies on and detailed procedures for the review and administration of grants and contracts. These procedures and policies shall ensure that the grant and contract activities engaged in are consistent with the University's academic mission, instructional commitments, and financial capabilities, and are in compliance with all applicable legal and ethical requirements.

Grants and contracts shall be accepted for the Board by the President. If there are conditions in the grant or contract which would otherwise require Board approval, the President shall submit the grant or contract to the Board for its approval.

Reports shall be made by the President to the Board concerning the receipt of grants and contracts according to the schedule established under the Board Master Ca

Employees

General

1. Delegation of Authority to Employ Personnel

1. a. The Board, through its documents, delegates authority for personnel actions to the President. The President is encouraged to consult the Board before making decisions on highly sensitive matters.
- b. University policies and procedures governing the terms, conditions of appointment, evaluation, promotion, tenure, termination, compensation and other benefits shall be developed by the President in a manner consistent with state and federal legal requirements and with the Board of Trustees Governing Document. These University policies and procedures shall be published in employee handbooks, copies of which shall be given to Board members and affected employees and updated on a regular basis.
- c. Tenure is granted by the University under the authority granted to the President by the Board of Trustees. Tenure appointments shall be held only in academic departments or similar academic units. All changes in the locus of tenure assignment require specific approval of the President.
- d. The Board reserves to itself the right to take whatever actions it deems necessary or advisable to defend and protect itself, the University, or its members, officers, agents or employees against claims of any sort which might result in liability for the Board or the University as a result of any personnel decision or action taken by one of its agents on its behalf.

2. Collective Bargaining

The Board of Trustees is the employer as defined in the Illinois Educational Labor Relations Act of all employees of Illinois State University. The Board delegates to the President the authority to negotiate with recognized employee organizations and to execute collective bargaining agreements on behalf of the Board.

All notifications and correspondence required by the Illinois Educational Labor Relations Act shall be directed to the President's Office of Illinois State University.

3. Use of Facilities by Employee Organizations

Employee organizations as defined by the Illinois Educational Labor Relations Act shall have access to campus facilities subject to such reasonable limitations necessary for orderly operation as established by the University. Employee organizations may use the campus mail service for the distribution of literature pursuant to University policy and procedures subject to the first priority of U.S. mail and official University mail. Employee organizations may contact employees on campus at times when employees are not working but shall respect the request of any employee who does not desire to participate in or be exposed to such contact.

4. Work Stoppages

In the event of a strike or work stoppage on the part of any employee of Illinois State University, the officers of the Board of Trustees are authorized to commence legal proceedings as may be appropriate. Prior to such action, the Board shall determine and declare that the strike or work stoppage is unlawful or is a clear and present danger to the health or safety of the public.

5. Tax Deferred Compensation

In accordance with the applicable provisions of the United States Internal Revenue Code, and "An Act in relation to payments to custodial accounts for the benefit of employees of public institutions of higher education," PA 83-261, and "An Act in Relation to State Finance," approved June 10, 1919, as amended, the Board of Trustees shall provide a tax-deferred compensation plan for the employees of the University. This plan shall be administered by the President of Illinois State University who shall have the authority to take such actions not inconsistent herewith, whereby the employees of the Board of Trustees of Illinois State University may enter into agreements with the employer to elect to receive, in lieu of salary or wages, benefits which are tax-deferred under the federal Internal Revenue Code.

6. Equal Opportunity and Affirmative Action

It shall be the policy of the Board of Trustees of Illinois State University that equal opportunity shall be offered in the appointment of all employees in compliance with applicable State and Federal equal employment opportunities laws, University policies and with the intent to encourage diversity. The University shall use recruitment practices aimed toward identifying, securing and maintaining equitable representation and toward seeking full utilization of minorities and women in all organizational units and job classifications. The University shall also establish affirmative action policies and procedures which shall provide for the fair, impartial and equal treatment of applicants for employment and promotion and which shall assure that the University recruits from the largest potential pool of qualified applicants.

7. Family Relationships

Employees are selected for employment and promotion without regard to relationship by blood or marriage in accordance with appropriate qualifications for the performance of specified duties. However, no individual shall initiate or participate in personnel decisions involving initial employment, retention, promotion, salary, leave of absence or other direct benefit to an individual employee who is a member of the same immediate family. Immediate family include an employee's spouse, parents, brothers, sisters and children.

8. Staff Reductions

Reduction in or Elimination of a Department or Similar Academic Unit

Upon the reduction or elimination of a department or similar academic unit and in a condition other than a financial exigency, the University shall give notice to faculty members who are to be displaced. In the case of a tenured faculty member, the University shall give notice at least 12 months before the end of the academic year in which the individual is to be terminated and shall seek to find an assignment for which the individual is, or may become, professionally qualified. In the case of untenured faculty, the University shall be responsible only for providing notice as soon as reasonably possible after the decision has been made to reduce or eliminate the department or similar academic unit.

Financial Exigency

For the purpose of this policy, financial exigency shall be defined as follows:

A financial exigency is a condition affecting the whole university. It will be considered to exist when (1) the State operating appropriation for

Illinois State University adjusted for any mandated salary increments and for the impact of inflation on non-personal service costs and excluding retirement, is expected to be less than that of the previous year or when the funds made available to operate the University are reduced in the course of a fiscal year below the level of the appropriation authorized by the Governor and General Assembly, and (2) when either type of reduction if evaluated in relation to the major program and service commitments of the University can be expected to require a reduction in the number of authorized faculty positions and the emergency layoff of tenure-track or tenured faculty.

a. Identification of a Financial Exigency--Advisory Financial Exigency Committee

When the President believes that a financial exigency is imminent, the President shall inform the University community and provide an explanation to the elected campus organizations or other appropriate bodies. The President shall also designate, if this has not been done previously, and begin consultation with an advisory financial exigency committee representing administrators and faculty holding academic rank, administrative/professional personnel who do not possess academic rank, civil service personnel and students. If feasible, the existing committee structure of the University shall be utilized to serve this purpose. After receiving the advice of the committee and whomever else the President deems it necessary and desirable to consult, if the President remains convinced that financial exigency is imminent, the President shall present the matter to the Board.

b. Board Declaration

The Board shall take up the issue of financial exigency when requested to do so by the President. It shall review all written documentation and information presented by the University and any other concerned groups or individuals. The issue shall be reviewed in open session at the earliest Board meeting possible (if necessary, one called specially for this purpose). The meeting shall be open to presentations by concerned parties from the University community. The issue shall be put to vote through a formal motion to declare a state of financial exigency at the University.

c. Implementation

After the Board has declared a state of financial exigency, the President shall take action to allocate necessary funding reductions among the various departments and cost centers. The President shall have the authority and responsibility to make the necessary decisions on allocating budget reductions within the University.

9. Retirement

The statutes, rules and regulations of the State Universities Retirement System will provide the basis for all employee retirements, unless modified for University employees by the Board. Exceptions may be granted by the President after initial discussion with the Board in executive session.

10. Intellectual Property Rights

The Board of Trustees in order to facilitate the useful application of knowledge, research and other creative activity, encourages and supports efforts of employees and students to develop products, inventions, and other forms of intellectual property. It is also recognized that the Board, through the University, has certain rights and interests under federal and state law with regard to intellectual property developed by employees and students. Such intellectual property includes inventions, products, computer software, literary and artistic works. The Board directs that the President develop policies and procedures to appropriately assess these rights and provide supportive services. The university policies and procedures shall be effective upon approval by the President

11. Educational Benefits

The President or a designated representative may grant tuition and fee waivers to or for the benefit of university faculty, administrative/professional, civil service employees and retirees.

1. Coverage

For purposes of these documents, faculty and administrative/professional employees include all faculty of Illinois State University and those administrative and/or professional personnel of the University who are not civil service employees.

2. Outside Employment

It is the expectation of the Board that all full-time faculty and administrative/professional employees will devote their professional time to their employment with the University. The President or his/her designee shall approve any employment involving research or consulting for any non-governmental entity.

3. Financial Exigency

Administrative/Professional employees shall be covered by the provisions dealing with financial exigency in preceding Section II.A.8.2.

4. President

a. Housing

- i. The President shall be furnished a residence in which the President is required to live. The President's home is to serve as a university setting conducive to cultural, social and educational interchanges important to students, faculty, University-related organizations and dignitaries associated with the University community. It serves as a resource for fulfilling official, ceremonial and social functions of the President.
- ii. The maintenance and upkeep of the President's residence and grounds, including housekeeping services for the public areas, shall be borne by the University.
- iii. The University may furnish the public areas in the residence

b. Automobile

- i. The President shall be furnished with an automobile which shall be for personal use and official business.

5. Board Review and Evaluation of the President

It is the policy of the Board of Trustees to review and evaluate the performance of the President on a regular basis. This review and evaluation process provides (a) a means by which the incumbent may review his/her own performance with Board members, (2) a procedure to establish new short- and long-term goals for the ensuing year, and (3) an opportunity to receive comments and ideas from Board members and others as to possible ways in which the management and planning functions of the University might be improved.

a. The Annual Review and Evaluation

- i. The annual review and evaluation of the performance of the President shall be conducted by the Board at such time as the Board Chairperson designates. The annual review and evaluation shall be presented and discussed in a closed meeting of the Board as allowed by law.
- ii. In order to aid in the annual review and evaluation by the Board, annual goals statements shall be submitted to members of the Board by the President prior to annual review and evaluation. Any additional material such as the annual reports or other documents may be submitted at the discretion of the incumbent. The annual goals statements, related materials and appropriate position descriptions will serve as the major basis for the annual Board review and evaluation of the President.

b. Summative Review and Evaluation

- i. A summative review and in-depth evaluation of the performance of the President shall be conducted periodically by the Board. The Board should use a variety of evaluative criteria and information from sources which include all major constituencies of the University.

Civil Service Employees

1. Authority to Employ

The Board of Trustees of Illinois State University is designated by statute as the employing authority for all State University Civil Service System of Illinois (SUCSS) employees. The Board authorizes the President to appoint civil service personnel to authorized positions.

2. General Conditions of Employment

All civil service employees of Illinois State University are employed in accordance with the provisions of the State Universities Civil Service Act (110 ILCS 70), as amended, and the rules of the University Civil Service Merit Board, and are entitled to all the rights and subject to all the requirements contained therein.

Student Employees

1. Graduate Assistants

The University shall be empowered within the limitations of the available resources to appoint the number of graduate assistants required to accomplish its prescribed mission. Graduate assistants may be granted a tuition waiver during their period of appointment and for the preceding or following summer session.

2. Student Hourly Workers

The University may employ student hourly help in accord with the needs of various departments, available authorized funds, and the provisions of the State Universities Civil Service System (SUCSS). Student employees must be enrolled or accepted for admission by the University.

3. Conditions of Employment

The University shall make and publish additional rules and/or procedures appropriate to carrying out the purposes and intent of the Board Policies pertaining to graduate assistant appointments or student employment.

Students

Student Financial Aid

1. Definition

For the purposes of the Board's Policies, student financial aid includes scholarships, grants, loans, and employment opportunities which are provided for students primarily to assist them in meeting the expense of University attendance. Student financial aid does not include forms of assistance such as waivers of tuition which are granted to Illinois State University employees as a fringe benefit to their employment or employment opportunities which are provided for students primarily to supplement their class work and study.

2. General Statement

Illinois State University shares with federal and state governments the responsibility for providing residents of Illinois with equal opportunity to attend the University. Further, the University recognizes the need to attract students who do not demonstrate financial need but do possess particular qualifications which make their presence beneficial to the educational process. The University shall administer the student financial aid provided by authority of the Board of Trustees of Illinois State University, coordinate the student financial aid provided for Illinois State University students and sponsored by agencies or parties external to the University, and make and promulgate such additional rules and/or procedures as are necessary and appropriate.

3. University Tuition Waivers

The President or a designated representative may grant undergraduate tuition waivers up to the amount established by statute, and graduate tuition waivers consistent with program needs and available resources. Award criteria for the granting of these waivers may include demonstrated scholarship, talent in University-related activities, classification as a foreign student, or financial need as determined by the University.

4. Special Program Tuition Waivers

The President or a designated representative may grant tuition waivers to students who participate in National Science Foundation Institutes or other special programs when such a waiver is required for participation in the specific program.

Affirmative Action

1. Recruitment and Retention

The University shall use procedures and practices consistent with state and federal law aimed toward attracting and retaining equitable representation of a diverse student body including persons from socially and economically disadvantaged background.

2. Academic Programs

The educational programs and materials of the University shall reflect the historical and contemporary roles and contributions of all diverse and underrepresented groups.

3. Services

The University shall provide services which reflect a recognition of diverse cultural background, past educational imbalances, and the need for new opportunities both for the disadvantaged and non-disadvantaged student.

Financial Affairs

Obligation of Financial Resources

The Board of Trustees is the contracting entity for all contracts involving Illinois State University. All contracts shall bear the names of the Board and the University. The financial resources of the Board of Trustees are defined to include all funds appropriated to, or lawfully received by or belonging to, the Board or the University, including those items of income received by the University and retained in its treasury in accordance with the provisions of the relevant section of the Board's enabling statutes and of "An Act in Relation to State Finance," approved June 10, 1919, as amended.

General

1. Records and Audits

The University shall prepare and maintain such financial records and reports in accordance with generally accepted principles and standards of accounting and financial reporting for colleges and universities as are necessary for sound financial management and adequate disclosure. Each year the University shall file with the Board of Trustees a copy of the annual financial report.

A copy of the audit by the Auditor General shall be filed with the Board of Trustees and shall be acknowledged by the Board as the official audit of such funds

2. Insurance Protection

The Board of Trustees shall obtain and carry a blanket crime policy which extends protection to the financial assets of the University and the Board.

3. Payment of Wages and Benefits

Employees receiving payment of wages and benefits from non-appropriated funds, including but not limited to revenue bond operations, shall be treated on an equal basis with employees receiving payment of wages and benefits from appropriated funds.

4. Bond Resolutions

In the event of a conflict between the provisions of the Board of Trustees Governing Document and the requirements of specific bond resolutions adopted by the Board of Trustees, the latter shall govern.

Naming of Facilities

The Board shall approve the naming of all facilities of the University. The University shall develop rules to be used in recommending names to the Board.

Legal Representation and Indemnification

The Board of Trustees shall provide legal representation and indemnification in accordance with state statutes for a claim or action instituted against a Trustee, a former Trustee, or estate of such person which is based upon damage or injury allegedly arising from an act or omission occurring within the scope of duties on behalf of the Board of Trustees. Upon timely request of the person or the person's estate, and in the absence of representation by the Attorney General of the State of Illinois, the Board shall determine the appropriateness of providing counsel for the defense of the claim or action and indemnification for actual costs incurred as a result of such claim or action. The Board of Trustees shall provide such defense and indemnification upon a determination that the individual has acted in good faith, without malice, and within the apparent scope of his/her authority. The Board of Trustees shall not provide indemnification for a claim or action which is the result of intentional or willful and wanton misconduct. Legal representation and indemnification is subject to the Representation and Indemnification of State Employees Act.

Students participating in University authorized internships, professional practice programs, and similar work/learning opportunities shall be afforded indemnification protection consistent with this Section and other applicable State law.

Guidelines for Price Setting, Revenue Generation, Affordability and Use of Funds Decision-Making

The Board of Trustees of Illinois State University sets broad goals for the institution and adopts policies designed to guide the administration in achieving those goals. Implementation of the Board's Policies is delegated to the President who, in turn, charges the various administrative offices with developing specific procedures and practices. Setting the University's strategic direction through policies for student pricing is among the most important roles of the Illinois State University Board of Trustees. Adopted guidelines:

- The graduate tuition rate should reflect more appropriately the higher cost of graduate instruction.
- Differential tuition should be charged only under the following conditions: to comply with the "truth-in-tuition" statute, to differentiate state residency status, and to differentiate undergraduate from graduate instruction.
- Illinois State University's tuition should be comparable and competitive with tuition charges at competitor Illinois public universities.
- Illinois State University should continue to devote a portion of new tuition and fee revenue to assist University students who are eligible for maximum Monetary Award Program grants from the Illinois Student Assistance Commission, but whose grants fall short of the University's tuition and fee charges.
- Illinois State University should review routinely and assess the amount, use and allocation process of tuition waivers.

The revenue derived from student charges should be allocated only by the University's annual budget process to address the highest current priorities.

- Until the University is again able to address operational cost increases on a campus-wide basis, student fee increases should be limited to that necessary to support salary increases for employees in fee-supported areas.
- Room and board rates should increase to the upper quartile among Illinois residential public universities and an adequate proportion of those revenues allocated to the repair and renovation fund in order to support the current long-range housing and dining plan.
- Illinois State University should incorporate the demand for renovated spaces as part of its room and board pricing process.

UNIVERSITY REVIEW COMMITTEE

Tuesday, November 1, 2016
3 p.m., Hovey 401D

MINUTES

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

Members not present: Rick Boser, Doris Houston

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University, “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University, and “AAUP” refers to the American Association of University Professors.

I. Call to order

Chairperson Diane Dean called the meeting to order at 3 p.m. A quorum was present.

II. Approval of minutes from the October 18, 2016 meeting

Christopher Horvath asked for a correction to the minutes, in the sixth paragraph of the agenda item titled *Proposed ASPT disciplinary articles*, in the section of that item headed *News and updates*. Horvath asked that the fourth sentence in that paragraph be replaced as follows.

FROM: Horvath explained that much of AFEGC activities while he served on the committee involved resolving conflicts between chairpersons and faculty members when it was not understood that chairpersons were doing what they were supposed to be doing.

TO: Horvath explained that much of AFEGC activities while he served on the committee involved resolving conflicts between chairpersons and faculty members over chairpersons’ authority and not specifically over ethics.

Joe Goodman moved approval of the minutes as distributed prior to the meeting but with that change. Sheryl Jenkins seconded the motion. The motion passed on voice vote, all voting in the affirmative.

III. Tentative schedule of URC discussions and actions, 2016-2017

Dean distributed copies of a document titled “Schedule of Discussions and Actions, University Review Committee, Academic Year 2016-2017, Effective November 1, 2016” (see attached) and then reviewed the document with committee members. She noted that the schedule may change as the academic year progresses.

Addressing Dean, Angela Bonnell asked to whom emails have been sent regarding submission to URC of revised college (ASPT) standards for review by URC prior to the end of the calendar year. Dean reported that she has sent an email reminder to each dean. She noted that she subsequently received a thank you email from Milner Library Dean Dane Ward. Dean said she has not yet received any revised college standards for review by URC and might not, since the changes made to the ASPT document by the Caucus might not necessitate changes to college standards. One exception, she noted, might be Mennonite College of Nursing, because provisions in the 2012 ASPT document regarding composition of ASPT committees in that college have either been deleted or revised.

IV. Proposed ASPT disciplinary articles: General Considerations

Dean reported having met with Caucus chairperson Susan Kalter to ask about her rationale for the changes she has proposed to the disciplinary actions articles. Dean said her impression from her conversation with Kalter is that Caucus members concur with the numerous references to AAUP guidelines added by Kalter because the Caucus wants the articles to be well grounded and well researched. Dean said she is not fully comfortable using passages from AAUP documents verbatim in the disciplinary articles. She reported having obtained disciplinary policies adopted by the University of Michigan, Northwestern University, and the University of New Mexico because they have been cited in an AAUP document as examples other institutions might want to follow. She noted that none of the policies quotes AAUP guidelines verbatim, and each policy is different.

Goodman reported that he has sought the version of the disciplinary articles originally sent by URC to the Caucus and has located a version discussed at a February 2015 URC meeting. He said that version may not be as concise as it could be but it flows with the rest of the ASPT document better than the revised version URC has received from the Caucus. Goodman said he prefers the URC version, noting that it is less legalistic in tone.

Sam Catanzaro joined the meeting at this point in the discussion. Dean recapped the discussion for him.

Horvath asked Goodman if he thinks URC should work from the February 2015 version of the disciplinary articles when preparing recommendations for the Caucus rather than from the revised version the Caucus has sent to URC. Goodman said URC should consider doing so. Catanzaro cautioned that he will need to compare the version found by Goodman with the version sent to the Caucus in August 2015. Catanzaro said he thinks the two documents should be about the same if not identical.

Catanzaro noted that the disciplinary articles recommended to the Caucus in August 2015 represent the combined work of the Faculty Affairs Committee and URC over about two and a half years. He added that extensive revision of the disciplinary articles by the Caucus raises questions regarding the respective roles of the Caucus and URC in writing ASPT policies. Catanzaro said it is clear that the Caucus makes the final recommendation to the President regarding university-wide ASPT policies but it is not clear what role URC should play in the process. Horvath said it is his understanding that URC is responsible for writing ASPT policies and that the Caucus is responsible for reviewing and approving them. Jenkins asked if it is appropriate for URC to proceed with its review of the disciplinary articles as rewritten by the Caucus if it is the role of URC to write ASPT policies. Dean responded that she recommends proceeding with the review by working from the version of the disciplinary articles originally submitted by URC to the Caucus rather than working from the revised version sent to URC by the Caucus.

Goodman cautioned that, in trying to remove ambiguity from the document, the changes might be worse. Catanzaro agreed, suggesting that the committee strive for a balance between ambiguity and clarity. He said URC cannot prescribe every aspect of ASPT policies and that members of ASPT committees need to be free to exercise professional judgement to some extent. Horvath said he generally agrees with Catanzaro that ASPT committees should be trusted to make the right decision but that a greater degree of specificity in ASPT policies may be appropriate in disciplinary matters given their importance to faculty members. Goodman said he perceives a greater level of mistrust toward administration in the tone of the revised disciplinary articles compared to the version originally recommended by URC. He suggested adopting a less negative tone in the version URC sends back to the Caucus.

Sarah Smelser suggested that reviewing disciplinary actions policies from other universities might help URC with its task. Dean said she will circulate those policies to URC members prior to the next committee meeting.

Dean then referred committee members to the first proposed disciplinary actions article, Article XI General Considerations, as revised by the Caucus (see attached). Dean said the Caucus seems to feel that what URC has labeled "Types of Disciplinary Actions" are instead conditions under which the types apply. She said the Caucus seems to want the article to define each disciplinary action and to describe circumstances in

which each action should be taken. Dean said she believes URC can revise the passage it originally recommended to the Caucus to address Caucus concerns but in doing so should not feel constrained by the Caucus recommendations.

Dean asked about the Caucus recommendation to add the subtitle, “Conditions under they may be applied,” to the title of Section XI.A. Committee members agreed that the subtitle is unnecessary.

Section XI.A.1

Dean then read Section XI.A.1, which is the same in the version recommended by URC and the version returned to URC by the Caucus. Dean reported that a disciplinary policy from another university categorizes disciplinary actions as minor or major. Catanzaro recalled that the qualifier “minor” had been used with the term “sanctions” in an early draft of the disciplinary articles; he said the qualifier was subsequently omitted from the draft because it was thought that no sanction should be characterized as “minor.” URC members agreed to leave Section XI.A.1 unchanged.

Section XI.A.2

Goodman noted that the introductory paragraph added by the Caucus to Section XI.A.2 is from an AAUP document. Horvath said that the reference in the added paragraph to “disciplinary suspension” as a type of sanction is inconsistent with the prior section (XI.A.1), which cites suspension as a level of discipline separate from sanctions.

Dean asked whether a definition should be included in Section XI.A.2. Jenkins noted that wording added by the Caucus to Section XI.A.2 purports to be a definition but is not. Dean suggested adding the following definition instead: “Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral or performance problems or issues. Sanctions are intended to be formative.” Committee members concurred.

Discussion ensued regarding the content of Section XI.A.2, including whether the section should cite types of sanctions and, if so, which ones. Horvath suggested that URC consider explaining the point of sanctions and other disciplinary actions in Section XI.A and consider laying out what sanctions are. He recommended deleting the introductory paragraph added to that section by the Caucus and reverting to the version of Section XI.A.2 that had been recommended by URC. Committee members agreed.

Dean asked if types of sanctions should be cited after the definition. Smelser said, while examples do not define, they help clarify. She added that it would be helpful to include examples but suggested that examples other than those cited by the Caucus be considered. Dean agreed. Horvath cautioned that if examples are listed they may become de facto sanctions and are likely to be the only types considered. Horvath added that, if examples are cited, it should be made clear that types of sanctions other than those listed can be considered. He questioned whether “oral reprimand” should be cited and asked about the meaning of the term “recorded reprimand.” He also asked if the University can legally prevent a faculty member from receiving prospective benefits. Goodman responded that COBRA (Consolidated Omnibus Budget Reconciliation Act) is about the only benefit the University can legally deny someone who has been dismissed. Dean said she senses from the discussion that committee members prefer not to cite examples of sanctions with the definition, noting that examples are cited in the separate sanctions article that follows.

Dean then asked for feedback regarding revisions proposed by the Caucus to the paragraph URC originally proposed for Section XI.A.2. She asked whether committee members agree with adding the phrase “felony and ethics” to qualify the word “laws.” She said that the phrases “felony and ethics” and “pertinent to a faculty member’s responsibilities” have been recommended by the Caucus in an attempt to provide greater specificity. Horvath suggested that a key issue with that sentence is what constitutes “violations.” He said he does not believe that any type of discipline should occur before a hearing is held on the allegation. Dean agreed. She added that if a violation is not pertinent to faculty responsibilities, it would be so determined through the hearing process. Horvath suggested replacing the phrase “adequate causes” with the word “reasons,” as recommended by the Caucus.

Dean then summarized the committee discussion of Section XI.A.2. She said she understands that committee members prefer to revert to the version of the section originally recommended by URC to the caucus, to exclude examples of sanctions from Section XI.A.2 but to consider including examples in the separate sanction article that follows, and to add a definition of “sanctions.” Committee members agreed. Dean explained that the committee has not taken formal action regarding Section XI.A.2 and can reconsider the section at a later date.

Section XI.A.3

The discussion then turned to Section XI.A.3. Horvath noted that URC has established a precedent for the content of XI.A subsections in the way it has dealt with Section XI.A.2. He suggested defining “suspension.” He offered two reasons for suspension: either to deal with a person who is disruptive or dangerous or to deal with a person who did not get the message when sanctioned. Catanzaro cited a disciplinary case at another university in which someone was dismissed but was on paid leave for three years before the dismissal was final. He asked Horvath whether his second reason for suspension would apply to the case if the university had considered the faculty member as being suspended. Horvath responded that the second category would clearly apply. He added that because the situation may have escalated to being disruptive, both categories might be said to apply.

Dean brought the discussion to a close. She said the discussion will continue at the next committee meeting, at which committee members will work from both versions of the disciplinary articles (i.e., the version originally recommended by URC and the version with revisions recommended by the Caucus).

V. Other business

Bonnell reported that Milner Library faculty is engaged in discussions regarding the culture of the library as it relates to faculty evaluation. She asked if she may share with Milner Library faculty the report regarding faculty evaluation compiled by a URC subgroup in spring 2016. Dean responded that because URC has approved that report, it is considered a public document available for review by other members of the university community even though it has not yet been sent to the Caucus. Catanzaro suggested first giving the authors of the report the option to rewrite the report in a different voice or to write a summary for sharing with library faculty. Bonnell agreed, saying she will contact report authors Jenkins and Rick Boser before sharing the document.

VI. Adjournment

Horvath moved that the meeting be adjourned. Bonnell seconded the motion. The motion carried on voice vote, all voting in the affirmative. The meeting adjourned at 4:02 p.m.

Respectfully submitted,
Joseph Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Schedule of Discussions and Actions, University Review Committee, Academic Year 2016-2017, Effective November 1, 2016

Disciplinary actions: Articles XI-XIV as considered by Faculty Caucus on September 14, 2016 (including comments and proposed revisions by Susan Kalter)

SCHEDULE OF DISCUSSIONS AND ACTIONS

University Review Committee, Academic Year 2016-2017

Effective November 1, 2016

Tuesday, September 20, 2016, 2-3, Hovey 401D

Organizing for the academic year

Thursday, October 6, 2016, 2-3, Hovey 105

Organizing for discussion of the proposed disciplinary articles

Disciplinary articles: Discussion of the structure of article(s) regarding dismissal and termination

Tuesday, October 18, 2016, 2-3, Hovey 105

Disciplinary articles: Discussion of documents related to dismissal (incl. AAUP, ISU Constitution, Governing Document of the Board of Trustees)

Disciplinary articles: General Considerations

Tuesday, November 1, 2016, 3-4, Hovey 401D

Disciplinary articles: General Considerations

Tuesday, November 15, 2016, 2-3, Hovey 401D

Disciplinary articles: Sanctions

Disciplinary articles: Faculty Suspensions

Review of college standards (if requested)

Tuesday, November 29, 2016, 1-2, Hovey 401D

Disciplinary articles: Termination of Appointment of Probationary and Tenured Faculty (article structure)

Review of college standards (if requested)

Approval of ASPT calendar for 2017-2018

Tuesday, December 13, 2016, 2-3, Hovey 401D

Disciplinary articles: Termination of Appointment of Probationary and Tenured Faculty (article content)

Review of college standards (if requested)

Discussion of process and schedule for review of college standards under ASPT 2017

Spring 2017

Monitoring of equity review committee work (ongoing throughout the semester)

Organize working group regarding service assignments (January)

Discussions of AFEGC and ASPT policies led by working group (January-February)

Finalize recommendations to Faculty Caucus regarding disciplinary articles and AFEGC policies (March)

Discussions of student reactions to teaching performance led by working group (April)

Review of University Policy 3.2.4: Salary Adjustments (April)

Report from working group regarding service assignments (May)

Review of CFSC annual reports (May)

Review of Faculty Review Committee annual report (May)

Disciplinary Actions

XI. General Considerations

A. Types of Disciplinary Actions; Conditions under which they may be applied

1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal.
2. Sanctions: As defined by the American Association of University Professors' 1971 guidelines regarding progressive discipline, sanctions that can be imposed upon a faculty member are: oral reprimand, written reprimand, recorded reprimand, requirement to make restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period, and disciplinary suspension for a stated period without other prejudice.

Sanctions may be imposed for such ~~adequate causes~~ reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices.

Specific policies related to sanctions are provided in ASPT XII.

3. Suspension: Suspension occurs when a faculty member, as a result of disciplinary findings or allegations, is:
 - a. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University and is excluded from all or parts of campus and its privileges (e.g. access to email services); or
 - b. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University but is not excluded from campus; or
 - c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or
 - d. reassigned out of some portion thereof (e.g. reassignment out of a particular class for the remainder of a semester; exclusion from a laboratory space). ~~The faculty member could be on paid or unpaid status.~~

~~Specific policies related to suspensions are provided in ASPT XIII.~~

~~It is understood that suspension (with or without pay)~~ Suspension of faculty members will only be contemplated (i) in circumstances when there is a

Comment [SC1]: This entire major section, which comprises Articles XI through XIV, is almost entirely new. Initiated at the request of former Academic Senate Chair Dan Holland, these articles have been through several iterations over two academic years (2013-14 and 2015-16) with feedback from both Faculty Affairs Committee of the Senate and University Review Committee and input from General Counsel.

Flow Charts for Sanctions, Suspensions, and Tenured Faculty Dismissals added as Appendices 5 through 7, respectively.

Comment [SK2]: This draft reflects changes recommended by the Faculty Caucus during the 2015-16 academic year. Note that in SC1 above, 2015-16 is a typo for 2014-15.

Comment [SK3]: It seems wise to isolate the use of the term "cause" to the sections on dismissal.

reasonable threat of imminent harm to ~~the University, including~~ the faculty member in question, students, ~~and~~ other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice, 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.

Specific policies related to the first type of suspension are provided in ASPT XIII. The second type of suspension follows the same process as described for dismissal in ASPT XIV, with due consideration to the protections provided for in ASPT XIII, and may be proposed as an alternative to dismissal or as a penalty unrelated to dismissal.

4. Dismissal as a disciplinary action: Dismissal is the termination of the appointment of a probationary or tenured faculty member for cause. Dismissal for cause of a probationary faculty member must be distinguished from non-reappointment for academic reasons and follows different procedures.

Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.

As noted in the AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (last updated in 1990), “A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur.” The statement goes on to indicate that a “necessary precondition of a strong faculty is that it have first-hand concern with its own membership [which] is properly reflected both in appointments to and in separations from the faculty body” and that the “faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.”

Dismissal of a probationary or 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.

Specific policies related to ~~termination of tenured faculty appointments~~ dismissal are provided in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents

Comment [SC4]: This text appears in the Beige Book as ASPT Policy XI.B.1.

and all applicable policies including the right of appeal.~~B.~~

5. Note regarding dismissals that might be considered under non-disciplinary circumstances: Termination of a faculty member's appointment due to financial exigency or program termination will follow the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B.2), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal, and must not be used, construed or disguised as a disciplinary action process. Faculty may appeal termination proceedings on the basis that disciplinary issues are being alleged in order to effect a dismissal for reasons of financial exigency or program termination, or vice versa.

Non-disciplinary termination of a faculty member's appointment on the grounds either of lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher or failure to perform assigned duties in a manner consonant with professional standards also follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal.

B. Faculty Rights

1. Disciplinary actions (including suspension or ~~termination~~dismissal for disciplinary reasons) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the ISU Constitution, Article III, the Academic Freedom Ethics and Grievance policy and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy.
2. Suspension, as defined in XI.A.3, shall not be effected without a recommendation to the President from a three-member hearing committee of the Academic Freedom, Ethics, and Grievance Committee convened by the chairperson of that committee. The written recommendation from the hearing committee shall including i) a recommendation for or against suspension, ii) a recommendation regarding the length of any recommended suspension, and iii) recommendations regarding other aspects of any recommended suspension, including the nature and scope of the suspension (e.g. restriction only from a single course, banishment from campus pending felony criminal investigation, etc.). If immediate action must be taken due to a reasonable threat of imminent harm, consultation with the AFEGC must occur within 24 hours and a preliminary written recommendation formulated within 3 business days. The faculty member shall have the same rights to a full hearing and set of appeals as in other AFEGC cases.

3. In all disciplinary proceedings, faculty members have the rights to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process, ~~and~~. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member ~~only~~ and to no other party.

Comment [SK5]: Place here the right to have counsel speak in suspension cases or just in general? Perhaps "The faculty member shall normally speak for themselves, but may elect to authorize their advisor or representative to present oral or written arguments."

~~Faculty members' duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed. The reasons for such reassignment of duties will be provided to the faculty member. Such reassignments shall be made to prevent reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings.~~

Comment [SK6]: I don't think we will need to come back to this one, as the University Counsel may always advise the President upon his/her receipt of AFEGC recommendation. The President's role is to weigh legal advice against the advice of the faculty and to determine which should carry the most weight if there is any conflict.

4. Probationary faculty who face disciplinary actions and are either whether exonerated or not ~~or required to complete corrective actions~~ may request a one year "stop-the-clock" extension of their probationary period, as described in IX.B.3.

Comment [SK7]: AAUP strongly recommends against the "corrective actions" idea, since they can create conditions of indefinite suspension without academic due process, and therefore become tantamount to dismissal once again. In any case, if someone is required to complete corrective actions, they have been found to be sanctionable, so just make this a general statement.

5. The records of the disciplinary process, including documentation of exoneration and completion of any required corrective actions ~~and/or~~ imposition of sanctions, may not be reviewed in the tenure and/or promotion process except when necessary to affirm exoneration or imposition of sanctions, and then only as it bears on the faculty member's performance in teaching, research, and service. The purpose of such review will be to ensure that only the documented facts of the individual's exoneration and/or ~~corrective actions~~ sanctions are considered and not held against the faculty member.

Comment [SK8]: Problem of double jeopardy, see minutes from Sept 23, 2016, page 15, Senate chair's comment

- 4-6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that they might need to exonerate themselves; if access to such material poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense.

This wording "and not held against the faculty member" is not quite right. Can we find wording that prevents tenure denial as a type of dismissal for cause after a person has already been disciplined in a lesser way and corrected their behavior, but that allows consideration of a continuing pattern of unacceptable behaviour?

XII. Sanctions

A. Sanctions shall be considered in order from the most minor (oral reprimand) to the most major (limited term suspension without other prejudice, including temporary reassignment). The American Association of University Professors' 1971 guidelines regarding progressive discipline shall be followed, which rank sanctions in minor to major order as follows: ~~include oral and written reprimand, fines, reduction in salary, and requirement of corrective action.~~

1. Oral reprimand
2. Written reprimand
3. Recorded reprimand
4. Restitution
5. Loss of prospective benefits for a stated period
6. Fine
7. Reduction in salary for a stated period
8. Suspension for a stated period without other prejudice

The fifth sanction in this guideline regarding progressive discipline—loss of prospective benefits for a stated period—applies only to benefits provided by the department/school, college, or university and cannot be applied to pension, healthcare, or other benefits provided by the state of Illinois.

The eighth sanction in this guideline regarding progressive discipline—suspension for a stated period without other prejudice—may only be effected through the procedures described in XIV with regard to dismissal and must include recommendations by a hearing committee of the Academic Freedom, Ethics, and Grievance Committee. The President has final authority in all such cases.

Demotion in rank may only be considered as a possible sanction through a due process proceeding, generally following similar committee steps as the promotion or appointment, if promotion to or appointment at the associate professor level was found to have been obtained by fraud or academic dishonesty. Such cases as involve fraud or dishonesty in scholarly and creative productivity should be adjudicated through the Integrity in Research and Scholarly Activities policy.

In general, effort should be made to apply the most minor sanction likely to effect a change of behaviour; repeated cause for discipline will in certain circumstances merit increased severity of sanction, though it should not be assumed that it will in every case.

While chairs/directors may engage in informal instructional or corrective conversations with faculty in their departments/schools, formal oral reprimands are the purview of the ASPT process, may not be issued without DFSC/SFSC approval, and will be conducted in the presence of the DFSC.

Sanctions may be initiated by the appropriate College Dean or the Provost, or by a DFSC/SFSC.

Comment [SK9]: The 2015-16 Faculty Caucus deliberated oral discipline at length on February 3. The recommendation at that time was to remove “oral reprimand” from the list of sanctions. We could do so. However, it seems better in retrospect to this Senate chairperson to maintain consistency with the AAUP and to differentiate informal oral instructive or corrective one-on-one conversations from formal oral reprimands through the presence of the DFSC as witness/deliverer of any formal reprimand. Individual departments/schools may choose never to invoke the oral reprimand and can move directly to written reprimand on the first offense that rises to that level. Leaving the option in for this lowest level formal sanction would help protect faculty members from having an inappropriately high level of sanction applied.

Senator Clark asked after the meeting if oral directives as distinct from oral reprimands could be clarified, as they would fall under “informal” conversations. It is not clear, however, whether these would be considered “instructional” or merely “corrective,” as a “directive” implies that the chair as a supervisor can prohibit a faculty member from doing something or require that person to do something. We’ll need to discuss further to see what Faculty Caucus, URC, and Legal think, as well as whether that language (“oral directive”) needs to be added to the informal side of the equation here.

~~The Dean or Provost may initiate sanctions upon receipt of a substantiated finding of violation from University Ethics Officer, for violations of the State Ethics Act and other relevant laws; the Academic Freedom, Ethics, and Grievance Committee, for violations of academic freedom or the Code of Ethics; the Office of Equal Opportunity, Ethics, and Access, for violations of the Anti-Harassment and Anti-Discrimination Policy; or the Associate Vice President for Research, for violations of the Integrity in Research and Scholarly Activities policy. Disciplinary action will not be implemented until all appeals as provided for in the relevant policies are exhausted. When the recommendation to initiate disciplinary action comes from the Dean or the Provost, the faculty member and the DFSC/SFSC shall be informed in writing of the 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.~~

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

B. A proposal to deliberate the appropriateness of a sanction may be presented to the DFSC/SFSC by its chairperson under the following circumstances.

1. Receipt from the University Ethics Officer of a substantiated finding of violation of the State Ethics Act and/or other relevant laws, following opportunity to appeal the finding to the relevant state agency (e.g. Office of the Executive Inspector General for State Ethics Act violations);
2. Receipt from the Office of Equal Opportunity, Ethics, and Access of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy, following opportunity to exhaust all university and state-level appeals;
3. The chairperson has otherwise become aware of credible evidence potentially substantiating cause for a sanction as described in XI.A.2, unrelated to suspension due to reasonable threat of imminent harm and short of dismissal.

Following notice to the faculty member and deliberations, including a meeting with the faculty member, the DFSC shall provide to the faculty member their decision regarding whether a sanction should or should not be imposed, including any minority reports. Unless no reprimand or an oral reprimand is recommended, this notification shall be in writing. Should suspension as defined in XI.A.3 be recommended, a hearing committee of the Academic Freedom, Ethics and Grievance Committee must confirm this recommendation prior to its being effected.

Comment [SK10]: The AFEGC process has already provided for academic due process, so should not be included here as though the judgment of their body or bodies can be readjudicated by a DFSC. If needed, place in the AFEGC policy mention of power of HC, AHC, and FC to recommend minor and major sanctions to the Provost. If needed, place in this policy the ability for the Provost to obtain other advice regarding recommended sanctions, but we should exercise caution here as the entire AFEGC process up to this point has excluded parties from the faculty member's college involved in the complaint.

Comment [SK11]: The IRSA policy provides for thorough academic due process, so should not be included here as though the judgment of those bodies can be readjudicated by a DFSC. Mention of who has the power to recommend sanctions is already in the IRSA policy. Possibly we might need to consider adding that appeal of sanctions (only) to AFEGC on academic freedom grounds is permissible, suspension required to go through AFEGC, and dismissal required to go through DFSC/IRC/FRC.

~~A.C.~~ No sanctions may be implemented until all appeals relevant to the policies in question are exhausted. The appeals procedure for sanctions short of suspension and dismissal shall follow the same steps as the appeals procedure for performance evaluations, with a similar timeline and including provisions for appeal to the Academic Freedom, Ethics and Grievance Committee initiated by the CFSC or the faculty member.

~~B.D.~~ Once academic due process leading to a sanction short of suspension or dismissal has been exhausted, the ~~A~~ application of any sanctions other than oral reprimand will be communicated to the faculty member in writing by the Chair/Director of the Department/School, who shall also convey this written communication to the Dean and the Provost in writing. If a DFSC has received a finding according to XII.B.1 or XII.B.2 and imposed no sanctions or an oral reprimand, the chair will verbally communicate that result to the Dean. In such cases, the Dean may initiate a review of the decision of the DFSC by the CFSC and the CFSC may either demote or increase the recommended sanction if it is widely inconsistent with university standards. The final results of all department/school and college deliberations regarding findings under XII.B.1 and XII.B.2 shall be reported to the Provost and copied to the personnel/ASPT file, by the Provost, who shall also inform the Chair/Director and Dean. If the sanctions include corrective actions, the requirements of these corrective actions, including timeline and acceptable documentation will be described in the same written communication and copied to the personnel/ASPT file. The faculty member may request, and shall receive, clarification of such requirements.

Comment [SK12]: We may soon be making changes based on URC recommendations to Policy 3.1.29 Right of Access to Personnel Files. This line should be conformed to any relevant changes.

XIII. Faculty Suspensions

A. All parties involved in a proposed faculty suspension should refer to the definitions in Section XI.A.3 and to the faculty rights listed in Section XI.B.

~~A.B.~~ Because suspension without academic due process is tantamount to summary dismissal, only the President of the University may authorize the full or partial suspension of a faculty member. Faculty members may only be suspended for a specified time period, and upon a written recommendation by the Academic Freedom, Ethics, and Grievance Committee, or with requirements of corrective action to be completed prior to reinstatement, or as a preliminary step toward termination of appointment/dismissal for cause (see XIV). If the President determines that a suspension is warranted despite a recommendation against it by the Academic Freedom, Ethics, and Grievance Committee, he or she must furnish a written rationale to the faculty member, the AFEGC hearing committee, and the AFEGC chairperson.

~~B. 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, other employees, and the institution itself.~~

Comment [SK13]: This is already stated in XI.B.3. No need to restate.

Comment [SK14]: The ability to protect people and property against imminent harm is already stated in XI.B.2. No need to restate.

C. A suspension may only be imposed upon a faculty member prior to the start of academic due process proceedings under the conditions described in Section XI.B.2.

D. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will only occur after the process described in XIII.E.D, or in XIV, if applicable, is completed and all appeals or related grievances are adjudicated. In extraordinary cases when there is evidence that the faculty member has abandoned professional duties or is unable to fulfill such duties, a temporary suspension without pay may be instituted prior to completion of the University's process. Individuals suspended without pay and subsequently exonerated may seek compensation.

~~C.E.~~ Procedural Considerations Related to Suspension

1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated in XIII.E.2 through XIII.E.6. However, the Chairperson of the Academic Freedom, Ethics, and Grievance Committee ~~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~~ Chairperson of the Academic Freedom, Ethics, and Grievance Committee 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.
2. Within 5 business days of an allegation that might lead to suspension or has led to suspension under XI.B.2, there shall be informal discussion

between the faculty member, and either the Chair/Director, the Dean, ~~and the~~ Provost, or their ~~Provost's~~ designees. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is also deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). ~~the Provost's designee will not be an attorney for the University, though there may be exceptions.~~ The intention of this discussion will be to develop a mutually agreeable solution that ensures safety for the University community and educational success of students. This mutually agreeable solution could result in a suspension ~~or a re-assignment of duties~~ as defined in Sections XI.A.3.i, XI.A.3.ii, XI.A.3.iii, or XI.A.3.iv.

3. Suspension will only be in effect during the informal discussion stage upon recommendation by the Academic Freedom, Ethics, and Grievance Committee, subject to the terms listed under XI.A.3, XI.B.2, and XIII.B. ~~While discussion is ongoing, the University reserves the right to temporarily re-assign a faculty member from any or all duties, including teaching, in order to prevent harm to the University or members of its community; when required by law; or when necessitated by pending criminal investigation or legal proceedings. (See XI.C.)~~
4. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university. A mutually agreeable solution should be finalized within 5 business days of initiation of discussion. However, if the parties mutually agree in writing, this period may be extended if such extension would make agreeing to a solution likely. Such an agreement will be communicated to the Dean and Provost within 5 business days of the initiation of discussion.
5. If a mutually agreeable solution cannot be found, whether or not ~~and if the~~ President following the preliminary consultation with the hearing committee of the Academic Freedom, Ethics, and Grievance Committee has determined ~~is determined~~ that suspension is necessary or should be extended, then the following process will take place a full hearing with the AFEGC with opportunity to appeal shall take place.
~~The Chair/Director will consult with DFSC/SFSC. Such consultation will entail informing the DFSC/SFSC of the areas of concern and the reasons why suspension is indicated. Such consultation will include review of relevant documentation/information (e.g., past performance evaluations; investigation report) and/or advice of Legal Counsel.~~

~~The faculty member shall be notified in writing of the consultation with the DFSC/SFSC, including the reasons why suspension 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.~~

~~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, and any recommendations made by the DFSC/SFSC, shall be completed within 10 business days.~~

~~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, Dean, and Provost within 5 business days. The DFSC/SFSC shall be informed of the decision. If the reasons for the suspension also constitute adequate cause for dismissal as described below and in XIV.B.1, the written notice shall so indicate, and the dismissal procedures delineated below shall commence.~~

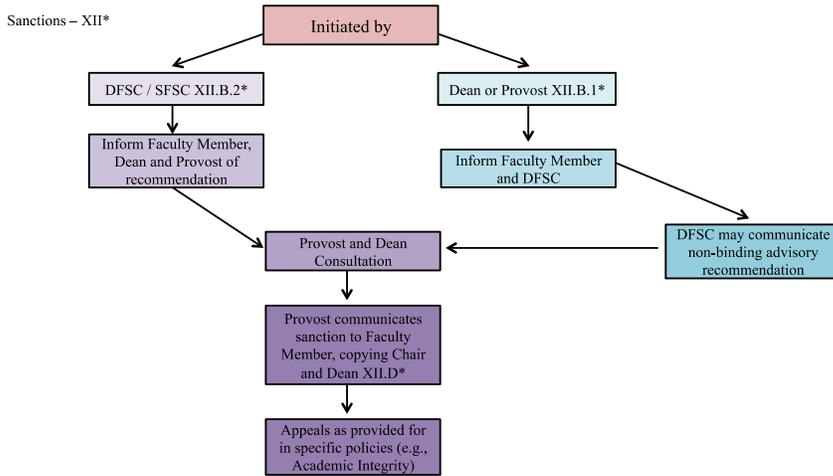
6. A suspended faculty member may appeal through the ordinary AFEGC process, which includes appeal to the President as a final step, within 10 business days of the written notice from the Chair/Director. Such appeal must be made in writing, with copies provided to the Chair/Director, Dean, and Provost. Appeals may be based on substantive or procedural grounds. The President shall rule on the any final appeal or final recommendation within 21 business days.

~~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.~~

7. ~~A~~ Faculty members who are may be suspended during dismissal proceedings only if the imminent harm standard in XI.A.3 applies. Faculty members will retain their right to academic due process throughout the dismissal proceedings, which shall follow the principles and steps described below independently with respect to suspension proceedings and dismissal proceedings.

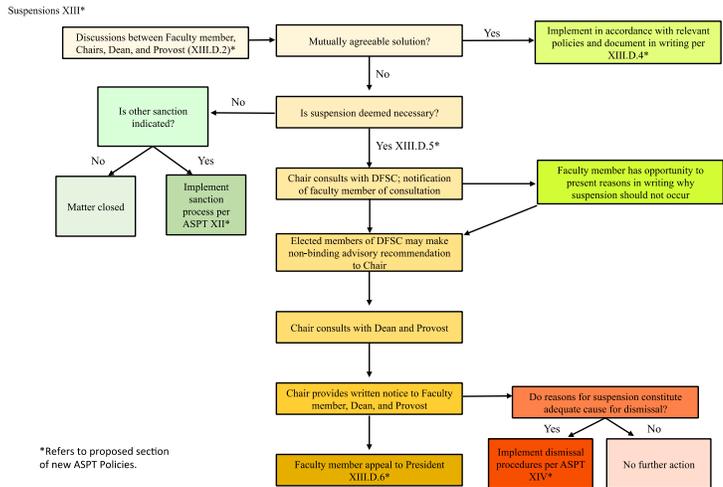
~~D.F.~~ Suspensions may not be of indefinite duration and their duration may not be contingent upon the faculty member performing other corrective actions. Suspension must be followed by reinstatement unless the faculty member has been dismissed following the academic due process described in XIV. Ordinarily, a suspension shall be for no longer than 6 calendar months.

**APPENDIX 5
Overview of the Sanctions Process**



*Refers to proposed section of new ASPT Policies.

**APPENDIX 6
Overview of the Suspension Process**



XI. Termination of Appointment of Probationary and Tenured Faculty

A. Non-reappointment of a Probationary Faculty Member

1. A recommendation for the non-reappointment of a faculty member during the probationary period must follow the regulations of the Board of Trustees and the ISU Constitution. Recommendations for non-reappointment 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 non-reappointment in writing to the faculty member, the Dean, and the Provost. Non-reappointment can also be the result of a negative tenure recommendation. Official notices of non-reappointment, 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 XI.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~~ follow the provisions of Article XIII.K.
 - d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provisions of Article XIII.G and XIII.H.
2. Notice of termination shall be given as follows:
 - a. Except for appointments that terminate during an academic year, 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~~

Comment [SK1]: The first question that we need to resolve is whether XI should become XIV (which could imply that all Termination is disciplinary, when it is not) or whether proposed articles XI, XII and XIII should become XII, XIII, and XIV (or some other solution to termination – non-reappointment & dismissal) out from under the disciplinary-only heading, such as alternate formatting of the proposed new table of contents and associated internal section breaks).

~~appointment terminates during an academic year, at least six months in advance of its termination; and~~ at least twelve months before the termination of an appointment after two or more years of service.

~~a.b.~~ For appointments that terminate during an academic year, at least three months in advance of its termination during the first year of service; at least six months in advance of its termination during the second year of service; and at least twelve months before the termination of an appointment after two or more years of service.

B. Dismissal of a Probationary or Tenured Faculty Member:

1. Dismissal of a probationary or 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. Procedures and standards for dismissal shall be according to ~~University policies XI.C; any changes shall be~~ approved by the Faculty Caucus of the Academic Senate, which ~~These procedures and standards, and any changes to them, will~~should adhere to the principles set forth in the American Association of University Professors' documents (as of January 1, 1999) regarding principles of academic freedom and tenure and procedural standards in dismissal proceedings.
3. ~~3.~~ —The standard for dismissal of a probationary or 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.

C. Procedures and Standards for Dismissal of a Probationary or Tenured Faculty Member

1. 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 in writing. The President, Provost, or their designee shall

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. Probationary faculty members may invoke their stop-the-clock rights under General Considerations, B. Faculty Rights.

Comment [SK2]: Substitute in the appropriate Article/Section numbers once that is decided. Too confusing right now to say Section XI.B, since there are two article XIs in play!

2. Preliminary Proceedings

- a. If potential evidence of adequate cause for dismissal of a probationary or tenured faculty member arises, including financial exigency or program termination, there shall be informal discussion between the faculty member and the Chair/Director. When appropriate, the Dean, the Provost, or an administrative designee with information pertinent to the matter (such as the University Ethics Officer) may also be present. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). The intention of this discussion will be to develop a mutually agreeable solution.
- b. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university and approved by the President. If requested, the faculty member may meet with the President.
- c. If a mutually agreeable solution does not result, the DFSC/SFSC shall be charged with the function of inquiring into the situation, to effect an adjustment, if possible, and, if none is effected, to determine whether in its view formal proceedings to consider the faculty member's dismissal should be initiated. Section V.C.3 provides for initiation of dismissal proceedings by the DFSC/SFSC. The DFSC/SFSC should meet with the faculty member and any person who may have relevant information, and may have access to any relevant documentation. The DFSC/SFSC shall provide a formal written recommendation to the faculty member and the Provost, with notification to the Dean, within 20 business days of the failure to effect voluntary adjustment.
- d. If the DFSC/SFSC recommends that dismissal proceedings should be begun, action should be commenced and a statement with

reasonable particularity of the grounds proposed for the dismissal should then be jointly formulated by the Provost and the DFSC/SFSC, with notification to the Dean.

- e. If the Provost, even after considering a recommendation of the DFSC/SFSC favorable to the faculty member, expresses the conviction that further review is necessary, action should be commenced and the Provost or the Provost's representative should formulate a statement with reasonable particularity of the grounds proposed for dismissal and provide it to an Independent Review Committee (IRC), convened according to XI.C.2.f, along with the DFSC/SFSC's recommendation against the commencement of proceedings. This statement shall be provided to the DFSC and the Dean.
- f. If XI.C.2.d or XI.C.2.e is invoked, the Provost shall direct, in writing, the Faculty Caucus of the Academic Senate to select an Independent Review Committee (IRC) of seven faculty members not previously concerned with the case or its circumstances. This written direction shall be made within 5 business days of date of the DFSC/SFSC's recommendation. The choice of members of the hearing committee should be on the basis of their objectivity and competence and of the regard in which they are held in the academic community. Prospective members shall be disqualified for bias or interest and shall recuse themselves voluntarily or at the faculty member's request. The faculty member and the Provost's representative shall also each be permitted to exercise challenges to two proposed members of the committee without having to state cause. The Faculty Caucus should meet in executive session within 20 business days of the date of the Provost's written direction to select the Independent Review Committee members. Members of the Faculty Caucus from the faculty member's department may not participate in the selection of the IRC. Once formed, the IRC will elect its own chair.

3. Commencement of Formal Proceedings

- a. The Provost shall communicate in writing to the faculty member: (1) the statement of grounds for dismissal; (2) information regarding the faculty member's procedural rights; and (3) a statement informing the faculty member that, at the faculty

member's request, a hearing will be conducted by the Independent Review Committee (IRC) to determine whether s/he should be removed from the faculty position on the grounds stated. This communication to the faculty member shall be delivered within 5 business days of the date of the statement. The hearing date should be far enough in advance to permit the faculty member to reasonably formulate and prepare a defense, and at least 20 business days from the date of the Provost's letter communicating the decision to the faculty member.

b. The faculty member should state in reply no later than 5 business days before the time and date set for the hearing whether s/he wishes a hearing. If a hearing is requested, the faculty member shall answer the statements in the Provost's letter in writing and submit this document to the Provost and the IRC no later than 5 business days before the date set for the hearing. If no hearing is requested, the faculty member may respond to the charges in writing at any time before the date set for the hearing.

4. Independent Review Committee Proceedings

a. The Independent Review Committee (IRC) shall consider the statement of grounds for dismissal already formulated, the recommendation of the DFSC/SFSC, and the faculty member's response before the hearing.

b. If the faculty member has not requested a hearing, the IRC may consider the case on the basis of the statement of grounds, the DFSC/SFSC recommendation, the faculty member's response, and any other obtainable information and decide whether the faculty member should be dismissed.

c. If the faculty member has requested a hearing, the IRC must hold a hearing. The IRC, in consultation with the faculty member and the Provost, shall decide whether the hearing is public or private. Generally speaking, ASPT matters, including dismissal proceedings, are conducted confidentially and in private, but the IRC may exercise its discretion on this matter.

d. With the consent of all parties, the IRC may hold joint prehearing meetings with the parties to simplify the issues, effect stipulations of

facts, provide for the exchange of documentary or other information, and achieve such other appropriate objectives as will make the hearing ensure fair, effective, and expeditious.

e. The Provost or a designee may attend the hearing and choose an appropriate representative to assist in developing the case. A member of the Faculty Caucus, elected by the Faculty Caucus, will attend the hearing as an observer. Members of the Faculty Caucus from the faculty member's department may not serve as the elected observer.

f. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the hearing and any pre-hearing meetings. The faculty member shall have the option of assistance from counsel and/or an academic advisor, whose functions will be similar to those of the representative chosen by the Provost. The faculty member will also have the procedural rights set forth in the 1940 AAUP Statement of Principles on Academic Freedom and Tenure.

g. The IRC will determine the order of proof, conduct the questioning of witnesses, and secure the presentation of evidence important to the case. The proceedings shall be recorded by audiotape or videotape at the expense of the University, and be made available to the faculty member at no cost at the faculty member's request.

h. If facts are in dispute, testimony of witnesses should be taken and other evidence received. The faculty member shall have the assistance of the committee in securing the attendance of witnesses. Both the faculty member, or his/her counsel/advisor, and the Provost's representative have the right within reasonable limits to question all witnesses who testify orally. The faculty member shall have the opportunity to be confronted by all adverse witnesses. Because the committee cannot compel the participation of a witness, the proceedings shall not be delayed by the unavailability of a witness. Where unusual and urgent reasons move the hearing committee to withhold the right to question and be confronted by all witnesses, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards,

Comment [SK3]: AAUP is quite clear on this point: The faculty member should have the option of assistance by counsel, whose functions should be similar to those of the representative chosen by the president [in our case the provost, since our Board does not play a role in dismissal for cause]. The faculty member should have the additional procedural rights set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, and should have the aid of the committee, when needed, in securing the attendance of witnesses. The faculty member or the faculty member's counsel and the representative designated by the ~~president~~ provost should have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member should have the opportunity to be confronted by all adverse witnesses. Where unusual and urgent reasons move the hearing committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence should be duly recorded. Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.

statements may, when necessary, be taken outside the hearing and reported to it.

- i. The Provost's representative and the faculty member, or his/her counsel/advisor, shall present any information helpful to the determination. Each may request the committee in writing to ask witnesses to answer specific questions. Appropriate procedure shall be determined by the IRC. The IRC will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- j. The IRC shall permit a statement and closing by both the Provost's representative and the faculty member, or his/her counsel/advisor. The IRC may exercise its discretion in allowing a reasonable amount of time for each statement.
- k. The IRC may request written briefs by the parties.
- l. The IRC shall reach its decision promptly in conference, on the basis of the hearing if one was held, or it may await the availability of a transcript of the hearing if its decision would be aided thereby. The burden of proof will be satisfied only by clear and convincing evidence in the record considered as a whole. The IRC must make explicit findings with respect to each of the grounds of dismissal presented, present a reasoned opinion, and submit a full written report to the Provost and the faculty member. The report may recommend dismissal or penalties short of dismissal. The written report shall be submitted to the Provost within 20 business days of the hearing. A record of any hearing should be made available to the Provost and to the faculty member.
- m. The faculty member may appeal the report and its recommendation to the FRC as provided in III.E. The FRC may refer the case to the AFEGC, or the faculty member may file a complaint with the AFEGC, if an academic freedom concern is raised. Any report by the AFEGC, including appeals reports, will be provided to the Provost and by the Provost to the President with the reports in XI.C.5.a.

5. Consideration by the President

- a. The Provost shall review the full report of the IRC stating its decision, and if relevant, the full report and the decision on the

Comment [SK4]: Current ASPT policy has only probationary faculty being able to file a complaint with AFEGC regarding dismissal. Tenured faculty currently only get the DFSC step and an appeal to FRC, though the policy is contradictory in its vagueness at current XI.B.2

It is unclear where the institutional memory lies regarding the rationale for this differentiation. In general, AAUP recommendations favour review of serious cases by the institution's academic freedom committee, so we may wish to consider a change here. It would be especially appropriate for cases where a suspension is NOT put into effect while dismissal proceedings are underway. It would seemingly be important in both disciplinary and non-disciplinary dismissal cases, unless I am missing something.

We may also want to state this right to review by the AFEGC earlier than C.4.m

appeal by the FRC, and transmit them to the President. Acceptance of the IRC's decision is normally expected, unless the FRC has sustained the faculty member's appeal. In that case, acceptance of the FRC's decision is normally expected.

- b. If the President chooses to review the case, that review should be based on the record of the previous hearing(s), accompanied by opportunity for argument, oral or written or both, by the principals at the hearing(s) or their representatives.
- c. The decision of the FRC (or the IRC, if no appeal) should either be sustained or the proceedings be returned to the final committee with objections specified. In such a case, the committee in question should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before.
- d. Only after study of the final committee's reconsideration, if any is requested, should the President make a final decision to sustain or overrule that committee. The President may decide in favor of dismissal or for penalties short of dismissal.
- e. The President shall communicate the final decision to the faculty member, the Provost, Dean, DFSC/SFSC, IRC, and, if applicable the FRC, within 20 business days of the final report of the FRC (or IRC, if no appeal).
- f. If dismissal for cause is effected, the faculty member must receive one year of notice or severance salary, unless the grounds for dismissal legally prohibit such provision.
- g. 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 must be made only through the President's office and must include a statement of the FRC's original decision, if this has not previously been made known.

UNIVERSITY REVIEW COMMITTEE

Tuesday, November 15, 2016
2 p.m., Hovey 401D

MINUTES

Members present: Angela Bonnell, Rick Boser, Sam Catanzaro, Diane Dean, Joe Goodman, Christopher Horvath, Doris Houston, Sarah Smelser

Members not present: Sheryl Jenkins

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, "URC" refers to the University Review Committee at Illinois State University and "Caucus" refers to the Faculty Caucus of the Academic Senate at Illinois State University.

I. Call to order

Chairperson Diane Dean called the meeting to order at 2 p.m. A quorum was present.

Christopher Horvath announced the recent passing of former URC member Dr. David Rubin, Associate Professor in the School of Biological Sciences. Committee members expressed sadness for Dr. Rubin's passing and gratitude for his service to Illinois State University. Members acknowledged the extensive contributions made by Dr. Rubin to the University Review Committee during his five years of service on the committee (2011-2012 through 2015-2016), including service in 2013-2014 as committee chairperson.

II. Approval of minutes from the November 1, 2016 meeting

Horvath moved, Angela Bonnell seconded approval of minutes of the November 1, 2016 meeting as distributed prior to the meeting. The motion passed on voice vote, with six voting aye and one abstaining (Rick Boser).

III. Schedule update

Dean reviewed the revised schedule of committee discussions for the academic year (see attached). She reported that she has received word from five colleges that no changes to their college standards are needed to conform to the ASPT document that takes effect January 1, 2017: the College of Applied Science and Technology, the College of Arts and Sciences, the College of Business, the College of Education, and Milner Library. Dean said she is awaiting word from the College of Fine Arts and expects to receive revised college standards from Mennonite College of Nursing by early December.

IV. Proposed ASPT disciplinary articles

The committee then continued its review of the proposed disciplinary articles beginning with proposed Article XI General Considerations (see attached). The committee reviewed two versions of the proposed article: the version recommended by URC to the Caucus in August 2015 and a revised version considered by the Caucus at its September 14, 2016 meeting and subsequently sent to URC for its consideration. Dean suggested working through Article XI and then deciding whether to vote on all revisions made to the article by URC or whether to defer voting on the revisions until all four proposed disciplinary articles have been reviewed by URC.

Section XI.A.1-2 (URC revised version)

Dean asked if there were any comments from committee members regarding Section XI.A.1-2, as revised by URC at its November 1, 2016 meeting.

Horvath said that upon further reflection he does not think the word “formative” in Section XI.A.2 (“Sanctions are intended to be formative.”) is appropriate. He said he believes that sanctions are meant to convey a message that what a faculty member has done is unacceptable and needs to change. Doris Houston added that sanctions can also relate to what a faculty member has not done. Boser suggested replacing the word “formative” in that sentence with the word “corrective.”

Sarah Smelser referred to the faculty disciplinary policy adopted by the University of New Mexico (which had been provided to the committee by Dean). She noted that the policy applies to teaching and research assistants in their faculty capacity. She asked if disciplinary policies at Illinois State should also apply to teaching and research assistants. Dean explained that ASPT policies at Illinois State apply only to tenure line faculty members. Catanzaro clarified that university policies other than ASPT apply to graduate assistants. Horvath asked what policies apply to non-tenure track faculty members who violate university policies as teachers. Catanzaro explained that non-tenure track faculty members are covered by their union contract. Dean thanked Smelser for her comment, adding that when the committee has completed its review of the disciplinary policies it could recommend that the appropriate university bodies review personnel policies in other personnel categories for consistency.

Horvath asked for clarification regarding the approach URC has agreed to take regarding content of Article XI General Considerations. Dean confirmed that URC has decided to define disciplinary actions in Article XI but not to cite examples of disciplinary actions. She explained that examples might instead be cited in subsequent articles regarding sanctions, suspension, and dismissal. Smelser said she agrees with the suggestion made by Horvath at the prior URC meeting, that if Article XI were to list examples of disciplinary actions, actions not listed would not likely be considered in disciplinary cases.

Houston asked whether URC has decided to proceed with its review of the disciplinary articles by working from revisions recommended by the Caucus. Dean explained that at its prior meeting URC decided to work from the URC version of the articles and to consider revisions to them recommended by the Caucus. Dean explained that URC has decided to adopt this approach because the Caucus has rewritten the disciplinary articles almost in their entirety.

Section XI.A.3-4 (URC version)

Dean then moved the discussion to Section XI.A.3-4, regarding suspension. She suggested structuring the section parallel to the structure used by URC in revising Section XI.A.2, regarding sanctions, by starting with a definition. She suggested the following passage:

Suspensions are major disciplinary actions of varying degrees undertaken to temporarily relieve a faculty member from teaching, research, or service activities; on paid or unpaid status; with or without exclusion from campus or parts thereof. Sanctions may be imposed for such reasons as 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.

Discussion ensued regarding the passage proposed by Dean. Horvath recalled the committee having discussed at its last meeting two major reasons for imposing suspension: either to address a threat or disruption or to address situations in which a faculty member did not get the message intended to be conveyed by sanctions. Smelser referred again to the faculty disciplinary policy adopted by the University of New Mexico, noting that the first paragraph of the policy sets forth a broad framework for the policies that follow by citing disciplinary actions like suspension in the context of progressive discipline. She suggested adding similar wording to Section XI.A.1 to set forth the context in which suspension and other disciplinary actions might be imposed. Joe Goodman noted that the Illinois State University policy regarding the civil service corrective behavior system (University Policy 3.6.16) similarly describes disciplinary actions as elements of a broader system intended to correct behavior. Following discussion of wording options, committee members agreed to modify Section XI.A.1 to read as follows:

Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. The University normally uses progressive discipline to address possible misconduct.

Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension or dismissal may be appropriate.

Dean asked for feedback regarding the second sentence of her proposed passage regarding suspension: “Sanctions may be imposed for such reasons as 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.” She asked if the passage should incorporate the word “circumstances” (which appears in Section XI.A.4 as recommended by URC) or the word “reasons.” Committee members agreed to use the word “reasons” rather than “circumstances.” Horvath suggested referring in the sentence to suspension as a next step in the progressive discipline process and also to imminent harm to property. Following further discussion of the passage, the committee agreed on the following rewrite of Section XI.A.3:

Suspensions are major disciplinary actions of varying degrees undertaken to temporarily relieve a faculty member from teaching, research, or service activities; on paid or unpaid status; with or without exclusion from campus or parts thereof. Sanctions may be imposed for such reasons as when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees, or University property; or as a next step in a progressive disciplinary process; or when credible evidence of adequate cause for dismissal is available. Specific policies related to suspensions are provided in ASPT XIII.

Catanzaro referred to Section XI.A.3.d of the Faculty Caucus revisions to Article XI (which reads: “reassigned out of some portion thereof (e.g., reassignment out of a particular class for the remainder of the semester; exclusion from a laboratory space”). Catanzaro said he is unsure whether a limited reassignment should be considered a suspension or even a sanction. He noted that a limited reassignment may just be in the best interest of everybody involved. Horvath cited a situation in which a department chairperson reassigns a faculty member, not intending the reassignment to be punitive, but the faculty member perceives that the reassignment is punitive. Horvath asked what recourse the faculty member would have to object to the reassignment. Catanzaro responded that the faculty member might be able to argue a violation of the code of ethics or the policy on academic freedom; if not, the faculty member’s recourse would be to the dean. Horvath suggested having the department chairperson place a letter in the faculty member’s personnel file explaining that the reassignment is not intended to be punitive, as long as the faculty member has some recourse to contest the reassignment. Dean said the faculty member can at least claim a violation of due process. Houston asked whether other universities consider certain instances of reassignment a suspension. Dean said she thinks that other universities do not consider reassignment a suspension. Horvath offered that reassignment from one class would more appropriately be considered a sanction (in disciplinary cases). Boser recommended making a distinction in the article between “reassignment” and “removal.” Dean tabled the discussion until the committee considers the subsequent article regarding suspension.

Horvath asked about point ii in the last paragraph of the Faculty Caucus revision to Section XI.A.3: “Suspension of faculty members will only be contemplated in (i) circumstances when there is a reasonable threat of imminent harm to the faculty member in question, students, other employees, or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice.” Dean suggested deleting that reference. Dean also suggested deleting the last sentence of Section XI.A.4 of the URC version of Article XI (which reads: “The administration of the University will inform the faculty member of its rationale for judging that suspension is indicated.”). She said because the sentence refers to procedure, it is more appropriate to include it in the article regarding suspension.

Section XI.A.5 (URC version); Section XI.A.4 (Faculty Caucus version)

Dean then directed the discussion to dismissal. Horvath asked if the term “dismissal” is used only when referring to separation for cause. Dean responded in the affirmative. She asked if the disciplinary policies should provide for the possibility of dismissal in cases involving either probationary faculty members or tenured faculty members. Catanzaro said he believes that “dismissal” should only apply to cases involving

tenured faculty members. Catanzaro cited as an example a probationary faculty member who is involved in sexual harassment. He said he believes the University should be allowed to terminate that probationary faculty member without having to work through a lengthy dismissal process. He cited another example in which a tenured professor was suspended by another university for three years before a decision was made regarding the faculty member's status; the faculty member was paid during the suspension. Catanzaro said members of the general public might complain about the university having paid the faculty member during the three years when the faculty member was not working, but that is the protection afforded by tenure. Horvath wondered whether probationary faculty members should be denied protections afforded by the dismissal process. Horvath cited as an example a faculty member who has plagiarized 90 percent of a curriculum vita; he said he is not sure in such a case whether a faculty member's rank as a tenured faculty member should provide any more protection than if the faculty member had probationary tenure status. Horvath added that a probationary faculty member should also be afforded due process if the university is considering firing the faculty member for disciplinary reasons.

Noting that the meeting had reached its time limit, Dean said she will draft a new dismissal section in advance of the next committee meeting to expedite discussion at the meeting. She thanked committee members for their good work on the article. Horvath asked that, to save paper, the entire collection of disciplinary articles not be recopied for each meeting, that only the passages being discussed be copied. Bruce Stoffel said he will gladly do so.

V. Other business

There was none.

VI. Adjournment

Boser moved that the meeting adjourn. Smelser seconded the motion. The motion carried on voice vote, all voting the affirmative. The meeting adjourned at 3:03 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Schedule of Discussions and Actions, University Review Committee, Academic Year 2016-2017, Revised November 11, 2016
Disciplinary Actions: Article XI. General Considerations

SCHEDULE OF DISCUSSIONS AND ACTIONS

University Review Committee, Academic Year 2016-2017

Revised November 11, 2016

FALL 2016

Tuesday, September 20, 2016, 2-3, Hovey 401D

Organizing for the academic year

Thursday, October 6, 2016, 2-3, Hovey 105

Organizing for discussion of the proposed disciplinary articles

Disciplinary articles: Discussion of the structure of article(s) regarding dismissal and termination

Tuesday, October 18, 2016, 2-3, Hovey 105

Disciplinary articles: Discussion of documents related to dismissal (incl. AAUP, ISU Constitution, Governing Document of the Board of Trustees)

Disciplinary articles: General Considerations

Tuesday, November 1, 2016, 3-4, Hovey 401D

Disciplinary articles: General Considerations

Tuesday, November 15, 2016, 2-3, Hovey 401D

Disciplinary articles: General Considerations (continued) and Sanctions (if time permits)

Tuesday, November 29, 2016, 1-2, Hovey 401D

Disciplinary articles (continued)

Review of college standards (if requested)

Approval of ASPT calendar for 2017-2018

Tuesday, December 13, 2016, 2-3, Hovey 401D

Disciplinary articles (continued)

Review of college standards (Mennonite College of Nursing and others, if requested)

SPRING 2017

January/February

Disciplinary articles (continued)

Discussions of AFEGC and ASPT policies (led by working group)

Organize working group regarding service assignments

Appointment to Equity Review Committee (if formed by the Academic Senate)

March

Finalize recommendations to Faculty Caucus regarding disciplinary articles and AFEGC policies

Discussion of process and schedule for review of college standards under ASPT 2017

April

Review of University Policy 3.2.4: Salary Adjustments

Discussions of student reactions to teaching performance led by working group

May

Report from working group regarding service assignments

Review of CFSC annual reports

Review of Faculty Review Committee annual report

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions may be imposed for such adequate causes as violations of laws or University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. 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. Specific policies related to suspensions are provided in ASPT XIII. 4. 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. 5. 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. Specific policies related to termination of tenured faculty appointments are provided in ASPT XIV.B. 	<p>A. Types of Disciplinary Actions; Conditions under which they may be applied</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions: As defined by the American Association of University Professors' 1971 guidelines regarding progressive discipline, sanctions that can be imposed upon a faculty member are: oral reprimand, written reprimand, recorded reprimand, requirement to make restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period, and disciplinary suspension for a stated period without other prejudice. Sanctions may be imposed for such reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. Suspension: Suspension occurs when a faculty member, as a result of disciplinary findings or allegations, is: <ol style="list-style-type: none"> a. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University and is excluded from all or parts of campus and its privileges (e.g. access to email services); or 	<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral or performance problems or issues. Sanctions are intended to be formative. Sanctions may be imposed for such reasons as violations of laws or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII.

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>6. 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.</p> <p>B. Faculty Rights</p> <p>1. Disciplinary actions (including suspension or termination) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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.</p> <p>2. In all disciplinary proceedings, faculty members have the rights to due process, to timely notice, to seek advice, to respond to developments in the disciplinary process, and to have an advisor and/or counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member only.</p> <p>C. Faculty members' duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed. The reasons for such reassignment of duties will be provided to the faculty member. Such reassignments shall be made to prevent reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings.</p>	<p>b. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University but is not excluded from campus; or</p> <p>c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or</p> <p>d. reassigned out of some portion thereof (e.g. reassignment out of a particular class for the remainder of a semester; exclusion from a laboratory space).</p> <p>Suspension of faculty members will only be contemplated (i) in circumstances when there is a reasonable threat of imminent harm to the faculty member in question, students, other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice.</p> <p>Specific policies related to the first type of suspension are provided in ASPT XIII. The second type of suspension follows the same process as described for dismissal in ASPT XIV, with due consideration to the protections provided for in ASPT XIII, and may be proposed as an alternative to dismissal or as a penalty unrelated to dismissal.</p>	

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>D. 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 probationary period, as described in IX.B.3. The records of the disciplinary process, including documentation of exoneration and 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. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or corrective actions are considered.</p>	<p>4. Dismissal as a disciplinary action: Dismissal is the termination of the appointment of a probationary or tenured faculty member for cause. Dismissal for cause of a probationary faculty member must be distinguished from non-reappointment for academic reasons and follows different procedures.</p> <p>Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.</p> <p>As noted in the AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (last updated in 1990), “A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur.” The statement goes on to indicate that a “necessary precondition of a strong faculty is that it have first-hand concern with its own membership [which] is properly reflected both in appointments to and in separations from the faculty body” and that the “faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.”</p> <p>Dismissal of a probationary or 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.</p>	

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
	<p>Specific policies related to dismissal are provided in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents and all applicable policies including the right of appeal.</p> <p>5. Note regarding dismissals that might be considered under non-disciplinary circumstances: Termination of a faculty member's appointment due to financial exigency or program termination follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal, and must not be used, construed or disguised as a disciplinary action process. Faculty may appeal termination proceedings on the basis that disciplinary issues are being alleged in order to effect a dismissal for reasons of financial exigency or program termination, or vice versa.</p> <p>Non-disciplinary termination of a faculty member's appointment on the grounds either of lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher or failure to perform assigned duties in a manner consonant with professional standards also follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal.</p>	

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
	<p>B. Faculty Rights</p> <ol style="list-style-type: none"> <li data-bbox="852 329 1377 683">1. Disciplinary actions (including suspension or dismissal for disciplinary reasons) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the ISU Constitution, Article III, the Academic Freedom Ethics and Grievance policy and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy. <li data-bbox="852 716 1377 1341">2. Suspension, as defined in XI.A.3, shall not be effected without a recommendation to the President from a three-member hearing committee of the Academic Freedom, Ethics, and Grievance Committee convened by the chairperson of that committee. The written recommendation from the hearing committee shall including i) a recommendation for or against suspension, ii) a recommendation regarding the length of any recommended suspension, and iii) recommendations regarding other aspects of any recommended suspension, including the nature and scope of the suspension (e.g. restriction only from a single course, banishment from campus pending felony criminal investigation, etc.). If immediate action must be taken due to a reasonable threat of imminent harm, consultation with the AFEGC must occur within 24 hours and a preliminary written recommendation formulated within 3 business days. The faculty member shall have the same rights to a full hearing and set of appeals as in other AFEGC cases. 	

Disciplinary Actions
Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
	<ol style="list-style-type: none"> <li data-bbox="850 272 1375 516">3. In all disciplinary proceedings, faculty members have the right to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member and to no other party. <li data-bbox="850 548 1375 654">4. Probationary faculty who face disciplinary actions whether exonerated or not may request a one year “stop-the-clock” extension of their probationary period, as described in IX.B.3. <li data-bbox="850 686 1375 979">5. The records of the disciplinary process, including documentation of exoneration and/or imposition of sanctions, may not be reviewed in the tenure and/or promotion process except when necessary to affirm exoneration or imposition of sanctions, and then only as it bears on the faculty member’s performance in teaching, research, and service. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or sanctions are considered and not held against the faculty member. <li data-bbox="850 1011 1375 1365">6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that they might need to exonerate themselves; if access to such material poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense. 	

Disciplinary Actions
Article XII. Sanctions

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>A. Sanctions include oral and written reprimand, fines, reduction in salary, and requirement of corrective action.</p> <p>B. Sanctions may be initiated by the appropriate College Dean or the Provost, or by a DFSC/SFSC.</p> <p>1. The Dean or Provost may initiate sanctions upon receipt of a substantiated finding of violation from University Ethics Officer, for violations of the State Ethics Act and other relevant laws; the Academic Freedom, Ethics, and Grievance Committee, for violations of academic freedom or the Code of Ethics; the Office of Equal Opportunity, Ethics, and Access, for violations of the Anti-Harassment and Anti-Discrimination Policy; or the Associate Vice President for Research, for violations of the Integrity in Research and Scholarly Activities policy. Disciplinary action will not be implemented until all appeals as provided for in the relevant policies are exhausted. When the recommendation to initiate disciplinary action comes from the Dean or the Provost, the faculty member and the DFSC/SFSC shall be informed in writing of the 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.</p> <p>2. The DFSC/SFSC may recommend sanctions whenever it becomes aware of evidence of cause for such action, as described in XI.A.2. In such cases, the DFSC/SFSC shall inform the faculty member and communicate its recommendation to the appropriate Dean and the Provost. The Provost may implement disciplinary action after consultation with the Dean.</p>	<p>A. Sanctions shall be considered in order from the most minor (oral reprimand) to the most major (limited term suspension without other prejudice, including temporary reassignment). The American Association of University Professors' 1971 guidelines regarding progressive discipline shall be followed, which rank sanctions in minor to major order as follows:</p> <ol style="list-style-type: none"> 1. Oral reprimand 2. Written reprimand 3. Recorded reprimand 4. Restitution 5. Loss of prospective benefits for a stated period 6. Fine 7. Reduction in salary for a stated period 8. Suspension for a stated period without other prejudice <p>The fifth sanction in this guideline regarding progressive discipline—loss of prospective benefits for a stated period—applies only to benefits provided by the department/school, college, or university and cannot be applied to pension, healthcare, or other benefits provided by the state of Illinois.</p> <p>The eighth sanction in this guideline regarding progressive discipline—suspension for a stated period without other prejudice—may only be effected through the procedures described in XIV with regard to dismissal and must include recommendations by a hearing committee of the Academic Freedom, Ethics, and Grievance Committee. The President has final authority in all such cases.</p>	

Disciplinary Actions
 Article XII. Sanctions

<p>C. No sanctions may be implemented until all appeals relevant to the policies in question are exhausted.</p> <p>D. Application of sanctions will be communicated to the faculty member in writing by the Provost, who shall also inform the Chair/Director and Dean. If the sanctions include corrective actions, the requirements of these corrective actions, including timeline and acceptable documentation will be described in the same written communication and copied to the personnel/ASPT file. The faculty member may request, and shall receive, clarification of such requirements.</p>	<p>Demotion in rank may only be considered as a possible sanction through a due process proceeding, generally following similar committee steps as the promotion or appointment, if promotion to or appointment at the associate professor level was found to have been obtained by fraud or academic dishonesty. Such cases as involve fraud or dishonesty in scholarly and creative productivity should be adjudicated through the Integrity in Research and Scholarly Activities policy.</p> <p>In general, effort should be made to apply the most minor sanction likely to effect a change of behaviour; repeated cause for discipline will in certain circumstances merit increased severity of sanction, though it should not be assumed that it will in every case.</p> <p>While chairs/directors may engage in informal instructional or corrective conversations with faculty in their departments/schools, formal oral reprimands are the purview of the ASPT process, may not be issued without DFSC/SFSC approval, and will be conducted in the presence of the DFSC.</p> <p>B. A proposal to deliberate the appropriateness of a sanction may be presented to the DFSC/SFSC by its chairperson under the following circumstances.</p> <ol style="list-style-type: none"> 1. Receipt from the University Ethics Officer of a substantiated finding of violation of the State Ethics Act and/or other relevant laws, following opportunity to appeal the finding to the relevant state agency (e.g. Office of the Executive Inspector General for State Ethics Act violations); 2. Receipt from the Office of Equal Opportunity, Ethics, and Access of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy, following opportunity to exhaust all university and state-level appeals; 	
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	<p>3. The chairperson has otherwise become aware of credible evidence potentially substantiating cause for a sanction as described in XI.A.2, unrelated to suspension due to reasonable threat of imminent harm and short of dismissal.</p> <p>Following notice to the faculty member and deliberations, including a meeting with the faculty member, the DFSC shall provide to the faculty member their decision regarding whether a sanction should or should not be imposed, including any minority reports. Unless no reprimand or an oral reprimand is recommended, this notification shall be in writing. Should suspension as defined in XI.A.3 be recommended, a hearing committee of the Academic Freedom, Ethics and Grievance Committee must confirm this recommendation prior to its being effected.</p> <p>C. No sanctions may be implemented until all appeals relevant to the policies in question are exhausted. The appeals procedure for sanctions short of suspension and dismissal shall follow the same steps as the appeals procedure for performance evaluations, with a similar timeline and including provisions for appeal to the Academic Freedom, Ethics and Grievance Committee initiated by the CFSC or the faculty member.</p>	
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	<p>D. Once academic due process leading to a sanction short of suspension or dismissal has been exhausted, the application of any sanction other than oral reprimand will be communicated to the faculty member in writing by the Chair/Director of the Department/School, who shall also convey this written communication to the Dean and the Provost in writing. If a DFSC has received a finding according to XII.B.1 or XII.B.2 and imposed no sanctions or an oral reprimand, the chair will verbally communicate that result to the Dean. In such cases, the Dean may initiate a review of the decision of the DFSC by the CFSC and the CFSC may either demote or increase the recommended sanction if it is widely inconsistent with university standards. The final results of all department/school and college deliberations regarding findings under XII.B.1 and XII.B.2 shall be reported to the Provost and copied to the personnel/ASPT file.</p>	
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Disciplinary Actions
Article XIII. Faculty Suspensions

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>A. Faculty members may be suspended for a specified time period, or with requirements of corrective action to be completed prior to reinstatement, or as a preliminary step toward termination of appointment/dismissal for cause (see XIV).</p> <p>B. 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, other employees, and the institution itself.</p> <p>C. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will only occur after the process described in XIII.D is completed and all appeals or related grievances are adjudicated. In extraordinary cases when there is evidence that the faculty member has abandoned professional duties or is unable to fulfill such duties, a temporary suspension without pay may be instituted prior to completion of the University’s process. Individuals suspended without pay and subsequently exonerated may seek compensation.</p> <p>D. Procedural Considerations Related to Suspension</p> <ol style="list-style-type: none"> 1. 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. 	<p>A. All parties involved in a proposed faculty suspension should refer to the definitions in Section XI.A.3 and to the faculty rights listed in Section XI.B.</p> <p>B. Because suspension without academic due process is tantamount to summary dismissal, only the President of the University may authorize the full or partial suspension of a faculty member. Faculty members may only be suspended for a specified time period, and upon a written recommendation by the Academic Freedom, Ethics, and Grievance Committee. If the President determines that a suspension is warranted despite a recommendation against it by the Academic Freedom, Ethics, and Grievance Committee, he or she must furnish a written rationale to the faculty member, the AFEGC hearing committee, and the AFEGC chairperson.</p> <p>C. A suspension may only be imposed upon a faculty member prior to the start of academic due process proceedings under the conditions described in Section XI.B.2.</p> <p>D. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will only occur after the process described in XIII.E, or in XIV, if applicable, is completed and all appeals or related grievances are adjudicated.</p>	

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<p>2. There shall be discussion between the faculty member, the Chair/Director, the Dean, and Provost, or their designees. Ordinarily, the Provost’s designee will not be an attorney for the University, though there may be exceptions. The intention of this discussion will be to develop a mutually agreeable solution that ensures safety for the University community and educational success of students. This mutually agreeable solution could result in a suspension or a re-assignment of duties.</p> <p>3. While discussion is ongoing, the University reserves the right to temporarily re-assign a faculty member from any or all duties, including teaching, in order to prevent harm to the University or members of its community; when required by law; or when necessitated by pending criminal investigation or legal proceedings. (See XI.C.)</p> <p>4. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university. A mutually agreeable solution should be finalized within 5 business days of initiation of discussion. However, if the parties mutually agree in writing, this period may be extended if such extension would make agreeing to a solution likely. Such an agreement will be communicated to the Dean and Provost within 5 business days of the initiation of discussion.</p> <p>5. If a mutually agreeable solution cannot be found and it is determined that suspension is necessary, then the following process will take place.</p>	<p>E. Procedural Considerations Related to Suspension</p> <p>1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated in XIII.E.2 through XIII.E.6. However, the Chairperson of the Academic Freedom, Ethics, and Grievance Committee may extend these deadlines for good reason, and concerned parties may request consideration for doing so. The Chairperson of the Academic Freedom, Ethics, and Grievance Committee 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.</p> <p>2. Within 5 business days of an allegation that might lead to suspension or has led to suspension under XI.B.2, there shall be informal discussion between the faculty member and either the Chair/Director, the Dean, the Provost, or the Provost’s designee. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is also deemed necessary, the faculty member’s right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). The intention of this discussion will be to develop a mutually agreeable solution that ensures safety for the University community and educational success of students. This mutually agreeable solution could result in a suspension as defined in Sections XI.A.3.i, XI.A.3.ii, XI.A.3.iii, or XI.A.3.iv.</p> <p>3. Suspension will only be in effect during the informal discussion stage upon recommendation by the Academic Freedom, Ethics, and Grievance Committee, subject to the terms listed under XI.A.3, XI.B.2, and XIII.B.</p>	
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Article XII. Faculty Suspensions

<p>a. The Chair/Director will consult with DFSC/SFSC. Such consultation will entail informing the DFSC/SFSC of the areas of concern and the reasons why suspension is indicated. Such consultation will include review of relevant documentation/information (e.g., past performance evaluations; investigation report) and/or advice of Legal Counsel.</p> <p>b. The faculty member shall be notified in writing of the consultation with the DFSC/SFSC, including the reasons why suspension 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.</p> <p>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, and any recommendations made by the DFSC/SFSC, shall be completed within 10 business days.</p>	<p>4. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university. A mutually agreeable solution should be finalized within 5 business days of initiation of discussion. However, if the parties mutually agree in writing, this period may be extended if such extension would make agreeing to a solution likely. Such an agreement will be communicated to the Dean and Provost within 5 business days of the initiation of discussion.</p> <p>5. If a mutually agreeable solution cannot be found, whether or not the President following the preliminary consultation with the hearing committee of the Academic Freedom, Ethics, and Grievance Committee has determined that suspension is necessary or should be extended, then a full hearing with the AFEGC with opportunity to appeal shall take place.</p> <p>6. A suspended faculty member may appeal through the ordinary AFEGC process, which includes appeal to the President as a final step. Appeals may be based on substantive or procedural grounds. The President shall rule on any final appeal or final recommendation within 21 business days.</p> <p>7. A faculty member may be suspended during dismissal proceedings only if the imminent harm standard in XI.A.3 applies. Faculty members retain their right to academic due process independently with respect to suspension proceedings and dismissal proceedings.</p>	
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Article XII. Faculty Suspensions

<p>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, Dean, and Provost within 5 business days. The DFSC/SFSC shall be informed of the decision. If the reasons for the suspension also constitute adequate cause for dismissal as described below and in XIV.B.1, the written notice shall so indicate, and the dismissal procedures delineated below shall commence.</p> <p>6. A suspended faculty member may appeal to the President within 10 business days of the written notice from the Chair/Director. Such appeal must be made in writing, with copies provided to the Chair/Director, Dean, and Provost. Appeals may be based on substantive or procedural grounds. The President shall rule on the appeal within 21 business days.</p> <p>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.</p> <p>8. Faculty members who are suspended as a preliminary step toward dismissal for cause will retain their right to due process throughout the dismissal proceedings, which shall follow the principles and steps described below.</p>	<p>F. Suspensions may not be of indefinite duration and their duration may not be contingent upon the faculty member performing other corrective actions. Suspension must be followed by reinstatement unless the faculty member has been dismissed following the academic due process described in XIV. Ordinarily, a suspension shall be for no longer than 6 calendar months.</p>	
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Disciplinary Actions

Article XIV. Termination of Appointment of Probationary and Tenured Faculty

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>A. Probationary Faculty</p> <ol style="list-style-type: none"> 1. Recommendations for non-reappointment 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 non-reappointment in writing to the faculty member, the Dean, and the Provost. Non-reappointment can also be the result of a negative tenure recommendation. Official notices of non-reappointment, whether issued prior to a tenure decision or as a result of a negative tenure decision, are issued from the Office of the Provost. <ol style="list-style-type: none"> 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 a. (above), 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 follow the provisions of Article XVI.K. d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provisions of Article XVI.H. 	<p>A. Non-reappointment of a Probationary Faculty Member</p> <ol style="list-style-type: none"> 1. A recommendation for the non-reappointment of a faculty member during the probationary period must follow the regulations of the Board of Trustees and the ISU Constitution. Recommendations for non-reappointment 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 non-reappointment in writing to the faculty member, the Dean, and the Provost. Non-reappointment can also be the result of a negative tenure recommendation. Official notices of non-reappointment, whether issued prior to a tenure decision or as a result of a negative tenure decision, are issued from the Office of the Provost. <ol style="list-style-type: none"> 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 XI.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 follow the provisions of Article XIII.K. 	

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Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<p>2. Notice of termination shall be given as follows:</p> <p>a. Except for appointments that terminate during an academic year, not later than March 1 of the first academic year of service; not later than February 1 of the second academic year of service; and at least twelve months before the termination of an appointment after two or more years of service.</p> <p>b. For appointments that terminate during an academic year, at least three months in advance of its termination during the first year of service; at least six months in advance of its termination during the second year of service; and at least twelve months before the termination of an appointment after two or more years of service.</p> <p>3. Termination of a probationary faculty member 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 XIV.A.2. Notice of such termination will be issued by the Provost, after consultation with the Dean and Department Chair/School Director. Appeals may be made to the President within 10 business days of the Provost's communication of the termination. The President shall rule on the appeal within 21 business days.</p>	<p>d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provisions of Article XIII.G and XIII.H.</p> <p>2. Notice of termination shall be given as follows:</p> <p>a. Except for appointments that terminate during an academic year, not later than March 1 of the first academic year of service; not later than February 1 of the second academic year of service; and at least twelve months before the termination of an appointment after two or more years of service.</p> <p>b. For appointments that terminate during an academic year, at least three months in advance of its termination during the first year of service; at least six months in advance of its termination during the second year of service; and at least twelve months before the termination of an appointment after two or more years of service.</p> <p>B. Dismissal of a Probationary or Tenured Faculty Member</p> <p>1. Dismissal of a probationary or 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.</p>	
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Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<p>B. Tenured Faculty</p> <ol style="list-style-type: none">1. The standard for dismissal of a tenured faculty member (i.e., termination of a tenured appointment) is that of adequate cause, as described in XI.A.5. 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.2. Section 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.3. Procedural Considerations Related to Dismissal (Termination of Appointment of Tenured Faculty)<ol style="list-style-type: none">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 in writing. The President, Provost, or their designee shall 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, then the DFSC/SFSC (per V.C.3) or Dean of the College in which the faculty member's locus of tenure resides will submit a letter to the Provost describing charges that the University has adequate cause to effect dismissal of the faculty member.	<ol style="list-style-type: none">2. Procedures and standards for dismissal shall be according to XI.C; any changes shall be approved by the Faculty Caucus of the Academic Senate. These procedures and standards, and any changes to them, will adhere to the principles set forth in the American Association of University Professors' documents (as of January 1, 1999) regarding principles of academic freedom and tenure and procedural standards in dismissal proceedings.3. The standard for dismissal of a probationary or 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. <p>C. Procedures and Standards for Dismissal of a Probationary or Tenured Faculty Member</p> <ol style="list-style-type: none">1. 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 in writing. The President, Provost, or their designee shall 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. Probationary faculty members may invoke their stop-the-clock rights under General Considerations, B. Faculty Rights.	
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Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<p>If the recommendation to initiate dismissal proceedings comes from the University Administration, the Provost shall inform the faculty member in writing of the charges and provide the Dean and DFSC/SFSC with a copy. In such cases, the DFSC/SFSC may choose to communicate, in writing, a non-binding advisory recommendation to the Provost on the matter.</p> <p>If a faculty member being charged with adequate cause for dismissal is suspended as described in XIII, the due process for suspension will be followed while dismissal proceedings are underway.</p> <p>c. The Provost shall direct, in writing, the Faculty Caucus of the Academic Senate to select an Initial Review Committee of six faculty members to determine whether, in its view, formal proceedings for the faculty member's dismissal should be instituted. This written direction shall be made within 5 business days of date of the letter initiating dismissal proceedings (from the Provost, DFSC/SFSC, or Dean as required in XIV.B.3.b). The committee will consist of one faculty member from each college except that in which the faculty member's locus of tenure resides. The Faculty Caucus should meet in executive session within 21 business days of the date of the Provost's written direction to select the Initial Review Committee members.</p>	<p>2. Preliminary Proceedings</p> <p>a. If potential evidence of adequate cause for dismissal of a probationary or tenured faculty member arises, including financial exigency or program termination, there shall be informal discussion between the faculty member and the Chair/Director. When appropriate, the Dean, the Provost, or an administrative designee with information pertinent to the matter (such as the University Ethics Officer) may also be present. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). The intention of this discussion will be to develop a mutually agreeable solution.</p> <p>b. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university and approved by the President. If requested, the faculty member may meet with the President.</p>	
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Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<p>d. The Initial Review Committee shall review each charge contained in the letter alleging adequate cause described in XIV.B.3.b, and will have the authority to interview the respondent/faculty member, the Dean, the Department Chair/School Director, and any other person who may have relevant information. The Initial Review Committee may also have access to any relevant documentation.</p> <p>e. The Initial Review Committee shall submit their recommendation within 21 business days of the date of the formation of the committee.</p> <p>f. If the Initial Review Committee recommends that dismissal proceedings should commence, or if the Provost, even after considering a recommendation favorable to the faculty member, determines that a proceeding should be undertaken, a statement of the grounds proposed for the dismissal should be jointly formulated by the Initial Review Committee and the Provost or Provost's designee. If there is disagreement, the Provost or the Provost's designee shall formulate the statement. The statement shall be formulated within 10 business days of the committee's communication of the recommendation to the Provost.</p>	<p>c. If a mutually agreeable solution does not result, the DFSC/SFSC shall be charged with the function of inquiring into the situation, to effect an adjustment, if possible, and, if none is effected, to determine whether in its view formal proceedings to consider the faculty member's dismissal should be initiated. Section V.C.3 provides for initiation of dismissal proceedings by the DFSC/SFSC. The DFSC/SFSC should meet with the faculty member and any person who may have relevant information, and may have access to any relevant documentation. The DFSC/SFSC shall provide a formal written recommendation to the faculty member and the Provost, with notification to the Dean, within 20 business days of the failure to effect voluntary adjustment.</p> <p>d. If the DFSC/SFSC recommends that dismissal proceedings should be begun, action should be commenced and a statement with reasonable particularity of the grounds proposed for the dismissal should then be jointly formulated by the Provost and the DFSC/SFSC, with notification to the Dean.</p> <p>e. If the Provost, even after considering a recommendation of the DFSC/SFSC favorable to the faculty member, expresses the conviction that further review is necessary, action should be commenced and the Provost or the Provost's representative should formulate a statement with reasonable particularity of the grounds proposed for dismissal and provide it to an Independent Review Committee (IRC), convened according to XI.C.2.f, along with the DFSC/SFSC's recommendation against the commencement of proceedings. This statement shall be provided to the DFSC and the Dean.</p>	
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Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<p>g. The Provost shall communicate in writing to the faculty member: (1) the statement of grounds for dismissal; (2) information regarding the faculty member's procedural rights; and (3) a statement informing the faculty member that, at the faculty member's request, a hearing will be conducted by the Faculty Review Committee (FRC) of Illinois State University to determine whether s/he should be removed from the faculty position on the grounds stated. This communication to the faculty member shall be delivered within 5 business days of the date of the statement. The hearing date should be far enough in advance to permit the faculty member to reasonably formulate and prepare a defense, and at least 10 business days from the date of the Provost's letter communicating the decision to the faculty member.</p> <p>h. The faculty member should state in reply no later than 5 business days before the time and date set for the hearing whether s/he wishes a hearing. If a hearing is requested, the faculty member shall answer the statements in the Provost's letter in writing and submit this document to the Provost and the FRC no later than 5 business days before the date set for the hearing.</p> <p>i. The Faculty Review Committee (FRC):</p> <p>i. Shall consider the statement of grounds for dismissal already formulated, the recommendation of the Initial Review Committee, and the faculty member's response before the hearing;</p>	<p>f. If XI.C.2.d or XI.C.2.e is invoked, the Provost shall direct, in writing, the Faculty Caucus of the Academic Senate to select an Independent Review Committee (IRC) of seven faculty members not previously concerned with the case or its circumstances. This written direction shall be made within 5 business days of date of the DFSC/SFSC's recommendation. The choice of members of the hearing committee should be on the basis of their objectivity and competence and of the regard in which they are held in the academic community. Prospective members shall be disqualified for bias or interest and shall recuse themselves voluntarily or at the faculty member's request. The faculty member and the Provost's representative shall also each be permitted to exercise challenges to two proposed members of the committee without having to state cause. The Faculty Caucus should meet in executive session within 20 business days of the date of the Provost's written direction to select the Independent Review Committee members. Members of the Faculty Caucus from the faculty member's department may not participate in the selection of the IRC. Once formed, the IRC will elect its own chair.</p>	
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Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<ul style="list-style-type: none"> ii. If the faculty member has not requested a hearing, the FRC may consider the case on the statement of grounds and the reply and any other obtainable information and decide whether the faculty member should be dismissed. iii. If the faculty member has requested a hearing, the FRC shall hold a hearing. j. Hearings by the Faculty Review Committee <ul style="list-style-type: none"> i. The FRC shall decide whether the hearing is public or private; ii. If facts are in dispute, testimony may be taken or other evidence received; iii. The Provost or a designee shall attend the hearing (Ordinarily, the Provost’s designee will not be an attorney for the University, though there may be exceptions); 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; 	<ul style="list-style-type: none"> 3. Commencement of Formal Proceedings <ul style="list-style-type: none"> a. The Provost shall communicate in writing to the faculty member: (1) the statement of grounds for dismissal; (2) information regarding the faculty member’s procedural rights; and (3) a statement informing the faculty member that, at the faculty member’s request, a hearing will be conducted by the Independent Review Committee (IRC) to determine whether s/he should be removed from the faculty position on the grounds stated. This communication to the faculty member shall be delivered within 5 business days of the date of the statement. The hearing date should be far enough in advance to permit the faculty member to reasonably formulate and prepare a defense, and at least 20 business days from the date of the Provost’s letter communicating the decision to the faculty member. b. The faculty member should state in reply no later than 5 business days before the time and date set for the hearing whether s/he wishes a hearing. If a hearing is requested, the faculty member shall answer the statements in the Provost’s letter in writing and submit this document to the Provost and the IRC no later than 5 business days before the date set for the hearing. If no hearing is requested, the faculty member may respond to the charges in writing at any time before the date set for the hearing. 4. Independent Review Committee Proceedings <ul style="list-style-type: none"> a. The Independent Review Committee (IRC) shall consider the statement of grounds for dismissal already formulated, the recommendation of the DFSC/SFSC, and the faculty member’s response before the hearing. 	
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Disciplinary Actions

Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<p>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.</p> <p>vii. The proceedings shall be recorded at the expense of the University;</p> <p>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 shall be determined by the FRC.</p> <p>ix. The FRC shall permit a statement and closing by the Provost’s representative and the faculty member. The FRC may exercise its discretion in allowing a reasonable amount of time for each statement.</p> <p>x. The FRC may request written briefs by the parties.</p> <p>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.</p>	<p>b. If the faculty member has not requested a hearing, the IRC may consider the case on the basis of the statement of grounds, the DFSC/SFSC recommendation, the faculty member’s response, and any other obtainable information and decide whether the faculty member should be dismissed.</p> <p>c. If the faculty member has requested a hearing, the IRC must hold a hearing. The IRC, in consultation with the faculty member and the Provost, shall decide whether the hearing is public or private. Generally speaking, ASPT matters, including dismissal proceedings, are conducted confidentially and in private, but the IRC may exercise its discretion on this matter.</p> <p>d. With the consent of all parties, the IRC may hold joint prehearing meetings with the parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate objectives as will make the hearing ensure fair, effective, and expeditious.</p> <p>e. The Provost or a designee may attend the hearing and choose an appropriate representative to assist in developing the case. A member of the Faculty Caucus, elected by the Faculty Caucus, will attend the hearing as an observer. Members of the Faculty Caucus from the faculty member’s department may not serve as the elected observer.</p>	
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Disciplinary Actions

Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<p>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).</p> <p>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 Provost, Dean, Chair, and DFSC/SFSC within 21 business days of the written request for appeal.</p> <p>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.</p>	<p>f. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the hearing and any pre-hearing meetings. The faculty member shall have the option of assistance from counsel and/or an academic advisor, whose functions will be similar to those of the representative chosen by the Provost. The faculty member will also have the procedural rights set forth in the 1940 AAUP Statement of Principles on Academic Freedom and Tenure.</p> <p>g. The IRC will determine the order of proof, conduct the questioning of witnesses, and secure the presentation of evidence important to the case. The proceedings shall be recorded by audiotape or videotape at the expense of the University, and be made available to the faculty member at no cost at the faculty member's request.</p>	
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Disciplinary Actions

Article XIV. Termination of Appointment of Probationary and Tenured Faculty

	<p>h. If facts are in dispute, testimony of witnesses should be taken and other evidence received. The faculty member shall have the assistance of the committee in securing the attendance of witnesses. Both the faculty member, or his/her counsel/advisor, and the Provost's representative have the right within reasonable limits to question all witnesses who testify orally. The faculty member shall have the opportunity to be confronted by all adverse witnesses. Because the committee cannot compel the participation of a witness, the proceedings shall not be delayed by the unavailability of a witness. Where unusual and urgent reasons move the hearing committee to withhold the right to question and be confronted by all witnesses, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it.</p> <p>i. The Provost's representative and the faculty member, or his/her counsel/advisor, shall present any information helpful to the determination. Each may request the committee in writing to ask witnesses to answer specific questions. Appropriate procedure shall be determined by the IRC. The IRC will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.</p> <p>j. The IRC shall permit a statement and closing by both the Provost's representative and the faculty member, or his/her counsel/advisor. The IRC may exercise its discretion in allowing a reasonable amount of time for each statement.</p>	
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Disciplinary Actions

Article XIV. Termination of Appointment of Probationary and Tenured Faculty

	<ul style="list-style-type: none">k. The IRC may request written briefs by the parties.l. The IRC shall reach its decision promptly in conference, on the basis of the hearing if one was held, or it may await the availability of a transcript of the hearing if its decision would be aided thereby. The burden of proof will be satisfied only by clear and convincing evidence in the record considered as a whole. The IRC must make explicit findings with respect to each of the grounds of dismissal presented, present a reasoned opinion, and submit a full written report to the Provost and the faculty member. The report may recommend dismissal or penalties short of dismissal. The written report shall be submitted to the Provost within 20 business days of the hearing. A record of any hearing should be made available to the Provost and to the faculty member.m. The faculty member may appeal the report and its recommendation to the FRC as provided in III.E. The FRC may refer the case to the AFEGC, or the faculty member may file a complaint with the AFEGC, if an academic freedom concern is raised. Any report by the AFEGC, including appeals reports, will be provided to the Provost and by the Provost to the President with the reports in XI.C.5.a. <p>5. Consideration by the President</p> <ul style="list-style-type: none">a. The Provost shall review the full report of the IRC stating its decision, and if relevant, the full report and the decision on the appeal by the FRC, and transmit them to the President. Acceptance of the IRC's decision is normally expected, unless the FRC has sustained the faculty member's appeal. In that case, acceptance of the FRC's decision is normally expected.	
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Disciplinary Actions

Article XIV. Termination of Appointment of Probationary and Tenured Faculty

	<ul style="list-style-type: none">b. If the President chooses to review the case, that review should be based on the record of the previous hearing(s), accompanied by opportunity for argument, oral or written or both, by the principals at the hearing(s) or their representatives.c. The decision of the FRC (or the IRC, if no appeal) should either be sustained or the proceedings be returned to the final committee with objections specified. In such a case, the committee in question should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before.d. Only after study of the final committee's reconsideration, if any is requested, should the President make a final decision to sustain or overrule that committee. The President may decide in favor of dismissal or for penalties short of dismissal.e. The President shall communicate the final decision to the faculty member, the Provost, Dean, DFSC/SFSC, IRC, and, if applicable the FRC, within 20 business days of the final report of the FRC (or IRC, if no appeal).f. If dismissal for cause is effected, the faculty member must receive one year of notice or severance salary, unless the grounds for dismissal legally prohibit such provision.	
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Disciplinary Actions

Article XIV. Termination of Appointment of Probationary and Tenured Faculty

	<p>g. 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 must be made only through the President's office and must include a statement of the FRC's original decision, if this has not previously been made known.</p>	
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UNIVERSITY REVIEW COMMITTEE

Tuesday, November 29, 2016
1 p.m., Hovey 401D

MINUTES

Members present: Angela Bonnell, Rick Boser, Diane Dean, Joe Goodman, Christopher Horvath, Sheryl Jenkins, Sarah Smelser

Members not present: Sam Catanzaro, Doris Houston

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, "URC" refers to the University Review Committee at Illinois State University, "Caucus" refers to the Faculty Caucus of the Academic Senate at Illinois State University, "AAUP" refers to the American Association of University Professors, and "AFEGC" refers to the Faculty Academic Freedom, Ethics and Grievance Committee at Illinois State University.

I. Call to order

Chairperson Diane Dean called the meeting to order at 1:03 p.m. A quorum was present.

II. Approval of minutes from the November 15, 2016 meeting

Christopher Horvath moved, Rick Boser seconded approval of minutes of the November 15, 2016 meeting as distributed prior to the meeting. The motion passed on voice vote, with all voting in the affirmative.

III. Proposed ASPT disciplinary articles

The committee continued its review of proposed Article XI (General Considerations). Throughout the ensuing discussion committee members referred to a document with three versions of Article XI side by side (see attached): the version of the article as recommended by URC to the Caucus in August 2015, a revised version reviewed by the Caucus in September 2016, and a version in progress documenting revisions suggested by URC this semester.

Sections XI.A.1 through Section XI.A.3 (re: sanctions and suspensions)

Dean reviewed revisions suggested by URC this semester through the November 15, 2016 URC meeting. She noted an error in Section XI.A.3: use of the word "Sanctions" to begin the second sentence of that section rather than the word "Suspensions." Bruce Stoffel said he would make that change.

Dean reminded committee members that they had agreed to substitute the word "reasons" for "adequate causes" in the sections regarding sanctions and suspensions. She asked if committee members want to continue that practice in passages regarding dismissal. Consensus was to continue doing so. Dean asked if the committee prefers using the term "imposed" or the term "effected." Consensus was to use the term "effected."

Section XI.A.4 (re: dismissals)

Dean then directed the committee discussion to Section XI.A.4, regarding dismissal. She read her proposed re-draft of the section (that she prepared prior to the meeting to facilitate discussion).

A.4 Dismissals are a major disciplinary action terminating the appointment of a probationary or tenured faculty member.

Dismissals may be effected for such reasons as lack of fitness to continue to perform in a faculty member's professional capacity as a teacher or researcher, failure to perform assigned duties in a manner consonant with professional standards, or malfeasance. Specific policies related to dismissals are provided in ASPT XIV.

Horvath asked Dean if she has separately addressed probationary faculty and tenured faculty in her proposed revisions. Referring to her re-draft of Sections XI.A.5 and XI.A.6 (see below), Dean responded that she has done so and has also separately addressed discipline and termination due to financial exigency.

A.5 Recommendations for non-reappointment of probationary faculty for non-disciplinary, performance concerns will follow the process outlined in ASPT XV.

A.6 Termination of the appointment of a probationary or tenured faculty member due to demonstrable University financial exigency or program termination is not disciplinary in nature and will follow the process outlined in the Illinois State University Constitution (Article III, Section 4.B.2) and all applicable policies.

Dean asked if the definition of dismissal in her re-draft of Section XI.A.4 is succinct and adequate. Sarah Smelser suggested that the term "disciplinary action" be changed to "disciplinary actions" to be consistent with Sections XI.A.2 and XI.A.3. Noting that URC has referred in previous sections to use of sanctions and suspensions as steps in a progressive disciplinary process, Horvath asked if Section XI.A.4 should refer to dismissal as the end state of progressive discipline. Smelser noted that the new Section XI.A.1 suggested by the committee does so. Sheryl Jenkins expressed concern that characterizing dismissal as a last act of progressive discipline might preclude the University from dismissing a faculty member as a first act of discipline if necessary.

Horvath said he does not usually like inserting quotes from AAUP documents into the ASPT document, but the quote inserted by the Caucus in the third paragraph of Section XI.A.4 makes it clear that dismissal is a severe action rather than a standard action ("A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur."). Angela Bonnell agreed. Dean asked how that statement might be incorporated into the ASPT document without directly quoting AAUP. Boser referred committee members to the second paragraph of the Caucus version of Section XI.A.4 ("Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances."). He said that the term "extraordinary circumstances" suggests that dismissal should be pretty rare. He suggested incorporating "extraordinary circumstances" into the URC revision, adding that he does not favor incorporating any more of the wording added by the Caucus in that section. Dean agreed, noting that university legal counsel might express concern regarding the reference in the Caucus version to dismissal as "a symptom of failure." Dean said that reference could be construed as the University having failed a faculty member who has been dismissed.

Dean suggested adding the following passage after the first sentence of her proposed Section XI.A.4, to address concerns expressed by URC members.

Dismissals are effected under extraordinary or egregious circumstances or when other recourses of disciplinary action have been exhausted without effect. They should rarely if ever need occur.

Committee members concurred.

Section XI.A5 and Section XI.A6 (re: dismissal and termination)

Dean then referred committee members to her proposed revisions of Sections XI.A.5 and XI.A.6.

Horvath said the reference to financial exigency processes in Dean's Section XI.A.6 should include a reference to the Board of Trustees Governing Document, because that is where financial exigency policy resides. Horvath said he is unsure why the Caucus has included a reference to appeals in its Section XI.A.5 (regarding financial exigency). Smelser and Boser agreed that appeals should be dealt with later in the disciplinary articles. Horvath added that matters addressed by the Caucus in the second paragraph of its Section XI.A.5 should also be addressed later in the disciplinary articles.

Goodman asked whether this is the section of the disciplinary articles in which designating a separate body for hearing appeals needs to be considered. Horvath explained that, in the case of financial exigency, no appeals body is needed. He added that the Caucus version of Section XI.A.5 is confusing in that it refers to both disciplinary and non-disciplinary separation. He said that URC, in its revisions, has more appropriately cited policies governing disciplinary processes and financial exigency and should address each in more detail in subsequent disciplinary articles.

Goodman reported having discovered a 2012 AAUP policy about accommodating faculty with disabilities. He asked if he should review the policy for its applicability to passages of the disciplinary articles regarding fitness of a faculty member to perform in the faculty member's professional capacity. Dean asked that Goodman do so and report his findings and recommendations to the committee.

Section XI.B (re faculty rights)

Dean next referred committee members to Section XI.B. She noted that the Faculty Rights section recommended by URC in August 2015 had four elements while the version as revised by the Caucus has six elements.

Dean noted that the URC version and the Caucus version of Section XI.B.1 establish that faculty members retain the right to file a grievance with AFEGC if they believe their academic freedom or the Code of Ethics has been violated in a disciplinary action. Horvath asked Dean if the Caucus, through its proposed revisions to the disciplinary articles, intends that a faculty member wanting to appeal a disciplinary action on grounds other than academic freedom or ethics would also appeal to AFEGC. Dean responded that she has asked Caucus chairperson Susan Kalter about the role of AFEGC in disciplinary cases as envisioned by the Caucus. Based on those conversations, Dean said, it is her understanding that the Caucus intends to have AFEGC hear all types of appeals related to disciplinary actions. Dean said it is her understanding that AFEGC is a pool of faculty members from which appeals panels are assembled, with each panel considered a separate body. Dean said it is her understanding that different groups of AFEGC members would be impaneled if there are multiple appeals in the same disciplinary case. Horvath noted that the AFEGC chairperson assigns AFEGC members to panels. Dean asked if it would be possible for an AFEGC chairperson to shape the outcome of an appeals case through the assignments the chairperson makes to the panel assembled for the case. Horvath said that could happen. Dean said an alternative approach to assembling panels for disciplinary cases might be to have an AFEGC member other than the chairperson select members for a second panel if a faculty member appeals to AFEGC a second time. Horvath said another approach would be to make sure that AFEGC members assigned to a second panel in the same disciplinary case are different than the members assigned to the first panel.

Bonnell then asked Dean if it is her understanding that the AFEGC role in disciplinary appeals has been decided by the Caucus. Dean said the decision has not yet been made. Dean said the URC working group charged with considering the AFEGC role in disciplinary actions is scheduled to report its recommendations to URC next spring, adding that the group has a critical decision to make. Horvath said the working group will need to think carefully about potential conflicts and recusals. Boser said he may have floated the idea of having the Faculty Review Committee (FRC) serve as the appeals body in disciplinary cases but, on further reflection, believes that having FRC assume that role would not be appropriate. Dean said that a new entity may need to be established to hear appeals in disciplinary cases.

Boser asked if URC can proceed with its review of the disciplinary articles without first deciding which body should hear appeals, noting that the committee could spend a lot of time on the issue. Horvath suggested moving forward with the discussion while noting that designation of an appeals body is an issue yet to be resolved. Other committee members agreed.

Horvath asked if disciplinary actions can be taken unilaterally by a chairperson, dean, or the Provost. Dean responded that disciplinary actions cannot be imposed unilaterally. She noted that, depending on the circumstances of a disciplinary case, there could be different levels of review. She added that processes described in the separate articles on sanctions, suspensions, and dismissals can be changed if committee members are not satisfied with them.

Returning to discussion of Section XI.B.1, Dean suggested replacing the parenthetical “including suspension or termination” with “including sanctions, suspensions, or dismissals.” She asked committee members if they are satisfied with the URC version of Section XI.B.1 with that change. Horvath suggested including in a revised Section XI.B.1 the sentence added by the Caucus (beginning “See the ISU Constitution, Article III) but deleting from that sentence “and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy.” Dean agreed with Horvath’s suggestion and recommended citing the AFEGC policy number in that sentence. Committee members concurred.

IV. ASPT calendar for 2017-2018

Stoffel explained that URC is responsible for annually establishing a calendar of ASPT activities, which is then sent to the deans, department chairpersons, and school directors and made available to faculty members. Stoffel reviewed the structure of the proposed 2017-2018 ASPT calendar. He said that he used entries in Appendix 1 of the ASPT document verbatim for all action descriptions in the proposed calendar except for actions related to reappointment. For those he drafted descriptions by drawing on text in Article XI (Termination of Appointment of Probationary and Tenured Faculty), in doing so attempting to match the style of other entries in the proposed calendar. Stoffel asked committee members for their feedback.

Horvath said his department was recently asked by its college office to revise department ASPT guidelines to incorporate a March deadline for annually reviewing those guidelines. Horvath asked if that deadline should be cited in the ASPT calendar. URC discussion regarding that requirement ensued, with some committee members recalling discussion by URC and the Caucus of a related requirement that department and school faculty status committees annually report the status of their review to their college faculty status committee. Stoffel said he would review the matter and revise the reporting section of the proposed ASPT calendar if indeed such a reporting requirement is set forth in the ASPT document. He asked committee members to notify him of any other actions that may need to be added to the proposed calendar. Dean tabled further discussion of the proposed calendar until the next URC meeting (scheduled for December 13, 2016).

V. Other business

Dean reported that she has been notified by the dean of the College of Fine Arts that no changes are needed to the college ASPT standards to conform to the new ASPT document (effective January 1, 2017). Dean said the only college standards that will need to be reviewed by URC are standards of the Mennonite College of Nursing. Dean said she expects to receive those standards in time for their review by URC at its next meeting (December 13, 2016).

VI. Adjournment

Goodman moved that the meeting adjourn. Bonnell seconded the motion. The motion carried on voice vote, all voting the affirmative. The meeting adjourned at 2:03 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Disciplinary Actions: Article XI. General Considerations, through 11-15-16 URC Meeting

**Disciplinary Actions: Article XI. General Considerations
Through 11-15-16 URC Meeting**

URC 2015	Faculty Caucus 2016	URC 2016-2017
<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions may be imposed for such adequate causes as violations of laws or University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. 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. Specific policies related to suspensions are provided in ASPT XIII. 4. 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. 5. 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. Specific policies related to termination of tenured faculty appointments are provided in ASPT XIV.B. 	<p>A. Types of Disciplinary Actions; Conditions under which they may be applied</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions: As defined by the American Association of University Professors' 1971 guidelines regarding progressive discipline, sanctions that can be imposed upon a faculty member are: oral reprimand, written reprimand, recorded reprimand, requirement to make restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period, and disciplinary suspension for a stated period without other prejudice. Sanctions may be imposed for such reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. Suspension: Suspension occurs when a faculty member, as a result of disciplinary findings or allegations, is: <ol style="list-style-type: none"> a. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University and is excluded from all or parts of campus and its privileges (e.g. access to email services); or 	<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. The University normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension or dismissal may be appropriate. 2. Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral or performance problems or issues. Sanctions are intended to be corrective. Sanctions may be imposed for such reasons as violations of laws or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. Suspensions are major disciplinary actions of varying degrees undertaken to temporarily relieve a faculty member from teaching, research, or service activities; on paid or unpaid status; with or without exclusion from campus or parts thereof. Sanctions may be imposed for such reasons as when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees, or University property; or as a next step in a progressive disciplinary process; or when credible evidence of adequate cause for dismissal is available. Specific policies related to suspensions are provided in ASPT XIII.

Disciplinary Actions: Article XI. General Considerations
Through 11-15-16 URC Meeting

URC 2015	Faculty Caucus 2016	URC 2016-2017
<p>6. 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.</p> <p>B. Faculty Rights</p> <p>1. Disciplinary actions (including suspension or termination) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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.</p> <p>2. In all disciplinary proceedings, faculty members have the rights to due process, to timely notice, to seek advice, to respond to developments in the disciplinary process, and to have an advisor and/or counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member only.</p> <p>C. Faculty members' duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed. The reasons for such reassignment of duties will be provided to the faculty member. Such reassignments shall be made to prevent reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings.</p>	<p>b. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University but is not excluded from campus; or</p> <p>c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or</p> <p>d. reassigned out of some portion thereof (e.g. reassignment out of a particular class for the remainder of a semester; exclusion from a laboratory space).</p> <p>Suspension of faculty members will only be contemplated (i) in circumstances when there is a reasonable threat of imminent harm to the faculty member in question, students, other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice.</p> <p>Specific policies related to the first type of suspension are provided in ASPT XIII. The second type of suspension follows the same process as described for dismissal in ASPT XIV, with due consideration to the protections provided for in ASPT XIII, and may be proposed as an alternative to dismissal or as a penalty unrelated to dismissal.</p>	

Disciplinary Actions: Article XI. General Considerations
Through 11-15-16 URC Meeting

URC 2015	Faculty Caucus 2016	URC 2016-2017
<p>D. 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 probationary period, as described in IX.B.3. The records of the disciplinary process, including documentation of exoneration and 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. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or corrective actions are considered.</p>	<p>4. Dismissal as a disciplinary action: Dismissal is the termination of the appointment of a probationary or tenured faculty member for cause. Dismissal for cause of a probationary faculty member must be distinguished from non-reappointment for academic reasons and follows different procedures.</p> <p>Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.</p> <p>As noted in the AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (last updated in 1990), “A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur.” The statement goes on to indicate that a “necessary precondition of a strong faculty is that it have first-hand concern with its own membership [which] is properly reflected both in appointments to and in separations from the faculty body” and that the “faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.”</p> <p>Dismissal of a probationary or 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.</p>	

Disciplinary Actions: Article XI. General Considerations
Through 11-15-16 URC Meeting

URC 2015	Faculty Caucus 2016	URC 2016-2017
	<p>Specific policies related to dismissal are provided in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents and all applicable policies including the right of appeal.</p> <p>5. Note regarding dismissals that might be considered under non-disciplinary circumstances: Termination of a faculty member's appointment due to financial exigency or program termination follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal, and must not be used, construed or disguised as a disciplinary action process. Faculty may appeal termination proceedings on the basis that disciplinary issues are being alleged in order to effect a dismissal for reasons of financial exigency or program termination, or vice versa.</p> <p>Non-disciplinary termination of a faculty member's appointment on the grounds either of lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher or failure to perform assigned duties in a manner consonant with professional standards also follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal.</p>	

Disciplinary Actions: Article XI. General Considerations
Through 11-15-16 URC Meeting

URC 2015	Faculty Caucus 2016	URC 2016-2017
	<p>B. Faculty Rights</p> <ol style="list-style-type: none"> 1. Disciplinary actions (including suspension or dismissal for disciplinary reasons) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the ISU Constitution, Article III, the Academic Freedom Ethics and Grievance policy and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy. 2. Suspension, as defined in XI.A.3, shall not be effected without a recommendation to the President from a three-member hearing committee of the Academic Freedom, Ethics, and Grievance Committee convened by the chairperson of that committee. The written recommendation from the hearing committee shall including i) a recommendation for or against suspension, ii) a recommendation regarding the length of any recommended suspension, and iii) recommendations regarding other aspects of any recommended suspension, including the nature and scope of the suspension (e.g. restriction only from a single course, banishment from campus pending felony criminal investigation, etc.). If immediate action must be taken due to a reasonable threat of imminent harm, consultation with the AFEGC must occur within 24 hours and a preliminary written recommendation formulated within 3 business days. The faculty member shall have the same rights to a full hearing and set of appeals as in other AFEGC cases. 	

Disciplinary Actions: Article XI. General Considerations
Through 11-15-16 URC Meeting

URC 2015	Faculty Caucus 2016	URC 2016-2017
	<ol style="list-style-type: none"> <li data-bbox="850 272 1375 516">3. In all disciplinary proceedings, faculty members have the right to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member and to no other party. <li data-bbox="850 548 1375 654">4. Probationary faculty who face disciplinary actions whether exonerated or not may request a one year “stop-the-clock” extension of their probationary period, as described in IX.B.3. <li data-bbox="850 686 1375 979">5. The records of the disciplinary process, including documentation of exoneration and/or imposition of sanctions, may not be reviewed in the tenure and/or promotion process except when necessary to affirm exoneration or imposition of sanctions, and then only as it bears on the faculty member’s performance in teaching, research, and service. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or sanctions are considered and not held against the faculty member. <li data-bbox="850 1011 1375 1365">6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that they might need to exonerate themselves; if access to such material poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense. 	

UNIVERSITY REVIEW COMMITTEE

Tuesday, December 13, 2016
2 p.m., Hovey 401D

MINUTES

Members present: Angela Bonnell, Rick Boser, Sam Catanzaro, Diane Dean, Joe Goodman, Doris Houston (via telephone), Sheryl Jenkins, Sarah Smelser

Members not present: Christopher Horvath

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University, “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University, “AAUP” refers to the American Association of University Professors, “AFEGC” refers to the Faculty Academic Freedom, Ethics and Grievance Committee at Illinois State University; and “ASPT document” refers to *Faculty Appointment, Salary, Promotion, and Tenure Policies*, Illinois State University, effective January 1, 2017.

I. Call to order

Chairperson Diane Dean called the meeting to order at 2:04 p.m. A quorum was present.

II. Approval of minutes from the November 29, 2016 meeting

Rick Boser moved, Sheryl Jenkins seconded approval of minutes of the November 29, 2016 meeting as distributed prior to the meeting. The motion passed on voice vote, with all voting in the affirmative.

III. ASPT calendar for 2017-2018

Sam Catanzaro reviewed changes that have been made to the draft ASPT calendar that had been considered at the November 29, 2016 URC meeting. The changes have been incorporated into a second draft of the calendar distributed to committee members prior to this meeting (see attached). Changes include recasting the “Reporting Requirements” section of the calendar as “Review and Reporting Requirements,” adding to that section the March 31 deadline for DFSCs/SFSCs to annually review department/school ASPT policies and procedures, revising the description of the annual report due May 1 from CFSCs to the URC and Provost to include information on both cumulative post-tenure review appeals and performance evaluation appeals, and using boldface font to highlight calendar dates that differ from dates set forth in Appendix 1 of the ASPT document.

Angela Bonnell asked why in the “Review and Reporting Requirements” section the entry for March 31 follows the entry for April 15. Bruce Stoffel said that is an error on his part; he thanked Bonnell for noting the error and said he would correct it.

Noting that some deadlines in the 2017-2018 ASPT calendar have been shifted forward because they would otherwise fall on days when the University is closed, Joe Goodman asked if corresponding dates for action by the Provost shift forward as well. Dean said it is her understanding that they do.

Jenkins moved approval of the ASPT calendar for 2017-2018 as distributed prior to the meeting but with correction of the error pointed out by Bonnell regarding the order of entries in the “Review and Reporting Requirements” section. Boser seconded the motion. The motion passed on voice vote, all voting in the affirmative.

IV. College ASPT standards, Mennonite College of Nursing

Stoffel reported having received from Mennonite College of Nursing (hereinafter “Mennonite”) a revised version of its department ASPT guidelines but not its CFSC standards. Stoffel said he emailed the Assistant to the Dean of Mennonite earlier in the day to ask whether the college made any changes to its CFSC standards; he said that in the short time since he sent his email he has not yet received a response.

Dean asked how URC should proceed, given the December 31 deadline for colleges to make changes to their CFSC document in advance of the January 1, 2017 effective date of the new ASPT document. Catanzaro responded that URC cannot act on the DFSC document submitted by Mennonite because it is not in the purview of URC to do so; that is the role of the Mennonite CFSC, he explained.

Committee members discussed whether Mennonite has separate department ASPT guidelines and CFSC standards, whether the document submitted by Mennonite serves as both. Boser asked how the Mennonite DFSC and CFSC ASPT documents could differ, since Mennonite has just one department for purposes of ASPT administration. Bonnell pointed out that Milner Library has a similar administrative structure (i.e., having one department for purposes of ASPT administration) and noted that the CFSC standards for Milner Library are far less detailed than the DFSC guidelines. Goodman checked the Mennonite CFSC standards posted on the university website and reported that the document posted there is different from the document Mennonite has submitted.

Boser asked if URC can grant Mennonite an extension for submitting its CFSC document since this is the last URC meeting of the semester and the University will soon be closing for winter break. Catanzaro noted that Mennonite has acted in good faith by submitting the document the college thought URC had requested. Catanzaro said that if review and approval of the Mennonite CFSC document occurs a few weeks into January 2017, the practical impact of such a delay on administration by Mennonite of its ASPT system would be negligible.

Boser moved that staff contact Mennonite about this matter, that if minor changes have been made by Mennonite to its CFSC standards the revised document be distributed to URC members via email and action be taken by URC via email before the end of calendar 2016, and further that if substantive changes have been made by Mennonite to its CFSC standards the revised document be considered by URC at its first meeting in calendar 2017. Sarah Smelser seconded the motion. The motion carried on voice vote, all voting in the affirmative.

V. Proposed ASPT disciplinary articles

Referring to a document titled *Disciplinary Actions: Article XI. General Considerations, through 11-29-16 URC Meeting* (see attached), Dean reviewed the status of URC discussions regarding the disciplinary articles proposed to be added to the ASPT document. She noted that URC has completed discussion of Section XI.B.1. Dean said she hopes URC can complete its discussion of Article XI at this meeting and then begin discussion of Article XII (Sanctions) at its first meeting in calendar 2017.

Dean noted that the version of Article XI recommended by URC to the Caucus in 2015 included four sections (A, B, C, and D), while the version of Article XI as revised by the Caucus includes two sections (A and B). Dean reminded committee members of their decision to merge content of Sections XI.B-XI.D into a single Section XI.B. She noted that the Caucus has included in its Section XI.B passages regarding two issues not addressed by URC. One passage sets forth additional detail regarding suspension policies and procedures. A second passage addresses involvement of uniformed officers in suspension cases and access by suspended faculty members to materials stored on campus property. Doris Houston said she recalls at least part of that content being added by the Caucus from AAUP documents.

Dean reminded committee members of their decision to set forth general policies and procedures in Article XI and detailed policies and procedures regarding each disciplinary action in subsequent articles. She asked if, in light of that decision, detailed suspension policies and procedures set forth by the Caucus in its Section XI.B.2 should be excluded from the version of Article XI recommended by URC and instead be considered for

inclusion in the subsequent article regarding suspension. Houston said it makes sense to set forth that level of detail in the article regarding suspension. Others agreed.

Smelser said she has reviewed disciplinary policies provided by Dean from other universities to identify other general considerations URC might consider addressing in its Section XI. Smelser reported having identified two such issues: confidentiality in disciplinary cases and the nature of communication in disciplinary cases. Regarding communication, Smelser said she is not suggesting any particular mode but thinks that addressing communication in the disciplinary articles seems basic and pragmatic. Boser asked Catanzaro if a policy regarding communication in ASPT matters already exists. Catanzaro responded that there is no such official policy. He said that in ASPT matters it is typical to send printed communication via campus mail and to send a PDF version of that same communication via email. Bonnell reported that AFEGC sends a form to each party involved in an AFEGC case asking if the party wants to receive materials related to the case via email; if any one party in a case elects not to send or receive communications regarding the case via email, then no parties in the case send or receive communications via email. Dean suggested setting aside the issue of communication and addressing it in subsequent URC discussions. Smelser agreed. Smelser then read aloud the passage regarding confidentiality from the disciplinary policy adopted by Michigan State University. Dean said she is confident that the issue of confidentiality is already addressed elsewhere in the ASPT document. Catanzaro confirmed that to be the case, citing Section I.D.

Dean then turned to the due process passage of Article XI (Section XI.B.2 of the URC version and Section XI.B.3 of the Caucus version). Dean noted that the Caucus has qualified the phrase “due process” with the word “academic.” Dean said she is not convinced that adding the qualifier is necessary, because a faculty member could be disciplined for something that is not academic in nature, such as inappropriate physical contact. Catanzaro said he agrees with the premise of Dean’s point but said adding the qualifier “academic” might be a good change. Catanzaro said that to the degree any disciplinary process is governed by ASPT policies, that process is an academic process. He explained that the term “due process” is usually considered to refer to the legal system; however ASPT policies of the University are governed by the legal system only when determining whether the University has followed its own processes.

Jenkins said URC might consider a qualifier other than “academic.” She asked if the term “academic due process” has a special meaning. Goodman noted that the matter of academic due process seems to have been debated since the 1920s. He read aloud a passage from an article by Louis Joughin titled “Academic Due Process,” which Goodman found referenced online in an AAUP document: “Academic due process shares with its master, academic freedom, the special capacity of making an important contribution to all who are involved. By its fairness, it seeks to protect not only the career of the individual but also the reputation of the institution. It offers the public some assurance that hasty or unprincipled action will not find it easy to wash down the drain the heavy investment by society in the powers of a costly expert ...” Dean said the passage supports Catanzaro’s point. She suggested retaining the term “academic due process” but inquiring with Caucus Chairperson Susan Kalter regarding the intent of the Caucus in adding the word “academic” to the term. Boser agreed, stating that it is important for URC to know if adding the word “academic” to the term is intended to constrain the disciplinary process in any way.

Next, Dean pointed out that the Caucus has recommended revising the last sentence in Section XI.B.2 of the URC version, from “Such advisor/counsel is advisory to the faculty member only” to “Such advisor/counsel is advisory to the faculty member and to no other party.” Boser asked if the role of an advisor in ASPT proceedings is already addressed elsewhere in the ASPT document. Catanzaro said the role is addressed in the section on appeals. He added that he likes the enhanced precision of the phrase “to no other party,” as it might prevent an advisor from trying to advise the disciplinary panel how to proceed.

Dean said she senses agreement among URC members with revisions to Section XI.B.2 suggested by the Caucus. Committee members concurred.

Dean then noted that the Caucus has suggested dividing Section XI.D of the 2015 URC version, regarding “stop-the-clock” extensions and access to records of the disciplinary process, into two provisions, Sections XI.D.4 and XI.D.5. Catanzaro addressed Section XI.D.4, noting that the Caucus has replaced the passage “and

are either exonerated or required to complete corrective actions” in the 2015 URC version with “whether exonerated or not.”

Catanzaro said addition by the Caucus of the phrase “or not” in Section XI.D.4 is a substantive change which raises the question whether a faculty member not exonerated in a disciplinary case should have the same opportunities for a “stop-the-clock” extension as a faculty member who is exonerated. Boser said there may be some logic to granting a “stop-the-clock” extension to a faculty member who is not exonerated if the disciplinary action imposed on the faculty member was a sanction and occurred a year or so prior. Boser noted that both the 2015 URC version and the Caucus version of the passage regarding “stop-the-clock” states that an extension may be requested by a faculty member but does not state that the request must be granted.

Catanzaro said deletion by the Caucus of reference to corrective actions from Section XI.D of the 2015 URC version is also substantive. He opined that the Caucus may have deleted the reference due to concern that mention of corrective actions in disciplinary records could influence promotion and tenure decisions if disciplinary records are open to parties involved in those decisions. Catanzaro said the spirit of requiring corrective action is not to set a faculty member up to fail in the long term. For that reason, he said, he would be satisfied if the reference to corrective actions is removed from Section XI.D.

Boser recommended accepting Section XI.B.4 as suggested by the Caucus. Dean concurred. Houston asked if URC, in its report to the Caucus regarding the disciplinary articles, will explain the reasons for its recommendations. Dean responded in the affirmative. Dean then clarified that changes to the disciplinary articles discussed thus far by URC are tentative, that URC has not yet formally voted on them. URC will vote on recommendations later in the process, she said.

Dean then summarized discussion at this meeting.

- Section XI.B.2 of the 2015 URC version is to be replaced with Section XI.B.3 of the Caucus version.
- Discussion of Section XI.C of the 2015 URC version has been deferred to a subsequent URC meeting.
- Section XI.B.4 of the Caucus version is to replace the first sentence in Section XI.D of the 2015 URC version. The remainder of Section XI.D (2015 URC version) is to be discussed at a subsequent URC meeting, in conjunction with discussion of Section XI.D.5 of the Caucus version.

Dean asked Smelser if she is willing to draft a statement regarding correspondence in disciplinary cases for consideration by URC at its next meeting. Smelser said she is willing but does not have sufficient information regarding current University practices to do so. Dean suggested that Smelser work from the pertinent passage of the AFEGC policy. Bonnell said she will forward that passage to Smelser.

VI. Other business

Smelser asked if URC meeting dates have been set for the spring 2017 term. Dean said they have not. She asked Stoffel to prepare and send a Doodle scheduling poll to committee members before the end of the academic year. Dean said she hopes URC can hold its first spring semester meeting in January rather than wait until February, given the amount of work remaining on the committee docket for 2016-2017.

VII. Adjournment

Smelser moved, Boser seconded that the meeting adjourn. The motion passed on voice vote, all voting in the affirmative. The meeting adjourned at 3:07 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:
ASPT calendar, 2017-2018, draft
Disciplinary Actions: Article XI. General Considerations, through 11-29-16 URC Meeting

ASPT Calendar 2017-2018: Reappointment

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

This calendar is based on actions and deadlines described in the ASPT policies document titled *Faculty Appointment, Salary, Promotion, and Tenure (ASPT) Policies*, effective January 1, 2017. Articles and sections cited in this calendar refer to articles and sections in that ASPT policies document. The document prescribes that if the University is officially closed on any date for action described in the document, the action scheduled for that date must be completed on the next working day after the closing. Entries in the "Date for 2017-2018" column of this calendar have been modified to comply with that provision where necessary.

Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
February 1	Thursday, February 1, 2018	The Provost shall give notice of termination not later than February 1 of the second academic year of service. If the appointment terminates during an academic year, the Provost shall give notice of termination at least six months in advance of the termination.
March 1	Thursday, March 1, 2018	The Provost shall give notice of termination not later than March 1 of the first academic year of service. If a one-year appointment terminates during an academic year, the Provost shall give notice of termination at least three months in advance of the termination.
At least twelve months before the termination of an appointment after two or more years of service	Tuesday, May 15, 2018	The Provost shall notify a third- or subsequent-year faculty member who will not be reappointed at least twelve months before the termination of the appointment that the faculty member's last day of employment is May 15 of the following year. If the appointment is at least twelve months and terminates during an academic year, the Provost shall notify the faculty member at least twelve months prior to the end of the appointment period.

Non-reappointment recommendations may be appealed by a faculty member on procedural grounds, as provided in Section XIII.K. Because non-reappointment recommendations can be forwarded at different times during the academic year, there are no fixed calendar dates associated with non-reappointment appeals. See Section XIII.K and Appendix 5 of ASPT policies for a description of non-reappointment appeal actions and timelines.

ASPT Calendar 2017-2018: Promotion and Tenure

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

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Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
November 1	Wednesday, November 1, 2017	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/School Chairperson/Director prior to November 1 of the year previously scheduled for the summative review for tenure.
Prior to December 15	Prior to Friday, December 15, 2017	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 business days prior to submitting the final DFSC/SFSC recommendations to the CFSC. The DFSC must provide opportunity, if requested, for the candidates to hold a formal meeting with the committee to discuss these recommendations. If the candidate wishes to request a formal meeting to discuss the DFSC/SFSC recommendation, then the candidate must request a meeting with the DFSC/SFSC within 5 business days of receiving the recommendation. Formal meetings will be held under the provisions of Section XIII.D.
December 15	Friday, December 15, 2017	DFSC/SFSC recommendations for promotion and tenure must be reported to candidates and to the CFSC.
February 1	Thursday, February 1, 2018	CFSC must notify candidates of intended recommendations and provide opportunity, if requested, for candidates to meet with the committee to discuss these recommendations. If the candidate wishes to request a formal meeting to discuss the CFSC recommendation, then the candidate must request a meeting with the CFSC within 5 business days of receiving the recommendation. Formal meetings will be held under the provisions of Section XIII.D.
March 1	Thursday, March 1, 2018	CFSC recommendations for promotion and tenure must be reported to the Provost, DFSC/SFSC, and candidates.
March 10	Monday, March 12, 2018	In the event of a negative recommendation by the DFSC/SFSC or the CFSC, a candidate who wishes a University-wide appeal of his/her credentials must inform the chair of the Faculty Review Committee (FRC) that he/she intends to file an appeal of the recommendation of the DFSC/SFSC or CFSC. The chair of the FRC must acknowledge receipt of this communication within 5 business days of having received it.

ASPT Calendar 2017-2018: Promotion and Tenure

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
March 15	Thursday, March 15, 2018	In the event of a negative recommendation by the DFSC/SFSC or the CFSC, a candidate who wishes a University-wide appeal of his/her credentials must file an appeal as defined in Section XIII.C to the Faculty Review Committee (FRC). See also Section XIII.H.3.
March 21	Wednesday, March 21, 2018	Provost's recommendation for non-appealed candidates must be reported to the President, CFSC, DFSC/SFSC, and candidate.
April 15	Monday, April 16, 2018	The FRC 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 Section XIII.G.3.
April 30	Monday, April 30, 2018	Provost's recommendation for appealed cases must be reported to the President, candidate, DFSC/SFSC and CFSC.
May 15	Tuesday, May 15, 2018	Notifications of the promotion and tenure decisions by the President shall be sent to the candidates, CFSCs, DFSC/SFSCs, and the Provost.

ASPT Calendar 2017-2018: Performance Evaluation

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

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Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
January 5	Friday, January 5, 2018	All faculty members eligible for performance-evaluation salary increment must submit files in support of their request for performance-evaluation adjustments.
February 1	Thursday, February 1, 2018	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. DFSC/SFSC must notify faculty members of intended recommendations to CFSC at least 10 business days before submitting these recommendations to CFSC and provide opportunity, if requested, for the candidates to meet with the committee to discuss these recommendations. If the candidate wishes to request a formal meeting to discuss the DFSC/SFSC recommendation, then the candidate must request a meeting with the DFSC/SFSC within 5 business days of receiving the recommendation. Formal meetings will be held under the provisions of Section XIII.B.
February 15	Thursday, February 15, 2018	DFSC/SFSC shall transmit final recommendation for performance-evaluation review to the faculty member and to the CFSC.
February 25	Monday, February 26, 2018	Faculty members who wish to appeal their annual performance evaluations to the CFSC must notify the appropriate CFSC chairperson of their intention to do so in writing. The chair of the CFSC shall respond to the faculty member in writing acknowledging receipt of the written notification of the intent to file an appeal within 5 business days of its receipt.
March 1	Thursday, March 1, 2018	Faculty members must file with the CFSC any appeal of the DFSC/SFSC performance-evaluation recommendation.
March 31	Monday, April 2, 2018	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 Section XIII.I.

ASPT Calendar 2017-2018: Cumulative Post-Tenure Review

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

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Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
January 5	Friday, January 5, 2018	All faculty members scheduled for cumulative post-tenure review must submit their materials.
February 15	Thursday, February 15, 2018	The DFSC/SFSC must inform the faculty member of cumulative post-tenure review evaluation and, if applicable, a plan for remediation.
February 25	Monday, February 26, 2018	Faculty member's last day to respond in writing or in person to the DFSC/SFSC cumulative post-tenure review evaluation and/or remediation plan.
March 8	Thursday, March 8, 2018	The DFSC/SFSC gives final outcome of review and/or remediation plan to faculty member.
March 22	Thursday, March 22, 2018	A faculty member must file, to the CFSC chairperson, a written appeal to the cumulative post-tenure review. The CFSC chairperson shall acknowledge receipt of the appeal to the appellant and the DFSC/SFSC within five (5) business days. Appeals will be held under the provisions of Section XIII.J.
April 15	Monday, April 16, 2018	Each CFSC shall submit to each appellant faculty member and to the appropriate DFSC/SFSC a written report that describes the disposition of the cumulative post-tenure review appeal.

ASPT Calendar 2017-2018: Review and Reporting Requirements

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

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Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
April 15	Monday, April 16, 2018	Departments and Schools shall submit reports of the final results of faculty annual performance evaluations to the Provost, with the Dean’s signature, listing those evaluated as having unsatisfactory performance, all others evaluated, and those not evaluated. These reports are initiated by the Department/School and routed through the Dean’s Office for submission to the Provost by the April 15 deadline.
March 31	Monday, April 2, 2018	Annually by March 31, each DFSC/SFSC must review its Department/School policies and procedures based on that academic year’s work and any informal faculty input, in order to identify areas that may need updating, either immediately or at the next five-year review. Any updates proposed by the DFSC/SFSC and approved by department/school faculty vote shall be submitted to the appropriate CFSC, which will approve them for their conformity to College standards and University policies and procedures.
May 1	Tuesday, May 1, 2018	<p>Each CFSC shall submit an annual report summarizing promotion and tenure recommendations to its College Council and the URC (see IV.D.3).</p> <p>Each CFSC shall submit an annual written report to the URC and the Provost that enumerates all performance-evaluation appeals and all cumulative post-tenure review appeals and describes their disposition (see XIII.I.10 and XIII.J.9).</p> <p>The CFSC shall submit to the URC the fifth-year review of College Standards or, in the interim, proposed revisions to College Standards.</p> <p>The FRC shall submit to the URC a final report summarizing the number of appeals by Department/School and College, the type of appeals, and the disposition of these appeals (See III.F). <i>[Note: URC is asked to forward the report to the Academic Senate office.]</i></p>

ASPT Calendar 2017-2018: ASPT Elections

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

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Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
April 15	Monday, April 16, 2018	Members to the University Review Committee, Faculty Review Committee and College Faculty Status Committee must have been elected. <i>[Note: Colleges are asked to report election results to the Academic Senate office.]</i>
May 1	Tuesday, May 1, 2018	Members to the Department/School Faculty Status Committee must have been elected.

ASPT Calendar 2017-2018: Chronological, All Activities

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

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Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
November 1	Wednesday, November 1, 2017	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/School Chairperson/Director prior to November 1 of the year previously scheduled for the summative review for tenure.
Prior to December 15	Prior to Friday, December 15, 2017	Promotion and Tenure: 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 business days prior to submitting the final DFSC/SFSC recommendations to the CFSC. The DFSC must provide opportunity, if requested, for the candidates to hold a formal meeting with the committee to discuss these recommendations. If the candidate wishes to request a formal meeting to discuss the DFSC/SFSC recommendation, then the candidate must request a meeting with the DFSC/SFSC within 5 business days of receiving the recommendation. Formal meetings will be held under the provisions of Section XIII.D.
December 15	Friday, December 15, 2017	Promotion and Tenure: DFSC/SFSC recommendations for promotion and tenure must be reported to candidates and to the CFSC.
January 5	Friday, January 5, 2018	<p>Performance Evaluation: All faculty members eligible for performance-evaluation salary increment must submit files in support of their request for performance-evaluation adjustments.</p> <p>Cumulative Post-Tenure Review: All faculty members scheduled for cumulative post-tenure review must submit their materials.</p>

ASPT Calendar 2017-2018: Chronological, All Activities

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
February 1	Thursday, February 1, 2018	<p>Promotion and Tenure: CFSC must notify candidates of intended recommendations and provide opportunity, if requested, for candidates to meet with the committee to discuss these recommendations. If the candidate wishes to request a formal meeting to discuss the CFSC recommendation, then the candidate must request a meeting with the CFSC within 5 business days of receiving the recommendation. Formal meetings will be held under the provisions of Section XIII.D.</p> <p>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. DFSC/SFSC must notify faculty members of intended recommendations to CFSC at least 10 business days before submitting these recommendations to CFSC and provide opportunity, if requested, for the candidates to meet with the committee to discuss these recommendations. If the candidate wishes to request a formal meeting to discuss the DFSC/SFSC recommendation, then the candidate must request a meeting with the DFSC/SFSC within 5 business days of receiving the recommendation. Formal meetings will be held under the provisions of Section XIII.B.</p> <p>Reappointment: The Provost shall give notice of termination not later than February 1 of the second academic year of service. If the appointment terminates during an academic year, the Provost shall give notice of termination at least six months in advance of the termination.</p>
February 15	Thursday, February 15, 2018	<p>Performance Evaluation: DFSC/SFSC shall transmit final recommendation for performance-evaluation review to the faculty member and to the CFSC.</p> <p>Cumulative Post-Tenure Review: The DFSC/SFSC must inform the faculty member of cumulative post-tenure review evaluation and, if applicable, a plan for remediation.</p>
February 25	Monday, February 26, 2018	<p>Performance Evaluation: Faculty members who wish to appeal their annual performance evaluations to the CFSC must notify the appropriate CFSC chairperson of their intention to do so in writing. The chair of the CFSC shall respond to the faculty member in writing acknowledging receipt of the written notification of the intent to file an appeal within 5 business days of its receipt.</p> <p>Cumulative Post-Tenure Review: Faculty member's last day to respond in writing or in person to the DFSC/SFSC cumulative post-tenure review evaluation and/or remediation plan.</p>

ASPT Calendar 2017-2018: Chronological, All Activities

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
March 1	Thursday, March 1, 2018	Promotion and Tenure: CFSC recommendations for promotion and tenure must be reported to the Provost, DFSC/SFSC, and candidates.
		Performance Evaluation: Faculty members must file with the CFSC any appeal of the DFSC/SFSC performance-evaluation recommendation.
		Reappointment: The Provost shall give notice of termination not later than March 1 of the first academic year of service. If a one-year appointment terminates during an academic year, the Provost shall give notice of termination at least three months in advance of the termination.
March 8	Thursday, March 8, 2018	Cumulative Post-Tenure Review: The DFSC/SFSC gives final outcome of review and/or remediation plan to faculty member.
March 10	Monday, March 12, 2018	Promotion and Tenure: In the event of a negative recommendation by the DFSC/SFSC or the CFSC, a candidate who wishes a University-wide appeal of his/her credentials must inform the chair of the Faculty Review Committee (FRC) that he/she intends to file an appeal of the recommendation of the DFSC/SFSC or CFSC. The chair of the FRC must acknowledge receipt of this communication within 5 business days of having received it.
March 15	Thursday, March 15, 2018	Promotion and Tenure: In the event of a negative recommendation by the DFSC/SFSC or the CFSC, a candidate who wishes a University-wide appeal of his/her credentials must file an appeal as defined in Section XIII.C to the Faculty Review Committee (FRC). See also Section XIII.H.3.
March 21	Wednesday, March 21, 2018	Promotion and Tenure: Provost's recommendation for non-appealed candidates must be reported to the President, CFSC, DFSC/SFSC, and candidate.
March 22	Thursday, March 22, 2018	Cumulative Post-Tenure Review: A faculty member must file, to the CFSC chairperson, a written appeal to the cumulative post-tenure review. The CFSC chairperson shall acknowledge receipt of the appeal to the appellant and the DFSC/SFSC within five (5) business days. Appeals will be held under the provisions of Section XIII.J.
March 31	Monday, April 2, 2018	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 Section XIII.I.
		Review and Reporting Requirements: Annually by March 31, each DFSC/SFSC must review its Department/School policies and procedures based on that academic year's work and any informal faculty input, in order to identify areas that may need updating, either immediately or at the next five-year review. Any updates proposed by the DFSC/SFSC and approved by department/school faculty vote shall be submitted to the appropriate CFSC, which will approve them for their conformity to College standards and University policies and procedures.

ASPT Calendar 2017-2018: Chronological, All Activities

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
April 15	Monday, April 16, 2018	<p>Promotion and Tenure: The FRC 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 Section XIII.G.3.</p>
		<p>Cumulative Post-Tenure Review: Each CFSC shall submit to each appellant faculty member and to the appropriate DFSC/SFSC a written report that describes the disposition of the cumulative post-tenure review appeal.</p>
		<p>Review and Reporting Requirements: Departments and Schools shall submit reports of the final results of faculty annual performance evaluations to the Provost, with the Dean's signature, listing those evaluated as having unsatisfactory performance, all others evaluated, and those not evaluated. These reports are initiated by the Department/School and routed through the Dean's Office for submission to the Provost by the April 15 deadline.</p>
		<p>ASPT Elections: Members to the University Review Committee, Faculty Review Committee and College Faculty Status Committee must have been elected. <i>[Note: Colleges are asked to report election results to the Academic Senate office.]</i></p>
April 30	Monday, April 30, 2018	<p>Promotion and Tenure: Provost's recommendation for appealed cases must be reported to the President, candidate, DFSC/SFSC and CFSC.</p>
May 1	Tuesday, May 1, 2018	<p>Review and Reporting Requirements: Each CFSC shall submit an annual report summarizing promotion and tenure recommendations to its College Council and the URC (see IV.D.3).</p>
		<p>Review and Reporting Requirements: Each CFSC shall submit an annual written report to the URC and the Provost that enumerates all performance-evaluation appeals and all cumulative post-tenure review appeals and describes their disposition (see XIII.I.10 and XIII.J.9).</p>
		<p>Review and Reporting Requirements: The CFSC shall submit to the URC the fifth-year review of College Standards or, in the interim, proposed revisions to College Standards.</p>
		<p>Review and Reporting Requirements: The FRC shall submit to the URC a final report summarizing the number of appeals by Department/School and College, the type of appeals, and the disposition of these appeals (See III.F). <i>[Note: URC is asked to forward the report to the Academic Senate office.]</i></p>
		<p>ASPT Elections: Members to the Department/School Faculty Status Committee must have been elected.</p>

ASPT Calendar 2017-2018: Chronological, All Activities

posted at <http://provost.illinoisstate.edu/faculty/tenure.shtml>

Date per ASPT Policies	Date for 2017-2018	Action per ASPT Policies
May 15	Tuesday, May 15, 2018	Promotion and Tenure: Notifications of the promotion and tenure decisions by the President shall be sent to the candidates, CFSCs, DFSC/SFSCs, and the Provost.
At least twelve months before the termination of an appointment after two or more years of service	Tuesday, May 15, 2018	Reappointment: The Provost shall notify a third- or subsequent-year faculty member who will not be reappointed at least twelve months before the termination of the appointment that the faculty member's last day of employment is May 15 of the following year. If the appointment is at least twelve months and terminates during an academic year, the Provost shall notify the faculty member at least twelve months prior to the end of the appointment period.

**Disciplinary Actions: Article XI. General Considerations
Through 11-29-16 URC Meeting**

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions may be imposed for such adequate causes as violations of laws or University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. 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. Specific policies related to suspensions are provided in ASPT XIII. 4. 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. 5. 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. Specific policies related to termination of tenured faculty appointments are provided in ASPT XIV.B. 	<p>A. Types of Disciplinary Actions; Conditions under which they may be applied</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions: As defined by the American Association of University Professors' 1971 guidelines regarding progressive discipline, sanctions that can be imposed upon a faculty member are: oral reprimand, written reprimand, recorded reprimand, requirement to make restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period, and disciplinary suspension for a stated period without other prejudice. Sanctions may be imposed for such reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. Suspension: Suspension occurs when a faculty member, as a result of disciplinary findings or allegations, is: <ol style="list-style-type: none"> a. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University and is excluded from all or parts of campus and its privileges (e.g. access to email services); or 	<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. The University normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension or dismissal may be appropriate. 2. Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral or performance problems or issues. Sanctions are intended to be corrective. Sanctions may be effected for such reasons as violations of laws or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. Suspensions are major disciplinary actions of varying degrees undertaken to temporarily relieve a faculty member from teaching, research, or service activities; on paid or unpaid status; with or without exclusion from campus or parts thereof. Suspensions may be effected for such reasons as when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees, or University property; or as a next step in a progressive disciplinary process; or when credible evidence of adequate cause for dismissal is available. Specific policies related to suspensions are provided in ASPT XIII.

Disciplinary Actions: Article XI. General Considerations
Through 11-29-16 URC Meeting

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p>6. 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.</p> <p><i>[Article XI continues below]</i></p>	<p>b. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University but is not excluded from campus; or</p> <p>c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or</p> <p>d. reassigned out of some portion thereof (e.g. reassignment out of a particular class for the remainder of a semester; exclusion from a laboratory space).</p> <p>Suspension of faculty members will only be contemplated (i) in circumstances when there is a reasonable threat of imminent harm to the faculty member in question, students, other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice.</p> <p>Specific policies related to the first type of suspension are provided in ASPT XIII. The second type of suspension follows the same process as described for dismissal in ASPT XIV, with due consideration to the protections provided for in ASPT XIII, and may be proposed as an alternative to dismissal or as a penalty unrelated to dismissal.</p>	<p>4. Dismissals are major disciplinary actions terminating the appointment of a probationary or tenured faculty member. Dismissals are effected under extraordinary or egregious circumstances or when other recourses of disciplinary action have been exhausted without effect. They should rarely if ever need occur.</p> <p>Dismissals may be effected for such reasons as lack of fitness to continue to perform in a faculty member's professional capacity as a teacher or researcher, failure to perform assigned duties in a manner consonant with professional standards, or malfeasance. Specific policies related to dismissals are provided in ASPT XIV.</p> <p>5. Recommendations for non-reappointment of probationary faculty for non-disciplinary, performance concerns will follow the process outlined in ASPT XV.</p> <p>6. Termination of the appointment of a probationary or tenured faculty member due to demonstrable University financial exigency or program termination is not disciplinary in nature, and will follow the process outlined in the Illinois State University Constitution (Article III, Section 4.B.2.), the Governing Document of the Board of Trustees (Section C) and all applicable policies.</p> <p><i>[Article XI continues below]</i></p>

Disciplinary Actions: Article XI. General Considerations
Through 11-29-16 URC Meeting

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p><i>[Article XI continues below]</i></p>	<p>4. Dismissal as a disciplinary action: Dismissal is the termination of the appointment of a probationary or tenured faculty member for cause. Dismissal for cause of a probationary faculty member must be distinguished from non-reappointment for academic reasons and follows different procedures.</p> <p>Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.</p> <p>As noted in the AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (last updated in 1990), “A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur.” The statement goes on to indicate that a “necessary precondition of a strong faculty is that it have first-hand concern with its own membership [which] is properly reflected both in appointments to and in separations from the faculty body” and that the “faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.”</p> <p>Dismissal of a probationary or 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.</p>	<p><i>[Article XI continues below]</i></p>

Disciplinary Actions: Article XI. General Considerations
Through 11-29-16 URC Meeting

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p><i>[Article XI continues below]</i></p>	<p>Specific policies related to dismissal are provided in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents and all applicable policies including the right of appeal.</p> <p>5. Note regarding dismissals that might be considered under non-disciplinary circumstances: Termination of a faculty member's appointment due to financial exigency or program termination follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal, and must not be used, construed or disguised as a disciplinary action process. Faculty may appeal termination proceedings on the basis that disciplinary issues are being alleged in order to effect a dismissal for reasons of financial exigency or program termination, or vice versa.</p> <p>Non-disciplinary termination of a faculty member's appointment on the grounds either of lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher or failure to perform assigned duties in a manner consonant with professional standards also follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal.</p>	<p><i>[Article XI continues below]</i></p>

**Disciplinary Actions: Article XI. General Considerations
Through 11-29-16 URC Meeting**

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p>B. Faculty Rights</p> <ol style="list-style-type: none"> 1. Disciplinary actions (including suspension or termination) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. 2. In all disciplinary proceedings, faculty members have the rights to due process, to timely notice, to seek advice, to respond to developments in the disciplinary process, and to have an advisor and/or counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member only. <p>C. Faculty members' duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed. The reasons for such reassignment of duties will be provided to the faculty member. Such reassignments shall be made to prevent reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings.</p>	<p>B. Faculty Rights</p> <ol style="list-style-type: none"> 1. Disciplinary actions (including suspension or dismissal for disciplinary reasons) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the ISU Constitution, Article III, the Academic Freedom Ethics and Grievance policy and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy. 2. Suspension, as defined in XI.A.3, shall not be effected without a recommendation to the President from a three-member hearing committee of the Academic Freedom, Ethics, and Grievance Committee convened by the chairperson of that committee. The written recommendation from the hearing committee shall including i) a recommendation for or against suspension, ii) a recommendation regarding the length of any recommended suspension, and iii) recommendations regarding other aspects of any recommended suspension, including the nature and scope of the suspension (e.g. restriction only from a single course, banishment from campus pending felony criminal investigation, etc.). If immediate action must be taken due to a reasonable threat of imminent harm, consultation with the AFEGC must occur within 24 hours and a preliminary written recommendation formulated within 3 business days. The faculty member shall have the same rights to a full hearing and set of appeals as in other AFEGC cases. 	<p>B. Faculty Rights</p> <ol style="list-style-type: none"> 1. Disciplinary actions (including sanctions, suspensions or dismissals) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the Illinois State University Constitution (Article III) and the Faculty Academic Freedom, Ethics and Grievance policy (University Policy 3.3.8).

Disciplinary Actions: Article XI. General Considerations
Through 11-29-16 URC Meeting

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p>D. 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 probationary period, as described in IX.B.3. The records of the disciplinary process, including documentation of exoneration and 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. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or corrective actions are considered.</p>	<p>3. In all disciplinary proceedings, faculty members have the right to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member and to no other party.</p> <p>4. Probationary faculty who face disciplinary actions whether exonerated or not may request a one year “stop-the-clock” extension of their probationary period, as described in IX.B.3.</p> <p>5. The records of the disciplinary process, including documentation of exoneration and/or imposition of sanctions, may not be reviewed in the tenure and/or promotion process except when necessary to affirm exoneration or imposition of sanctions, and then only as it bears on the faculty member’s performance in teaching, research, and service. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or sanctions are considered and not held against the faculty member.</p> <p>6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that they might need to exonerate themselves; if access to such material poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense.</p>	

UNIVERSITY REVIEW COMMITTEE

Thursday, January 19, 2017

1 p.m., Hovey 401D

MINUTES

Members present: Angela Bonnell, Rick Boser, Sam Catanzaro, Diane Dean, Joe Goodman, Christopher Horvath, Doris Houston, Sheryl Jenkins,

Members not present: Sarah Smelser

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University; “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University; “AAUP” refers to the American Association of University Professors; “AFEGC” refers to the Faculty Academic Freedom, Ethics and Grievance Committee at Illinois State University; “ASPT” refers to appointment, salary, promotion, and tenure policies; “ASPT document” refers to *Faculty Appointment, Salary, Promotion, and Tenure Policies* effective January 1, 2017; “CFSC” refers to college faculty status committee; “DFSC” refers to department faculty status committee; and “SFSC” refers to school faculty status committee.

I. Call to order

Chairperson Diane Dean called the meeting to order at 1:00 p.m. A quorum was present.

II. Approval of minutes from the December 13, 2016 meeting

Dean thanked Secretary Joe Goodman for his assistance with the minutes.

Rick Boser moved, Sheryl Jenkins seconded approval of minutes of the December 13, 2016 meeting as distributed prior to the meeting. The motion passed on voice vote, with all voting in the affirmative.

III. Review of URC tasks for spring 2017

Dean reviewed a tentative schedule of spring 2017 URC meetings and issues to be addressed by the committee at those meetings (see attached).

Dean said that at the beginning of the academic year she had hoped URC would complete its work on the proposed ASPT disciplinary articles by early December. She said, although URC was not able to do so, the review process has been thorough and deliberative. Committee members concurred. Dean said discussions of the disciplinary articles will continue, although at some point during the semester the committee may pause to consider whether changes to the schedule are needed.

Dean reported that URC may have a new member, Dr. Nerida Ellerton of the Department of Mathematics in the College of Arts and Sciences. Dr. Ellerton and the college office are in discussions about her completing the term of the College of Arts and Sciences science division representative. That was Dr. David Rubin’s term, Dean explained, adding that the term is scheduled to end in May 2017. Dean said she will contact Dr. Ellerton about this matter.

Dean reported that, regarding work by URC on AFEGC policies, she has learned since the last URC meeting that the URC charge from the Caucus is more succinct than she had thought. She explained that URC discussions regarding AFEGC policies are limited to three issues: 1) whether AFEGC functions with respect to ASPT as set forth in the ASPT document are reflected in AFEGC policies, 2) whether AFEGC functions with respect to ASPT as set forth in AFEGC policies are reflected in the ASPT document, and 3) whether the

AFEGC role with regard to disciplinary policies, if there is to be such a role, are reflected in AFEGC policies. Dean expressed relief that URC work with respect to AFEGC policies is thusly limited. Dean suggested delaying until the end of February formation of a working group charged to investigate issues raised by the Caucus related to service assignments. Dean suggested that URC decide at that time whether to proceed with the investigation this academic year.

Dean asked about the entry in the spring term schedule regarding URC discussion of the process and schedule for review of college standards. Bruce Stoffel explained that URC needs to establish a schedule for review of college standards now that the new ASPT document is in effect. He noted that the ASPT document provides for URC review of college standards once every five years, or upon request of any college, and explained that URC has latitude in establishing the schedule for those reviews. Dean asked Stoffel to compile information for URC to consider in its discussion of the schedule, including what reviews have been conducted and when.

Dean said URC may need to delay discussion of student reactions to teaching performance if the working group charged with studying the issue is not ready to report to the committee.

Doris Houston asked about the anticipated nature of interactions between URC and the Caucus with respect to the proposed disciplinary articles. She asked if there would be ongoing interactive communication. Dean responded that she understands URC is to submit the entire package of proposed disciplinary articles to the Caucus for its consideration rather than submitting one or more articles separately. Houston said she agrees with that approach, that otherwise URC would be in a constant state of revising documents.

IV. Extension of the deadline for CFSCs to approval DFSC/SFSC guidelines effective January 1, 2017

Sam Catanzaro reported having received a query from one dean about the deadline for CFSC review and approval of DFSC and SFSC guidelines. Catanzaro explained that, technically, CFSCs should have completed their reviews of DFSC and SFSC guidelines by December 31, 2016 (the day before the new ASPT document became effective). However, in the case of the inquiring dean, those reviews were not all completed by the deadline. Catanzaro said that while departments are encouraged not to change their guidelines midyear because the changes could adversely affect faculty members being reviewed that year, the department ASPT changes being considered by the inquiring college would have no practical impact on faculty members in the department. For that reason, Catanzaro said, extending the deadline for the college to review and approve the changes makes sense to him.

Goodman suggested a caveat to any granting of an extension, to require that provisions of the old policy apply to faculty members if faculty members would be punished under the revised provisions but not the old provisions. Horvath asked if the extension is being requested by just one college and if the changes being considered are trivial. Catanzaro answered in the affirmative. Horvath said, in that case, he would have no problem extending the deadline if it is clear in the communication sent by Catanzaro to the dean that this is a one-time extension. Dean asked if the changes proposed by the department can be circulated to URC. Catanzaro suggested not doing so because time is of the essence. It was also noted that review of DFSC or SFSC guidelines are not in the purview of URC.

Horvath moved to grant the requesting college permission for its CFSC to approve DFSC and SFSC guidelines in its college by January 30, 2017 and that any changes in those guidelines may be effective retroactively to January 1, 2017, with the understanding that this granting of an extension to approve DFSC and SFSC guidelines applies only to this year. Goodman seconded the motion. The motion passed on voice vote, with all voting in the affirmative.

V. Proposed ASPT disciplinary articles

Dean said her goal for the committee is to complete review of Article XI (General Considerations) at this meeting and to begin discussion of Article XII (Sanctions) at the next committee meeting. She reviewed progress URC has made with its review of Article XI and sections of the article remaining to be discussed by the committee.

Dean reported that Sarah Smelser has drafted language regarding the nature of communications among parties to disciplinary matters. Dean said URC will consider Smelser's draft at this meeting if time allows.

Referring to Section XI.B.3 as revised by URC at the December 13, 2016 URC meeting, Rick Boser asked about the rationale for allowing a probationary faculty member not exonerated in a disciplinary case to receive a one-year stop-the-clock extension of the probationary period. Dean said a stop-the-clock extension could be appropriate because the faculty member would have devoted time to the disciplinary case that could have been used by the faculty member for work related to tenure and promotion. Catanzaro said URC recommended a provision in the article for a stop-the-clock extension so a faculty member could be held harmless if exonerated in a disciplinary case. He noted that the Caucus subsequently inserted the phrase "whether or not" into the passage to allow a faculty member who has not been exonerated to also apply for a stop-the-clock extension. Horvath said he agrees that a faculty member exonerated in a disciplinary case should be eligible to request a stop-the-clock extension but he does not agree that a faculty member who has not been exonerated should have that right.

Dean reported having asked Caucus chairperson Susan Kalter about the change Caucus has made to the stop-the-clock provision. Dean said it is her understanding that the Caucus has added the phrase "whether or not" to prevent a probationary faculty member from being penalized twice for the same action, one time through the disciplinary process and a second time through the promotion and tenure process. Dean reported that Kalter expressed particular concern for probationary faculty members assessed lower-level sanctions. Houston acknowledged Kalter's concerns, noting that if the action for which the disciplinary process is initiated is egregious and the faculty member is subsequently dismissed, the stop-the-clock provision in the disciplinary articles would not apply anyway.

Horvath asked who approves stop-the-clock extension requests. Catanzaro responded that the faculty member's request is considered by the department chairperson or school director, the dean, and the Provost. Catanzaro added that most chairpersons and directors consult their faculty status committee in such matters but they do not have to do so. Horvath asked if it would be possible for persons involved in the decision regarding a faculty member's stop-the-clock extension request to be some of the same persons involved in decisions regarding that faculty member's disciplinary case. Catanzaro said it could happen.

Dean thanked Horvath for noticing that possibility. She noted that URC had decided to table discussion of disciplinary processes until it completes its review of general considerations (Article XI). She asked if the committee should instead address disciplinary processes before it completes its recommendations regarding general considerations. Horvath said if the committee first completes its recommendations regarding general considerations, the committee will need to revisit those recommendations in light of its decisions regarding the disciplinary processes.

Houston noted Dean having said that the committee needs more information before it can discuss the disciplinary processes. Referring to work of the sub-group charged with reviewing disciplinary policies and procedures of other universities, Dean said no information has been found that would help the committee with its discussions. She added that it is important that the processes adopted by Illinois State be unique. Horvath (a sub-group member) agreed, noting that disciplinary policies and procedures adopted by other universities are either so similar to those proposed for Illinois State or are so different as to not help URC with its discussions.

Dean asked if the committee should now consider the role of AFEGC in the disciplinary processes, a role that has been proposed by the Caucus. Houston asked if it would be appropriate to ask an AFEGC representative to attend a URC meeting to answer questions about how AFEGC and ASPT work together. Horvath suggested that URC first figure out the disciplinary process, including who should be involved in it, before asking other groups to meet with the committee.

Boser suggested that it would be helpful to understand the current common law regarding discipline and what would happen if disciplinary charges were brought now, so URC would know the policies it is considering for changes. Catanzaro offered to describe what happens now if a finding is rendered by AFEGC or by the Office of Equal Opportunity and Access (OEOA). Catanzaro explained that the Provost is informed of the finding and, in turn, informs the faculty member that the ruling would go to the DFSC in the faculty member's unit for its

consideration. The DFSC then considers the matter and integrates its consideration into its evaluation of the faculty member. Catanzaro noted that some departments have rules to guide DFSC consideration of such findings and some do not. Catanzaro added that if asked by a chairperson or dean how to handle such matters when there are no rules in place, he would urge the chairperson or dean to involve a peer body in the matter.

Horvath said the approach described by Catanzaro seems appropriate when dealing with minor sanctions, but DFSC might not be the appropriate body to handle cases involving dismissal. Horvath asked if the Provost would do so. Catanzaro responded that the administration would work with the Caucus to form a committee to address such a case, following AFEGC guidelines. Boser asked if such a committee would be ad hoc. Catanzaro responded that it would be. Catanzaro noted that the groups involved with drafting the disciplinary articles discussed how the University would deal with a disciplinary matter should one arise before disciplinary policies are adopted. He said the University would likely remove the faculty member from the classroom until the matter can be studied, noting that AAUP refers to such an action as a “de facto suspension.” Catanzaro characterized the approach by the University to such issues as managing risk and balancing the impact on students with faculty rights, erring when possible on the side of protecting students. The disciplinary policies being considered by URC would provide more guidance and transparency. He added that once URC addresses disciplinary processes it can then consider how to deal with any conflicts inherent in those processes.

Committee members then discussed how to proceed with their consideration of disciplinary processes. Stoffel offered to outline the processes as they have been proposed. He offered to send a draft outline to Dean, Horvath, and Catanzaro for their review and revision. The revised outline could then be used to guide discussions at the next URC meeting (scheduled for Tuesday, January 31, 2017). Committee members agreed with this approach.

VI. Other business

Dean asked Catanzaro for an update regarding college standards for the Mennonite College of Nursing (MCN). Catanzaro reported that MCN has some language in its CFSC standards and its DFSC guidelines that does not align with provisions of the new ASPT document. Such language relates to procedure and does not adversely affect faculty members. Catanzaro said he has spoken with the MCN dean about modifying both documents to bring them into alignment with the new ASPT document. Dean asked if the documents, once modified by MCN, need to be brought back to URC for its consideration. Catanzaro said at some point the revised CFSC document will need to be reviewed by URC.

VII. Adjournment

Horvath moved to adjourn the meeting. Bonnell seconded the motion. The motion passed on voice vote, all voting in the affirmative. The meeting adjourned at 2:00 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Schedule of Discussions and Actions, University Review Committee, Academic Year 2016-2017, Revised December 13, 2016

SCHEDULE OF DISCUSSIONS AND ACTIONS

University Review Committee, Academic Year 2016-2017

Revised December 13, 2016 - Subject to change

FALL 2016

Tuesday, September 20, 2016, 2-3, Hovey 401D

Organizing for the academic year

Thursday, October 6, 2016, 2-3, Hovey 105

Organizing for discussion of the proposed disciplinary articles

Disciplinary articles: Discussion of the structure of article(s) regarding dismissal and termination

Tuesday, October 18, 2016, 2-3, Hovey 105

Disciplinary articles: Discussion of documents related to dismissal (incl. AAUP, ISU Constitution, Governing Document of the Board of Trustees)

Disciplinary articles: General Considerations

Tuesday, November 1, 2016, 3-4, Hovey 401D

Disciplinary articles: General Considerations

Tuesday, November 15, 2016, 2-3, Hovey 401D

Disciplinary articles: General Considerations (continued)

Tuesday, November 29, 2016, 1-2, Hovey 401D

Disciplinary articles (continued)

Approval of ASPT calendar for 2017-2018

Tuesday, December 13, 2016, 2-3, Hovey 401D

Disciplinary articles (continued)

SPRING 2017

January/February

Disciplinary articles (continued)

Discussions of AFEGC and ASPT policies (led by working group)

Organize working group regarding service assignments

Appointment to Equity Review Committee (if formed by the Academic Senate)

March

Finalize recommendations to Faculty Caucus regarding disciplinary articles and AFEGC policies

Discussion of process and schedule for review of college standards under ASPT 2017

April

Review of University Policy 3.2.4: Salary Adjustments

Discussions of student reactions to teaching performance led by working group

May

Report from working group regarding service assignments

Review of CFSC annual reports

Review of Faculty Review Committee annual report

UNIVERSITY REVIEW COMMITTEE

Tuesday, January 31, 2017
4 p.m., Hovey 401D

MINUTES

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

Members not present: Rick Boser

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University; “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University; “AAUP” refers to the American Association of University Professors; “AFEGC” refers to the Faculty Academic Freedom, Ethics and Grievance Committee at Illinois State University; “ASPT” refers to appointment, salary, promotion, and tenure policies; “ASPT document” refers to *Faculty Appointment, Salary, Promotion, and Tenure Policies* effective January 1, 2017; “CFSC” refers to college faculty status committee; “DFSC” refers to department faculty status committee; “SFSC” refers to school faculty status committee; and “OEOA” refers to the Office of Equal Opportunity and Access at Illinois State University.

I. Call to order

Chairperson Diane Dean called the meeting to order at 4:00 p.m. A quorum was present. Dean welcomed new committee member Nerida Ellerton, Professor in the Department of Mathematics. Ellerton has been appointed to the URC by the College of Arts and Sciences to complete the current three-year term of its Sciences Division representative. The term is scheduled to expire in May 2017.

II. Approval of minutes from the January 19, 2017 meeting

Christopher Horvath moved, Sheryl Jenkins seconded approval of minutes of the January 19, 2017, meeting as distributed prior to the meeting. The motion passed on voice vote, with six voting in the affirmative and two abstaining (Ellerton and Sarah Smelser).

III. Proposed ASPT disciplinary articles

Dean summarized progress made by URC this academic year on review of the Caucus re-draft of the proposed ASPT disciplinary articles. She noted that URC, at its January 19, 2017, meeting, decided to set aside its discussion of Article XI (General Considerations) to discuss the disciplinary processes to which general considerations are to apply. Dean said there are two primary issues the committee needs to consider at this time: what parties should be involved in the disciplinary processes and what role AFEGC should play in disciplinary cases.

Dean reminded the committee of its decision to draft a summary of disciplinary processes to guide committee discussion of them. She distributed a draft document compiled by Bruce Stoffel (see attached) that attempts to outline those processes by addressing five questions regarding sanctions, suspensions, and dismissal: 1) who may initiate the action, 2) what parties are involved in the review of the matter, 3) who makes the final decision whether to impose the disciplinary action, 4) who issues the notification of the action to the faculty member, and 5) to what party or parties may the faculty member appeal.

Dean asked Stoffel to provide a brief overview of the draft document. Stoffel explained that he has chosen to summarize the Caucus version of the disciplinary articles rather than the URC version, since the Caucus has asked URC to review and comment on the Caucus version. Stoffel acknowledged encountering several challenges when attempting to summarize the Caucus version; he pointed out that he has entered the word “unclear” in the table when he was unable to identify a response to a question in the Caucus text. Stoffel

encouraged committee members to carefully review the table for its accuracy in summarizing disciplinary actions, perhaps identifying procedures he could not. Stoffel referred committee members to the Notes field of the table, in which he has described inconsistencies he encountered.

In orienting committee members to the table, Stoffel pointed out that the Sanctions article of the Caucus document establishes procedures for “suspension for a stated period without prejudice” separate from procedures for all other types of sanctions. Stoffel noted that the Sanctions article text includes passages regarding demotion but the list of sanctions set forth in the beginning of the article does not cite demotion as a potential sanction. Stoffel also noted that the Sanctions article states that procedures for “suspension for a stated period without other prejudice” should follow dismissal procedures and must involve AFEGC; however, dismissal procedures in the Caucus version of the policies do not seem to reference involvement by AFEGC. With regard to the Caucus version of the dismissal article, Stoffel noted possible conflation of procedures for dismissal with procedures for termination due to financial exigency or program termination.

Horvath expressed concern that the processes outlined in the draft document provide for initiation of disciplinary actions in matters involving bodies that are not otherwise party to the ASPT system; he said this is particularly concerning to him since those bodies follow different policies, procedures, and standards. Horvath also noted that bodies charged with hearing appeals in disciplinary cases should be independent of bodies that initiate charges; he said he is not sure if that principle is upheld in all processes set forth in the Caucus version of the disciplinary articles.

Sam Catanzaro explained that faculty members are subject to numerous state laws governing actions of state employees. He cited ethics and anti-discrimination policies as examples. Catanzaro reported having attempted to find information on state websites regarding appeals processes set forth in such policies. He said he has not been able to find appeals processes posted on those sites. Catanzaro said it is also unclear whether state agencies impose penalties for violation of such laws by university employees or if the universities impose the penalties. He noted that this lack of clarity is a problem for Illinois State University and for all universities in the state. Catanzaro cited as an example the state ethics body. If that body brings findings in a case involving an Illinois State University faculty member, the body notifies university administrators who, in turn, notify the appropriate DFSC. How DFSC is to make sense of such findings from a body that is not part of the ASPT system at the University is uncertain. What is reality, Catanzaro suggested, is that the University can become aware from multiple sources that there is a problem with a university employee that can come to bear on that employee’s status at the University. He said the new disciplinary policies being developed by URC and the Caucus should help clarify the processes involved in investigations by parties external to the ASPT system, help ensure that reactions by the University in such cases are appropriate, and help ensure that faculty has input into any additional penalties that are recommended in such cases.

Catanzaro explained that in cases involving a faculty member and either AFEGC or OEOA, findings of violations are received by the Provost. The Provost then writes a letter to the faculty member informing the faculty member of the findings and, if deemed appropriate by the Provost, setting forth remedies. The letter is placed in the DFSC file of that faculty member for DFSC to consider in ASPT deliberations concerning that faculty member. Horvath expressed concern that the process Catanzaro described may result in a faculty member being punished twice, once by a body that is not part of the ASPT system and a second time through the ASPT system. Joe Goodman suggested that university documents applicable to other employee classifications might provide guidance for how the University is to handle disciplinary cases involving both internal and external bodies. After consulting the current union contract, Goodman reported that it does not address the issue.

Ellerton said it is important that sanctions are transparent. She added that policies need to allow for flexibility to resolve matters informally at the department level without threatening a sanction or consulting the Provost. Dean agreed. Ellerton cited a situation in which a department chairperson and DFSC listened to a faculty member and then resolved the matter with no consequences. She cited another example in which professional development assistance was extended to a faculty member without sanctions being levied; in that case the faculty member is still with the institution, she said. Horvath said he believes that allowing for that level of flexibility can work but only if the parties involved are predisposed to resolving matters in a rational manner.

He argued for more transparency in disciplinary policies but with less freedom for a chairperson, dean, or Provost to revolve a disciplinary issue without faculty input.

Dean asked if the disciplinary policies should be written to permit a department to impose disciplinary actions above and beyond those imposed by a party external to the ASPT system, like OEOA, or if actions by external parties should be kept completely separate from ASPT processes. Horvath responded that, while he is concerned about placing a faculty member in double jeopardy, there may be some cases in which URC may not want to exclude that possibility.

Horvath expressed concern about a DFSC/SFSC being informed of a determination by an external body that a faculty member has not violated a provision under the jurisdiction of the body. He said URC may need to consider stating in the disciplinary articles that a DFSC/SFSC shall not be informed of such decisions, including decisions in which the external body has expressed the opinion that the faculty member has engaged in unprofessional behavior. Horvath added that if it is decided that a DFSC should be informed of such a decision, he feels strongly that the DFSC/SFSC should be directed to conduct an independent review of the alleged unprofessional behavior rather than accept the opinion of the external body without question.

Catanzaro suggested that URC might consider addressing AFEGC and OEOA actions in the disciplinary articles while omitting from the articles any references to cases involving the state ethics body. Catanzaro suggested that in ethics cases administrators might instead be permitted to work directly with faculty members when disciplinary actions beyond those assessed by the state ethics board may be warranted. Horvath said, while doing so could make the disciplinary policies clearer, he remains concerned that each external body investigating actions by a faculty member or hearing an appeal has different standards and procedures, rendering any attempts to incorporate actions of those bodies into ASPT policies problematic. Doris Houston suggested identifying in the ASPT document matters under the jurisdiction of both external bodies and the ASPT system and matters subject to one or the other but not both.

Horvath reiterated his concern that the Caucus version of the disciplinary articles allows for a chairperson, DFSC, or SFSC to initiate a disciplinary action while also potentially serving as judge or appeals body. Dean reminded committee members that the committee need not consider only existing bodies for roles in disciplinary cases but should be open to the possibility of creating new bodies for those roles.

Dean thanked Horvath for suggesting that the committee defer its discussion of general considerations to instead address the broader questions discussed by the committee at this meeting. Dean asked committee members to carefully study the table distributed at this meeting and come prepared to discuss it again at the next committee meeting.

IV. Other business

Dean announced that the next URC meeting is scheduled for February 16, 2017, which is Founders Day. She asked if committee members would be available to meet on February 9 or February 23 instead. Committee members agreed to resolve this question via email communication.

Houston asked if there are issues committee members should particularly prepare to discuss at the next meeting. Dean said the committee ultimately needs to decide how to structure the disciplinary processes, such as deciding who takes what actions in disciplinary cases. Houston asked Catanzaro if there are other AAUP guidelines the committee might consult. Catanzaro responded that he does not think so, that the committee already has all relevant AAUP documents. Horvath added that the sub-group charged with investigating disciplinary policies adopted by other universities has concluded that none of those other policies provide URC meaningful guidance; he explained that those policies are either very similar to the policies that have been proposed for Illinois State or they are so different as to not be helpful. Dean concurred, noting that being able to report that finding to the Caucus is important.

V. Adjournment

Goodman moved to adjourn the meeting. Ellerton seconded the motion. The motion passed on voice vote, all voting in the affirmative. The meeting adjourned at 5:04 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENT: *Summary of Faculty Caucus Disciplinary Actions Proposal, September 2016*

SUMMARY OF FACULTY CAUCUS DISCIPLINARY ACTIONS PROPOSAL, SEPTEMBER 2016

DISCIPLINARY ACTION		
Who may initiate the action?	SANCTIONS	
	Oral reprimand, written reprimand, recorded reprimand, restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period	Suspension for a stated period without prejudice
Who may initiate the action?	<p>DEPARTMENT CHAIRPERSON-SCHOOL DIRECTOR</p> <p>Through a proposal presented to the DFSC-SFSC under the following circumstances.</p> <p>1. Receipt from the University Ethics Officer of a substantiated finding of violation of the State Ethics Act or other relevant laws, following the opportunity to appeal to the relevant state agency; OR</p> <p>2. Receipt from OEOA of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy, following the opportunity to exhaust all university and state-level appeals; OR</p> <p>3. Chairperson-director becoming aware of credible evidence potentially substantiating cause of a sanction (reference to XI.A.2*) unrelated to suspension due to reasonable threat of imminent harm and short of dismissal.</p> <p>**Sanctions may be imposed for such reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices.*</p>	<p>DEPARTMENT CHAIRPERSON-SCHOOL DIRECTOR</p> <p>Through a proposal presented to the DFSC-SFSC under the following circumstances.</p> <p>1. Receipt from the University Ethics Officer of a substantiated finding of violation of the State Ethics Act or other relevant laws, following the opportunity to appeal to the relevant state agency; OR</p> <p>2. Receipt from OEOA of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy; following opportunity to exhaust all university and state-level appeals; OR</p> <p>3. Chairperson-director becoming aware of credible evidence potentially substantiating cause of a sanction (as described in XI.A.2*) unrelated to suspension due to reasonable threat of imminent harm and short of dismissal.</p> <p>**Sanctions may be imposed for such reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices.*</p>
		<p>[unclear]</p> <p>[Prior to initiation of formal proceedings, informal discussion is to take place between the faculty member and the chairperson-director, with other administrators present if appropriate. If a mutually agreeable solution does not result from the informal discussions, DFSC-SFSC is charged with inquiring into the situation.]</p>
		<p>DISMISSAL</p> <p>Excluding non-reappointment of probationary faculty</p>

SUMMARY OF FACULTY CAUCUS DISCIPLINARY ACTIONS PROPOSAL, SEPTEMBER 2016

<p>What parties are involved in review of the matter?</p>	<p>DFSC-SFSC CFSC, if the circumstances leading to initiation of the review by DFSC-SFSC relate to 1 or 2 above AND either no sanction or an oral reprimand has been recommended by DFSC-SFSC; review by CFSC may be initiated by the Dean but the Dean is not required to do so</p>	<p>DFSC-SFSC shall be charged with inquiring into the situation to determine whether formal proceedings should be initiated; reports to faculty member, dean, Provost Provost Independent Review Committee (IRC), if either DFSC-SFSC or the Provost determines that formal proceedings are necessary; IRC must hold a hearing if requested by the faculty member; IRC makes recommendations to the Provost President President</p>	<p>AFEGC (must hold a hearing; must provide a written recommendation) President</p>	<p>DFSC-SFSC shall be charged with inquiring into the situation to determine whether formal proceedings should be initiated; reports to faculty member, dean, Provost Provost Independent Review Committee (IRC), if either DFSC-SFSC or the Provost determines that formal proceedings are necessary; IRC must hold a hearing if requested by the faculty member; IRC makes recommendations to the Provost President President</p>
<p>Who makes the final decision whether to impose the disciplinary action?</p>	<p>DFSC-SFSC CFSC, if the circumstances leading to initiation of the review by DFSC-SFSC relate to 1 or 2 above AND no sanction or an oral reprimand has been recommended by DFSC-SFSC AND the dean has initiated a review of the DFSC-SFSC decision by the CFSC Chairperson-Director of the Department-School {unclear in the case of CFSC involvement}</p>	<p>President President</p>	<p>President</p>	<p>President President</p>
<p>Who issues the notification of the action to the faculty member? To what party or parties may the faculty member appeal?</p>	<p>Same as for performance evaluations ... To CFSC, with provisions for appeal to AFEGC initiated by the CFSC or the faculty member</p>	<p>President To the Faculty Review Committee regarding the IRC report To AFEGC in matters related to academic freedom</p>	<p>{unclear} To AFEGC ("through the ordinary AFEGC process, which includes appeal to the President as a final step"); appeals may be based on substantive or procedural grounds</p>	<p>President To the Faculty Review Committee regarding the IRC report To AFEGC in matters related to academic freedom</p>

SUMMARY OF FACULTY CAUCUS DISCIPLINARY ACTIONS PROPOSAL, SEPTEMBER 2016

<p>NOTES</p>	<p><i>Demotion in rank is mentioned in the text as a possible sanction but is not among the eight sanctions in the numbered list of sanctions in Section XII.A of the text. According to the text:</i></p> <p><i>if promotion to associate provost was found to have been obtained by fraud or dishonesty, steps followed in promotion or appointment must be followed to demote a faculty member.</i></p> <p><i>Cases in which demotion is being considered and involves fraud or dishonesty in scholarly and creative productivity should be adjudicated through the integrity in Research and Scholarly Activities policy.</i></p> <p><i>The flow chart included with the Faculty Caucus version does not appear to illustrate what is in the text of that version.</i></p> <p><i>It may be helpful to define each sanction or at least "recorded reprimand."</i></p>	<p><i>It may be helpful to define "suspension for a stated period without prejudice."</i></p> <p><i>There may be conflicting directions in the Caucus re-write of the disciplinary articles.</i></p> <p><i>Section XII.A of the Caucus re-write states:</i></p> <p><i>"... suspension for a stated period without other prejudice - may only be effected through the procedures described in XIV with regard to dismissal and must include recommendations of a hearing committee of the (AFEGC)."</i></p> <p><i>However, the procedures described in XIV with regard to dismissals do not seem to provide for recommendations of a hearing committee of the AFEGC, while the procedures for suspension described in XIII do so.</i></p>	<p><i>This version appears to conflict the procedures for dismissal for cause with the procedures for termination due to financial exigency or program termination.</i></p> <p><i>XI.A.5 of the Caucus version states --</i></p> <p><i>"Termination of a faculty member's appointment due to financial exigency or program termination follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies ..."</i></p> <p><i>The reference in that passage to ASPT XIV seems to refer to the Caucus revision of the dismissal policy. If that is the case, which policies of those set forth by the Caucus in its XI.A.5 would apply to a situation involving financial exigency or program termination?</i></p> <p><i>The procedures do not appear to provide for a recommendation by the Provost in these matters (see XIV.C.5.a).</i></p>
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UNIVERSITY REVIEW COMMITTEE

Thursday, February 23, 2017

1 p.m., Hovey 401D

MINUTES

Members present: Angela Bonnell, Rick Boser, Sam Catanzaro, Diane Dean, Christopher Horvath, Sheryl Jenkins

Members not present: Nerida Ellerton, Joe Goodman, Doris Houston, Sarah Smelser

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, "URC" refers to the University Review Committee at Illinois State University; "Caucus" refers to the Faculty Caucus of the Academic Senate at Illinois State University; "ASPT" refers to faculty appointment, salary, promotion, and tenure policies at Illinois State University; "CFSC" refers to college faculty status committee; "DFSC" refers to department faculty status committee; and "SFSC" refers to school faculty status committee.

I. Call to order

Chairperson Diane Dean called the meeting to order at 1:00 p.m. A quorum was present.

II. Approval of minutes from the January 31, 2017 meeting

Christopher Horvath asked that the second paragraph on page three of the draft minutes be revised. He said the last sentence of the paragraph states that a DFSC should not be asked to take the opinion of an external body at face value when the prior two sentences of the paragraph state that a DFSC should not even be informed of the opinion. He suggested rewriting the last sentence to indicate that if it is decided that a DFSC should be informed of opinions by external bodies regarding professional behavior, the DFSC should be directed to conduct its own independent review of the matter rather than accept the opinion of the external body without question.

Sheryl Jenkins moved and Horvath seconded approval of minutes of the January 31, 2017 meeting as distributed prior to the meeting but with the correction to the second paragraph on page three of the draft minutes recommended by Horvath. The motion passed on voice vote, with four voting in the affirmative and one abstaining (Rick Boser).

III. Proposed ASPT disciplinary articles

Dean provided an overview of progress made thus far this academic year by URC on review of the Caucus version of the proposed ASPT disciplinary articles. She reminded URC members that URC has paused its review of the proposed general considerations article (Article XI) to consider what parties should be involved in disciplinary cases and what role each party should play. Once URC has considered those matters, Dean said, URC can return to and complete the discussion of general considerations and then address policies and procedures for sanctions, suspensions, and dismissal.

Referring to a document (see attached) summarizing disciplinary actions proposals made by URC in August 2015 and revised by the Caucus in September 2016, Dean then facilitated a discussion by committee members of sanctioning. Through its discussion the committee drafted two processes for consideration of sanctions: one for instances in which body external to the ASPT system has informed the Provost that a faculty member has been found in violation of a statute, code, or policy under jurisdiction of the external body and a second for instances in which such a determination by an external body is not involved. For each process the committee identified parties involved in initiating discussions of possible sanctioning, making recommendations regarding whether a sanction should be recommended and, if so, what that sanction should be, hearing appeals from the faculty member of those recommendations, and making a decision in the matter and notifying the faculty member of that decision. As each process was discussed by committee members, Dean created a flow chart

illustrating the process by adhering handwritten labels to the south wall of the conference room. Pictures of the flow chart resulting from the committee discussion are attached to these minutes.

As the end of the scheduled meeting time neared, Dean announced that URC will reconvene at 4 p.m. on Tuesday, February 28, 2017 to continue its discussion of disciplinary processes and procedures. At that time, Dean said, URC will review the two processes it has drafted for sanctioning and will then discuss the process in cases involving consideration of suspension and the process in cases involving consideration of dismissal.

IV. Other business

There was none.

V. Adjournment

Boser moved to adjourn the meeting. Jenkins seconded the motion. The motion passed on voice vote, all voting in the affirmative. Dean adjourned the meeting at 2:05 p.m.

Respectfully submitted,
Bruce Stoffel, Recorder

ATTACHMENT: *Disciplinary Actions Proposals: Sanctions; Disciplinary Actions Proposals: Suspensions; Disciplinary Actions Proposals: Dismissal*

Photographs (2) illustrating sanctioning processes drafted by URC at its February 23, 2017 meeting

DISCIPLINARY ACTIONS PROPOSALS: SANCTIONS

	<p align="center">Proposed by Faculty Caucus September 2016</p>		<p align="center">Proposed by URC August 2015</p>
	<p align="center">Oral reprimand, written reprimand, recorded reprimand, restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period</p>	<p align="center">Suspension for a stated period without prejudice</p>	
<p>Who may initiate the action?</p>	<p>Chairperson/Director</p> <p>Through a proposal presented to the DFSC/SFSC under the following circumstances.</p> <ol style="list-style-type: none"> 1. Receipt from the University Ethics Officer of a substantiated finding of violation of the State Ethics Act or other relevant laws, following the opportunity to appeal to the relevant state agency; OR 2. Receipt from OEOA of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy, following the opportunity to exhaust all university and state-level appeals; OR 3. Chairperson/Director becoming aware of credible evidence potentially substantiating cause of a sanction (reference to XI.A.2*) unrelated to suspension due to reasonable threat of imminent harm and short of dismissal. <p>*Sanctions may be imposed for such reasons as violations of felony and ethics laws pertinent to a faculty member’s responsibilities or of University policies, including the Code of Ethics and its appendices.</p>	<p>Chairperson/Director</p> <p>Through a proposal presented to the DFSC/SFSC under the following circumstances.</p> <ol style="list-style-type: none"> 1. Receipt from the University Ethics Officer of a substantiated finding of violation of the State Ethics Act or other relevant laws, following the opportunity to appeal to the relevant state agency; OR 2. Receipt from OEOA of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy, following the opportunity to exhaust all university and state-level appeals; OR 3. Chairperson-director becoming aware of credible evidence potentially substantiating cause of a sanction (reference to XI.A.2*) unrelated to suspension due to reasonable threat of imminent harm and short of dismissal. <p>*Sanctions may be imposed for such reasons as violations of felony and ethics laws pertinent to a faculty member’s responsibilities or of University policies, including the Code of Ethics and its appendices.</p>	<p>Dean or Provost</p> <p>Upon receipt of a substantiated finding of violation ...</p> <p>From the University Ethics Officer, for violations of the State Ethics Act or other relevant laws;</p> <p>From AFEGC, for violations of academic freedom or the Code of Ethics;</p> <p>From OEOA, for violations of the Anti-Harassment and Anti-Discrimination Policy;</p> <p>From the AVP for Research, for violations of the Integrity in Research and Scholarly Activities policy.</p> <p>OR</p> <p>DFSC/SFSC</p> <p>Whenever it becomes aware of evidence for cause (refers to XI.A.2: adequate causes such as violations of laws or University policies, including the Code of Ethics and its appendices).</p>

DISCIPLINARY ACTIONS PROPOSALS: SANCTIONS

<p>What parties are involved in review of the matter?</p>	<p>Chairperson/Director, DFSC/SFSC</p> <p>CFSC,</p> <p>if the circumstances leading to initiation of the review by DFSC/SFSC relate to circumstances 1 or 2 above,</p> <p><i>AND</i></p> <p>either no sanction or an oral reprimand has been recommended by DFSC/SFSC ,</p> <p><i>AND</i></p> <p>the Dean has initiated review of the matter by CFSC.</p> <p>Note: The Dean is not required to initiate review by CFSC.</p>	<p>Chairperson/Director, DFSC/SFSC</p> <p>DFSC/SFSC shall be charged with inquiring into the situation to determine whether formal proceedings should be initiated; DFSC/SFSC reports to the Dean and Provost</p> <p>If either DFSC/SFSC or the Provost determines that formal proceedings are necessary, the Provost directs the Faculty Caucus to organize an Independent Review Committee (IRC).</p> <p>IRC must hold a hearing if requested by the faculty member.</p> <p>IRC makes recommendations to the Provost</p> <p>President</p>	<p>If the action is initiated by the Dean or Provost, DFSC/SFSC is informed and may choose to communicate a non-binding recommendation to the Dean or Provost.</p> <p>If the action is initiated by DFSC/SFSC, it communicates its recommendations to the Dean and Provost.</p>
<p>Who makes the final decision whether to impose the disciplinary action?</p>	<p>DFSC/SFSC</p> <p>CFSC,</p> <p>if the circumstances leading to initiation of the review by DFSC/SFSC relate to circumstances 1 or 2 above,</p> <p><i>AND</i></p> <p>either no sanction or an oral reprimand has been recommended by DFSC/SFSC ,</p> <p><i>AND</i></p> <p>the Dean has initiated review of the matter by CFSC.</p> <p>Note: The Dean is not required to initiate review by CFSC.</p>	<p>President</p>	<p>Provost in consultation with the dean</p>

DISCIPLINARY ACTIONS PROPOSALS: SANCTIONS

<p>Who issues the notification of the action to the faculty member?</p>	<p>Chairperson/Director If DFSC/SFSC makes the final decision [It is unclear in the case of CFSC involvement]</p>	<p>President</p>	<p>Provost</p>
<p>To what party or parties may the faculty member appeal?</p>	<p>Same as for performance evaluations ... To CFSC, with provisions for appeal to AFEGC initiated by the CFSC or the faculty member</p>	<p>To the Faculty Review Committee regarding the IRC report To AFEGC in matters related to academic freedom</p>	<p>[not specified]</p>
<p>NOTES</p>	<p><i>Demotion in rank is mentioned in the text as a possible sanction but is not among the eight sanctions in the numbered list of sanctions in Section XII.A of the text. According to the text:</i></p> <p><i>If promotion to associate provost was found to have been obtained by fraud or dishonesty, steps followed in promotion or appointment must be followed to demote a faculty member.</i></p> <p><i>Cases in which demotion is being considered and involves fraud or dishonesty in scholarly and creative productivity should be adjudicated through the Integrity in Research and Scholarly Activities policy.</i></p>	<p><i>Section XII.A of the Caucus re-write states:</i></p> <p><i>“... suspension for a stated period without other prejudice – may only be effected through the procedures described in XIV with regard to dismissal and must include recommendations of a hearing committee of the (AFEGC).”</i></p> <p><i>However, the procedures described in XIV with regard to dismissal do not seem to provide for recommendations of a hearing committee of the AFEGC, while the procedures for suspension described in XIII do so.</i></p>	<p><i>The URC proposal does not identify suspension for a stated period without prejudice as a sanction.</i></p>

DISCIPLINARY ACTIONS PROPOSALS: SUSPENSIONS

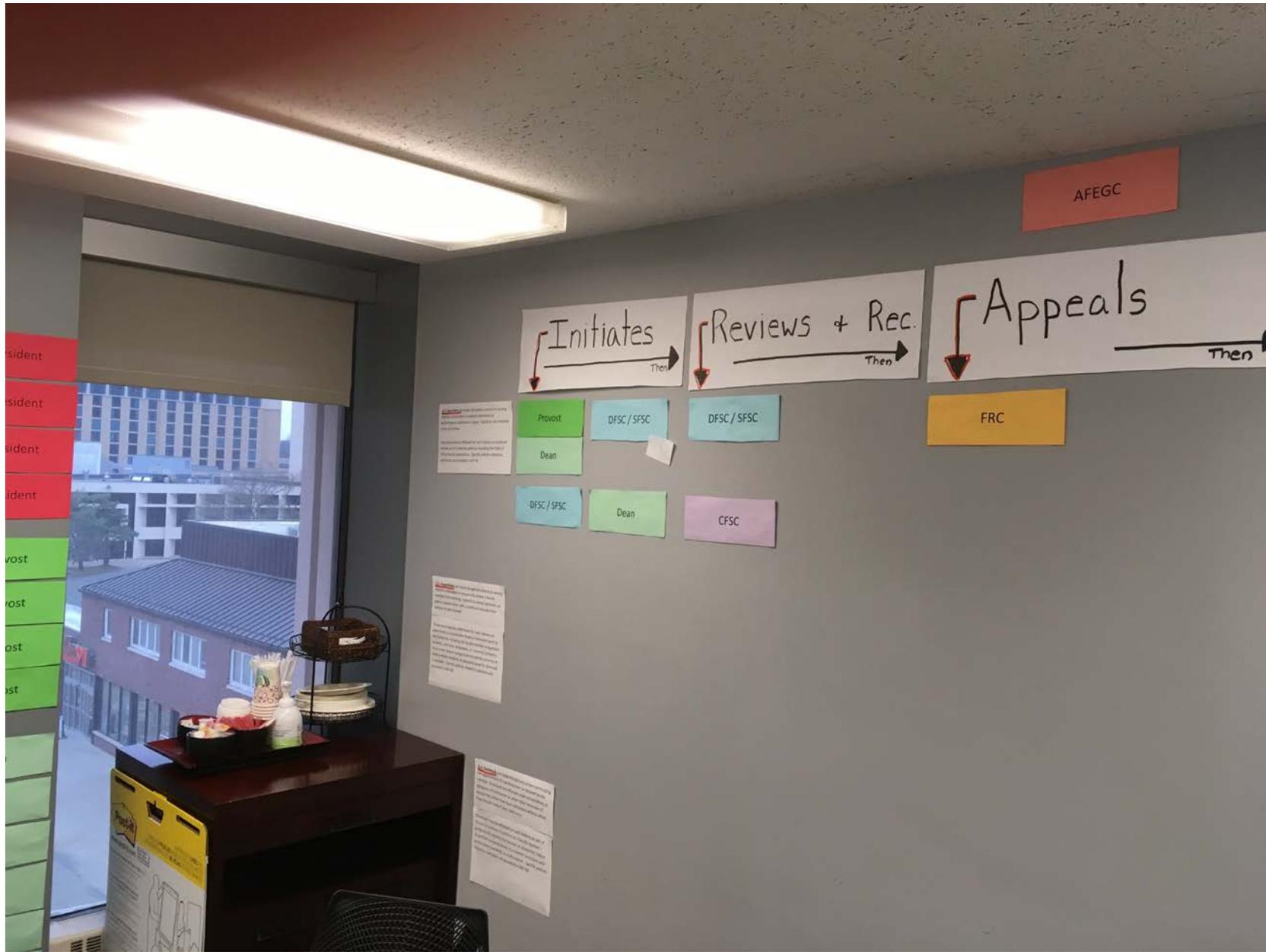
	Proposed by Faculty Caucus September 2016	Proposed by URC August 2015
Who may initiate the action?	[unclear] [Informal discussion is to take place involving the faculty member and either the Chairperson/Director, the Dean, the Provost, or the Provost's designee.]	If attempts involving the faculty member, Chairperson/Director, Dean, and Provost (or their designees) to reach a mutually agreeable solution fail ... Chairperson/Director initiates the formal process.
What parties are involved in review of the matter?	Chairperson/Director, Dean, Provost AFEGC must hold a hearing and must provide a written recommendation. President	The Chairperson/Director consults DFSC/SFSC . DFSC/SFSC may make a non-binding advisory recommendation to the Chairperson/Director. The Chairperson/Director shall consult with the Dean and Provost .
Who makes the final decision whether to impose the disciplinary action?	President	It is not entirely clear... Chairperson/Director in consultation with the Dean and Provost?
Who issues the notification of the action to the faculty member?	[unclear]	Chairperson/Director
To what party or parties may the faculty member appeal?	To AFEGC ("through the ordinary AFEGC process, which includes appeal to the President as a final step"); appeals may be based on substantive or procedural grounds	President On substantive or procedural grounds. The faculty member retains the right to file a grievance with AFEGC if the faculty member believes academic freedom or the Code of Ethics has been violated.

DISCIPLINARY ACTIONS PROPOSALS: DISMISSAL

	<p align="center">Proposed by Faculty Caucus September 2016 Excludes non-reappointment of a probationary faculty member</p>	<p align="center">Proposed by URC August 2015</p>	
		<p align="center">Probationary Faculty Termination for adequate causes only; Excludes non-reappointment prior to a tenure decision</p>	<p align="center">Tenured Faculty</p>
<p>Who may initiate the action?</p>	<p>[unclear]</p> <p>[Prior to initiation of formal proceedings, informal discussion is to take place between the faculty member and the Chairperson/Director, with other administrators present if appropriate. If a mutually agreeable solution does not result, DFSC/SFSC is charged with inquiring into the situation.]</p>	<p>[unclear]</p>	<p>DFSC/SFSC</p> <p>OR</p> <p>University Administration when it becomes aware of adequate cause</p>
<p>What parties are involved in review of the matter?</p>	<p>Chairperson/Director, DFSC/SFSC</p> <p>DFSC/SFSC shall be charged with inquiring into the situation to determine whether formal proceedings should be initiated; DFSC/SFSC reports to the Dean and Provost.</p> <p>If either DFSC/SFSC or the Provost determines that formal proceedings are necessary, the Provost directs the Faculty Caucus to organize an Independent Review Committee (IRC).</p> <p>IRC must hold a hearing if requested by the faculty member.</p> <p>IRC makes recommendations to the Provost.</p> <p>President</p>	<p>Chairperson/Director, Dean, Provost</p> <p>[unclear; the Chairperson/Director, Dean, and Provost are involved; presumably DFSC/SFSC makes a recommendation to the Dean and Provost]</p>	<p>DFSC/SFSC, University Administration</p> <p>“If the recommendation to initiate dismissal proceedings comes from the Department, School, or College, then the DFSC/SFSC (per V.C.3) or Dean of the College ...” notifies the Provost.</p> <p>If University Administration initiates the action, the Provost informs the Dean and DFSC/SFSC. DFSC/SFSC may communicate a non-binding advisory recommendation to the Provost.</p> <p>The Provost directs the Faculty Caucus to select an Initial Review Committee. IRC makes a recommendation to the Provost.</p> <p>If IRC or the Provost determines that proceedings should commence, the Faculty Review Committee reviews the matter and makes a recommendation to the Provost. FRC holds a hearing if requested by the faculty member.</p> <p>President</p>

DISCIPLINARY ACTIONS PROPOSALS: DISMISSAL

Who makes the final decision whether to impose the disciplinary action?	President	[unclear; presumably the Provost makes the decision]	Provost
Who issues the notification of the action to the faculty member?	President	Provost after consultation with Dean and Chair/director	Provost
To what party or parties may the faculty member appeal?	To the Faculty Review Committee regarding the IRC report To AFEGC in matters related to academic freedom	President	President
NOTES	<p><i>This version appears to conflate the procedures for dismissal for cause with the procedures for termination due to financial exigency or program termination.</i></p> <p><i>XI.A.5 of the Caucus version states ... "Termination of a faculty member's appointment due to financial exigency or program termination follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies ..."</i></p> <p><i>The reference in that passage to ASPT XIV seems to refer to the Caucus revision of the dismissal policy. If that is the case, which policies of those set forth by the Caucus in its XI.A.5 would apply to a situation involving financial exigency or program termination?</i></p> <p><i>The procedures do not appear to provide for a recommendation by the Provost in these matters (see XIV.C.5.a).</i></p>	<p><i>Termination of probationary faculty members for cause appears to be addressed in XIV.A.3.</i></p> <p><i>It is unclear to this reader if XIV.A.1 is intended to describe the initial steps in the process of termination for cause or if XIV.A.1 is intended to only describe the process of non-reappointment prior to a tenure decision or as a result of a tenure decision.</i></p>	<p><i>The term "University Administration" is not defined nor is it used much elsewhere in the ASPT document if at all.</i></p> <p><i>Proposed Section IV.B.2 states that "Section V.C.3 provides for initiation of dismissal proceedings by the DFSC/SFSC." Technically, Section V.C.3 of the ASPT document provides that DFSC/SFSC shall be responsible for making recommendations regarding dismissal; Section V.C.3 does not provide that DFSC/SFSC shall necessarily initiate dismissal proceedings.</i></p> <p><i>Although Section V.C.3 provides for a recommendation from DFSC/SFSC regarding dismissal, proposed Section IV.B.3.b introduces the possibility of a recommendation from the College or the Dean of the College.</i></p>



AFEGC

Initiates

Reviews + Rec.

Appeals

Provost
 DFSC/SFSC
 Dean
 DFSC/SFSC
 Dean
 CFSC

FRC

President
 President
 President
 President
 Provost
 Provost
 Provost
 Provost

AFEGC

views + Rec.
Then →

↓ Appeals
Then →

FRC

↓ Decision
Then →

Provost

↓ Notificati
Then →

Provost



UNIVERSITY REVIEW COMMITTEE

Tuesday, February 28, 2017

4 p.m., Hovey 401D

MINUTES

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

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

Others present: Bruce Stoffel (recorder)

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

I. Call to order

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

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

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

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

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

Review of prior discussion regarding sanctioning processes

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

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

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

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

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

Discussion of suspension processes

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

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

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

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

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

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

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

Discussion of dismissal processes

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

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

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

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

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

IV. Other business

There was none.

V. Adjournment

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

Respectfully submitted,

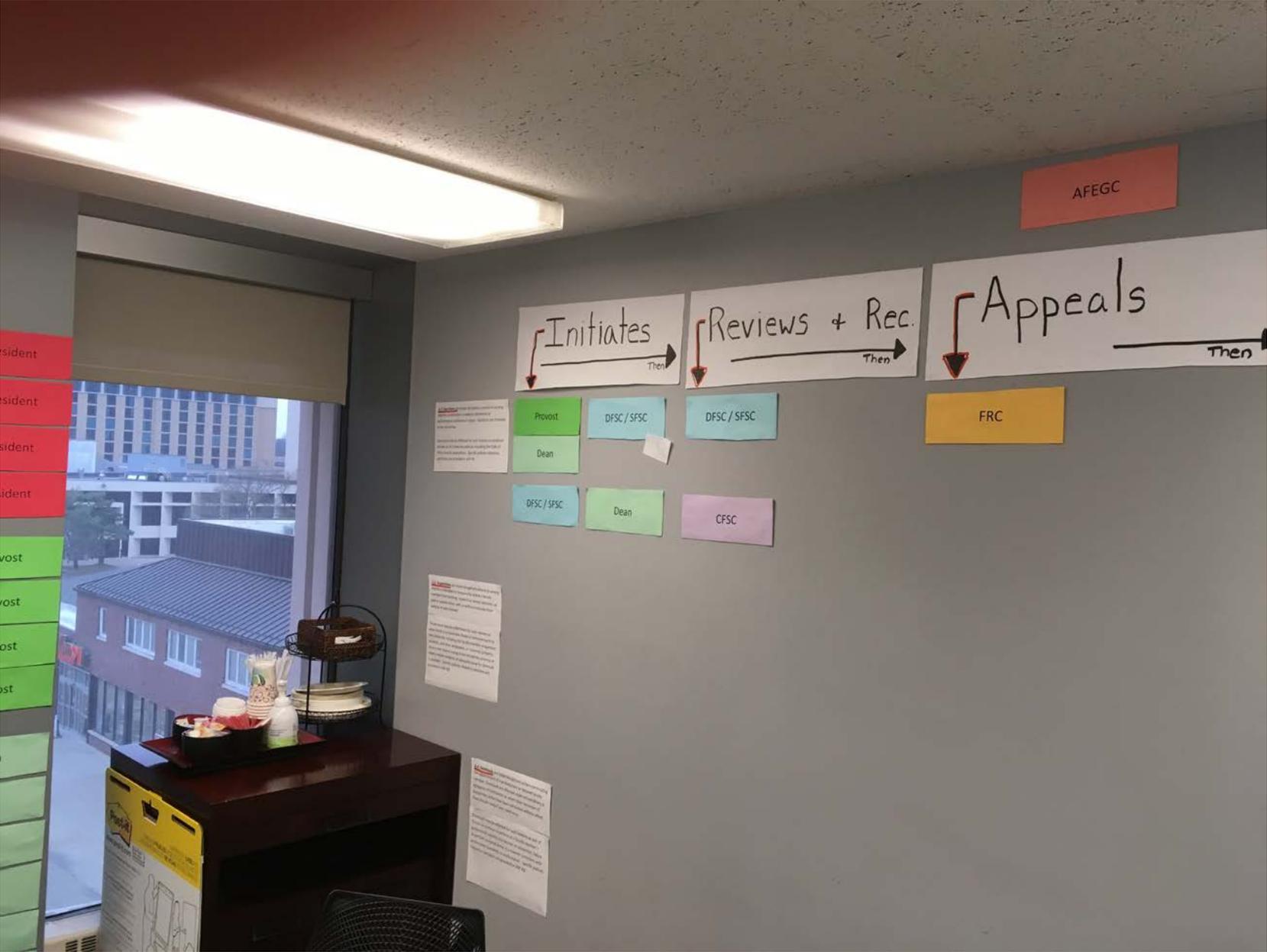
Bruce Stoffel, Recorder

ATTACHMENTS:

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

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

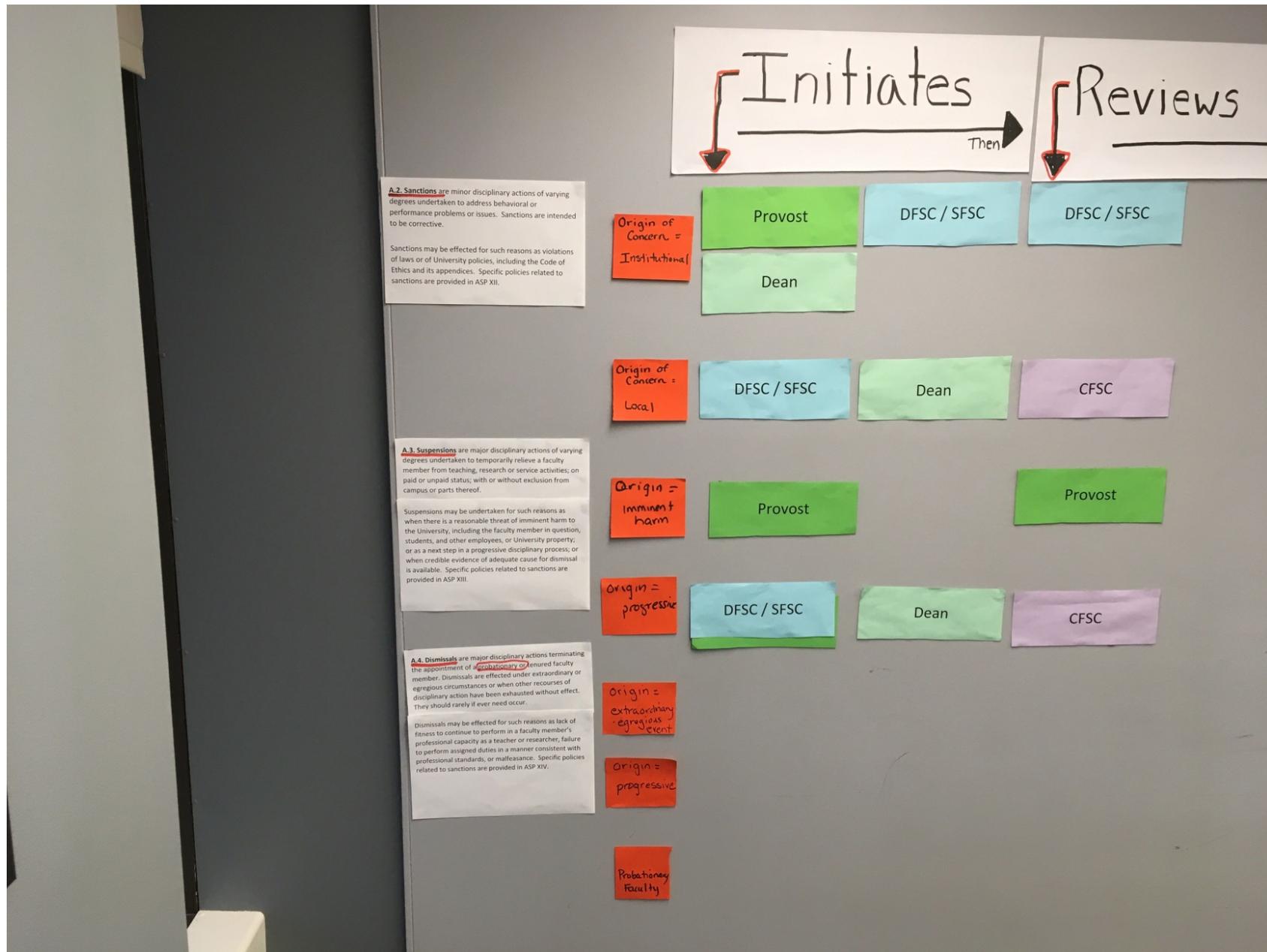
Flow Chart, End of University Review Committee Meeting, February 23, 2017, Part 1 of 2



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



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



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



UNIVERSITY REVIEW COMMITTEE

Thursday, March 9, 2017
1 p.m., Hovey 302

MINUTES

Members present: Angela Bonnell, Rick Boser, Sam Catanzaro, Diane Dean, Nerida Ellerton, Joe Goodman, Sheryl Jenkins

Members not present: Christopher Horvath, Doris Houston, Sarah Smelser

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University; “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University; “ASPT” refers to faculty appointment, salary, promotion, and tenure policies at Illinois State University; “ASPT document” refers to the publication titled *Faculty Appointment, Salary, Promotion, and Tenure Policies* (Illinois State University); “CFSC” refers to college faculty status committee; “DFSC” refers to department faculty status committee; “SFSC” refers to school faculty status committee; and “AAUP” refers to the American Association of University Professors. References in the minutes to “DFSC” are intended to refer to both DFSC and SFSC as defined above.

Chairperson Diane Dean initiated committee discussion at 1:00 p.m. At that time a quorum was not yet present. A quorum was achieved approximately 10 minutes later.

I. Call to order

Upon arrival of a fifth voting member of the committee, at approximately 1:10 p.m., Chairperson Diane Dean called the meeting to order and declared that a quorum was present.

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

Dean referred to the flow chart developed thus far by URC to illustrate disciplinary processes as envisioned by committee members (see the attached *Flow Chart, End of University Review Committee Meeting, February 28, 2017*). Prior to the meeting, Dean had re-created the same flow chart on the south wall of the conference room by adhering handwritten labels to the wall. The flow chart reflects the outcomes of discussions that occurred at the February 23, 2017 URC meeting and the February 28, 2017 URC meeting.

Note: In the narrative that follows, “Line 1 of the flow chart” or simply “Line 1” refers to the sanctioning process drafted by URC for situations in which the Provost is informed of a disciplinary decision by an entity external to the ASPT system. In the attached flow charts, that line is labeled “Origin of Concern: Institutional.”

Referring to Line 1 of the flow chart, Rick Boser asked what role DFSC will play with regard to initiating discussion of sanctions. Dean responded that she asked that question at the prior URC meeting, specifically whether reference to DFSC/SFSC in the “Initiates” column of the flow chart should be changed to “Department Chairperson/School Director.” If it is not, she said, the flow chart might be interpreted as assigning DFSC the role of convening itself to review the case. Bonnell said the term “initiates” is confusing in this context. Boser suggested removing the reference to DFSC/SFSC in the “Initiates” column to eliminate that confusion.

Nerida Ellerton noted that in promotion and tenure requests the first appeal the applicant faculty member can make is to the CFSC, adding that URC likely does not want any suggestion of that on Line 1. Sam Catanzaro clarified that if CFSC makes a negative recommendation in a promotion and tenure case, the faculty member has the right to discuss the recommendation with CFSC, but that discussion is not considered an appeal. Ellerton said the process is not always perceived by faculty members to work that way. She said URC needs to be very transparent with regard to the disciplinary processes. Catanzaro further clarified that in promotion and tenure requests both DFSC and CFSC communicate an initial recommendation to the applicant and provide the applicant the opportunity to meet formally with the respective committee. The committee can decide to change

its recommendation based on additional information gleaned through the formal meeting with the faculty member, Catanzaro said, and the faculty member may also appeal to the Faculty Review Committee. The process for considering promotion and tenure applications is a deliberate process that takes much of an academic year to resolve, Catanzaro said. He added that because disciplinary actions need to happen in a more expeditious manner, he does not suggest providing for both an initial decision and a final decision in disciplinary matters. Ellerton agreed, saying that disciplinary processes should be expedited and should involve an independent body.

Synthesizing the committee discussion thus far, Dean said she perceives a preference among URC members for removing the reference to DFSC/SFSC in the “Initiates” column of the flow chart (Line 1). Boser and Sheryl Jenkins concurred. Ellerton urged the committee to carefully select its terminology, stating that the term “initiates” is unclear and the term “reviews” can mean different things. Dean agreed, suggesting that URC address clarity of its terminology when drafting the articles. She added that wording may differ from one disciplinary process to another.

Referring again to Line 1 of the flow chart, Boser suggested that the DFSC make its recommendation to the Provost through the dean; he explained that a dean would likely be upset if the dean had not been notified of the DFSC recommendation before it is communicated to the Provost.

Ellerton suggested that URC consider assigning a group the role of recommending the party to which each disciplinary case should be referred, suggesting further that an independent party might be needed to serve as such a conduit. Jenkins asked Ellerton if she is suggesting a central clearinghouse for disciplinary cases. Ellerton said she is, clarifying that the clearinghouse would not decide disciplinary cases but would only establish the process for making those decisions in each case. Dean asked if Ellerton was suggesting such a clearinghouse only for the process set forth on Line 1 of the flow chart. Ellerton responded that such a clearinghouse could be used in all disciplinary cases, although it might not be needed at every level (i.e., sanctions, suspensions, and discipline and their variations).

Dean asked if sanctioning issues involving decisions by parties external to the ASPT system (Line 1) should be reviewed by the CFSC rather than by the DFSC. Catanzaro asked if the label “Reviews and Recommends” in the flow chart means the designated body recommends if a sanction should be applied or if it means that the designated body recommends whether a sanction should be applied and recommends the nature of the sanction. He said he has interpreted the process set forth in Line 1 as having DFSC recommend if a sanction should be imposed but then having the Provost decide if a sanction should be imposed and what that sanction should be. Catanzaro said he recalled Christopher Horvath making the point at a prior URC meeting that it would be valuable to have different bodies decide the two issues. Dean said her interpretation of Line 1 is that the same party would decide whether a sanction should be recommended and, if so, what that sanction should be. Bonnell said that makes sense since the faculty member would not know whether to appeal a recommendation if the faculty member does not know what sanctions are being recommended. Dean noted, as an aside, that URC has not yet decided what would happen if the Provost does not accept the recommendations made to her; Dean said URC will need to discuss that possibility in subsequent meetings.

Boser suggested that the term “Initiates” as used in the flow chart be interpreted to mean a determination by a body that a problem exists that needs to be discussed. He suggested separating “Reviews and Recommends” into separate actions involving different parties, adding that doing so could help address the problem he earlier cited (i.e., the dean not being briefed regarding the DFSC recommendations to the Provost). Jenkins asked why URC has designated DSFC/SFSC as the body to review and recommend (on Line 1) rather than CFSC. Goodman said the rationale for designating DFSC/SFSC rather than CFSC was to keep such reviews at the local level if possible. Catanzaro concurred. He said that while the Provost and chief of staff would likely be the first parties informed of a disciplinary issue, they would quickly thereafter consult with the dean and department chairperson to decide how the matter should be handled.

Boser suggested modifying Line 1 by having the disciplinary issue referred to the DFSC for review and having the DFSC make a recommendation to the CFSC. Ellerton said it is fine to refer the matter to DFSC but the charge to DSFC in the matter needs to be clear. She said it important that disciplinary issues not be sent to

groups whose members are unclear or uncomfortable with their charge. Dean agreed, noting that training and briefing of parties in the disciplinary processes will be needed.

Catanzaro suggested that all recommendations in disciplinary actions be sent to the Provost, with the caveat that there could be multiple recommendations related to the same disciplinary action, as is the case in promotion and tenure deliberations. Catanzaro added that the process could provide for an appeal by the faculty member to the President, as URC had proposed in its August 2015 version of the disciplinary articles. A related decision in disciplinary cases, Catanzaro said, is whether a faculty member may be placed on administrative leave before a final decision regarding the case is made. Then, as details of the case become clearer, a final decision can be rendered. In such instances, he said, there might not be a need to engage DFSC in the matter or even inform DFSC of the situation.

Dean asked committee members if they feel comfortable with the sanctions and suspensions sections of the flow chart as they have thus far been drafted by the committee or if committee members prefer to reopen the discussion regarding those sections. Jenkins asked if the unresolved issue regarding Line 1 is whether the dean should be included in the process. Bonnell said she is not sure that is the case. She noted that at the start of the process set forth on Line 1, the dean knows there is a problem to be discussed because the Provost and dean are the parties who refer the matter to the DFSC. Boser said he believes the issue is whether the DFSC reports its recommendation directly to the Provost or if the DFSC first sends its recommendation to the dean. Catanzaro asked if the concern would be resolved if the DFSC were to be asked to inform the dean of its recommendation at the time the DFSC sends its recommendation to the Provost.

Ellerton asked if it would be appropriate for the DFSC and the Provost to consult with each other about disciplinary issues to help DFSC members understand what they are being asked to decide and to better understand the circumstances involved in the case. Catanzaro said such a consultation could play out in different ways. He said such a consultation could prevent a well-intentioned DFSC from recommending an action a Provost believes is too heavy handed. He also expressed concern that a Provost might inappropriately use the consultation as an opportunity to guide the DFSC toward the outcome the Provost prefers.

Dean brought the discussion to its conclusion by stating that she believes the committee has reviewed, elucidated, and reaffirmed the disciplinary processes set forth by the committee at its two prior meetings. Boser agreed, saying he thinks the committee can commit to what has been done and move on from there. Goodman concurred, noting that the committee is not going to remove all ambiguities in the processes no matter its efforts to do so.

III. ASPT disciplinary articles: next steps

Dean said she believes it is important for URC to send its recommendations regarding the disciplinary articles to the Caucus this spring. She expressed concern that if URC does not do so, a URC with new members will have to engage in these same discussions next academic year. Dean said she hopes the committee can divide into working groups to re-draft the disciplinary articles but said that the committee must first finalize the processes of considering sanctions, suspensions, and dismissal.

Dean asked committee members if they feel the committee needs to meet more often or hold longer meetings to finalize those processes. The consensus was to limit meetings to one hour. Boser said committee progress might be expedited if someone were to propose dismissal processes for discussion at the beginning of the next URC meeting. Dean said if she were to do that now she would essentially duplicate the processes the committee has set forth for suspensions. She said she is unsure how to approach the dismissal process for probationary faculty members, adding that she is uncertain whether there is a need for such a process.

Dean announced that the next URC meeting is scheduled for Tuesday, March 21. She said the committee will first discuss dismissal processes and then will attempt to complete the General Considerations article (Article XI) that was almost completed by the committee last fall.

IV. Other business

There was none.

V. Adjournment

Goodman moved to adjourn the meeting. Jenkins seconded the motion. The motion passed on voice vote, all voting in the affirmative. Dean adjourned the meeting at 2 p.m.

Respectfully submitted,

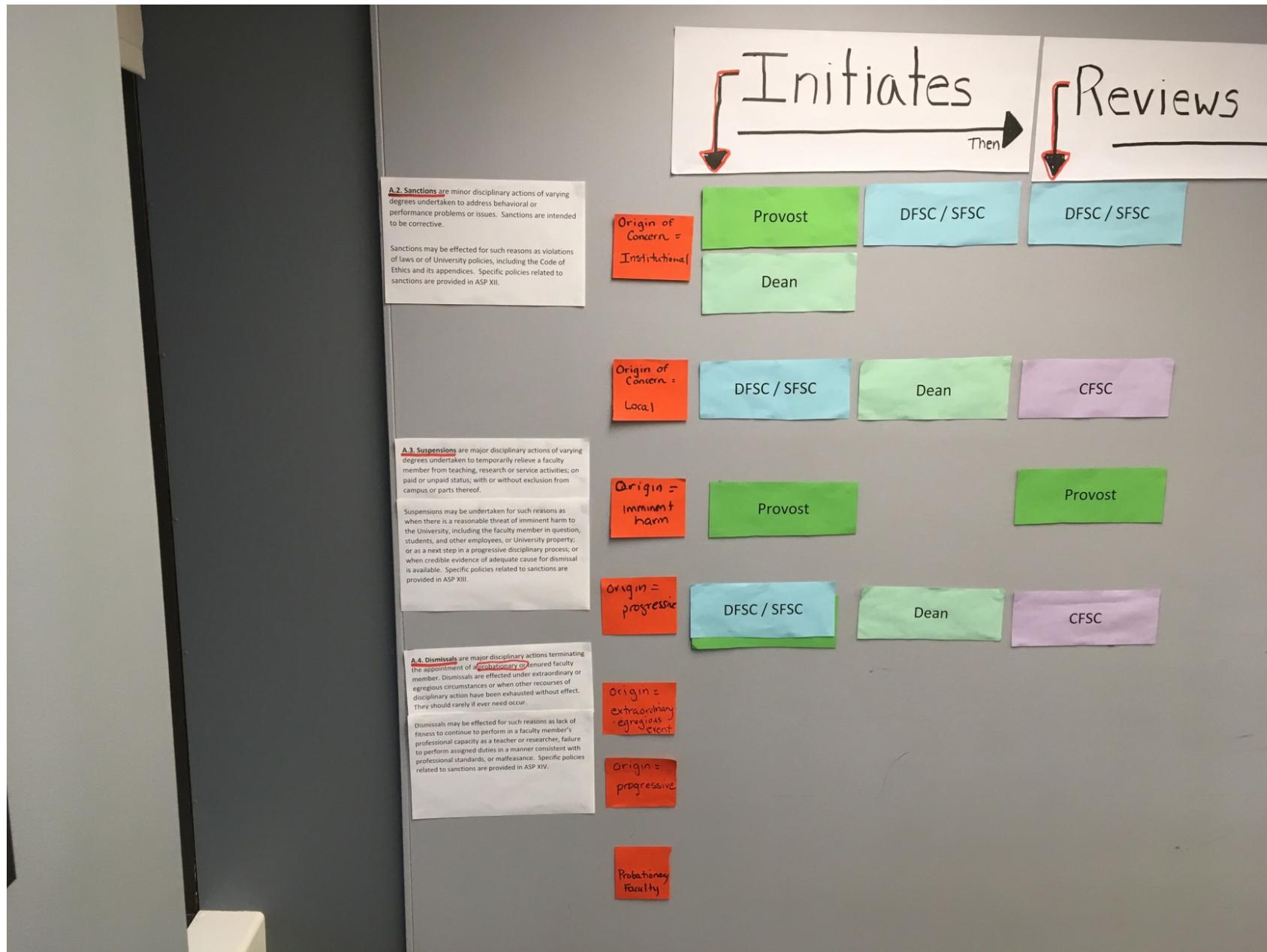
Bruce Stoffel, Recorder

ATTACHMENTS:

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

Flow Chart, End of University Review Committee Meeting, March 9, 2017 (2 parts)

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



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



Flow Chart, End of University Review Committee Meeting, March 9, 2017, Part 1 of 2



Flow Chart, End of University Review Committee Meeting, March 9, 2017, Part 2 of 2



UNIVERSITY REVIEW COMMITTEE

Tuesday, March 21, 2017
4 p.m., Hovey 401D

MINUTES

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

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

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, "URC" refers to the University Review Committee at Illinois State University; "Caucus" refers to the Faculty Caucus of the Academic Senate at Illinois State University; "ASPT" refers to appointment, salary, promotion, and tenure policies; "ASPT document" refers to *Faculty Appointment, Salary, Promotion, and Tenure Policies* effective January 1, 2017; and "DFSC" refers to department faculty status committee and school faculty status committee.

I. Call to order

Chairperson Diane Dean called the meeting to order at 4:02 p.m. A quorum was present.

Dean noted that minutes of the prior two URC meetings were distributed prior to the meeting; however, their approval has been deferred to the next URC meeting to maximize the amount of time available to the committee at this meeting to discuss disciplinary processes.

II. ASPT disciplinary articles

Dismissal processes

Dean reviewed the status of the disciplinary actions flow chart as of the end of the March 9, 2017, URC meeting (see attached).

Christopher Horvath noted that URC had previously discussed whether the committee should draft separate dismissal policies for probationary faculty members and tenured faculty members. He asked if, at its previous meeting, the committee decided whether dismissal processes illustrated in the flow chart apply only to tenured faculty members or to both tenured and probationary faculty members. Dean explained that dismissal processes illustrated in the flow chart are intended to apply to both tenured and probationary faculty. She said the non-reappointment process (set forth in Section XI.A of the ASPT document) would be followed when considering whether to terminate a probationary faculty member for reasons related to quality of work, while the dismissal process would be followed when considering whether to terminate a probationary faculty member for other reasons. She added that, in practice, ASPT committees would be more likely to terminate a probationary faculty member using the non-reappointment process rather than the dismissal process. Nerida Ellerton advised caution in defining terms and processes and expressed concern about making it too easy to dismiss a probationary faculty member.

Sam Catanzaro said it might make more sense if probationary faculty members are subject to the non-reappointment process but not to the dismissal process. Suggesting that academic freedom may be the fundamental issue in non-reappointment decisions, Catanzaro noted that a probationary faculty member is permitted to appeal to AFEGC if the faculty member believes her or his academic freedom has been violated. Catanzaro said ASPT documents have provided for non-reappointment of probationary faculty members, but not dismissal, for many years. Dean asked for direction from committee members regarding the issue. The consensus of committee members present was to not provide for dismissal of probationary faculty members, only non-reappointment.

Dean pointed out the question mark on the flow chart, relating to appeals in suspension cases in which imminent harm is an issue. Catanzaro said he is checking with legal counsel for guidance regarding appeals in such cases.

Catanzaro recalled that URC, in its August 2015 ASPT recommendations, provided that the Provost would consult with the DFSC in such matters and appeals would be heard by the President. The committee then discussed whether the President should be assigned a role in the disciplinary processes illustrated in the flow chart. Dean said she is pleased with the symmetry of the processes thus far set forth by URC (i.e., without reference to the President), adding that the processes illustrated in the flow chart involve ASPT bodies as they were intended to be involved. Horvath said if URC wants to involve the President in the disciplinary processes, one option for doing so would be to provide that the Provost consult with the President to confirm the Provost's decision in each disciplinary case. Catanzaro cautioned that if URC decides that appeals in suspension cases should be heard by the President, the committee would not likely want the President to consult with the Provost regarding the decision being appealed. Ellerton urged clarity regarding the party charged with making a decisions in disciplinary cases; she said if a provision is added to the processes providing for consultation between the Provost and President regarding a decision, it will not be clear who is making the decision. Horvath stressed the importance of having a faculty body like the Faculty Review Committee hear appeals from faculty members rather than administrators. He cited a recent case at Northwestern University in which a faculty member appealed to a faculty-based body, which decided to support the faculty member. Dean asked for direction from the committee whether the President should be assigned a role in the disciplinary processes. The consensus of committee members present was not to do so. Sarah Smelser suggested that omitting reference to the President may provide a measure of flexibility in the processes.

Referring to the sanctions processes illustrated in the flow chart, Horvath asked if a faculty member could be sanctioned for not publishing enough or for publishing in journals deemed by the DFSC to be inappropriate for scholarly publishing in the discipline. Dean responded that a faculty member could not be sanctioned in such cases, that sanctioning processes relate to behavior while the performance evaluation process relates to performance. Ellerton agreed, noting that it would be a decision of the DFSC whether to rate performance of the faculty member in such instances as unsatisfactory. Horvath said he supports the interpretation that the disciplinary policies distinguish between behavior and rule breaking versus performance (i.e., that disciplinary policies are not be used in cases involving performance). Catanzaro cautioned about an exception to that interpretation. He noted that URC, in its August 2015 ASPT recommendations to the Caucus, provided for the possibility of dismissing a tenured faculty member in certain circumstances related to performance. Catanzaro cited a hypothetical case in which a tenured faculty member is determined by a DFSC to have had a history of poor performance, is then required by the DFSC to participate in the cumulative post-tenure review process, but thereafter continues to be evaluated by the DFSC as exhibiting poor performance. Catanzaro said the faculty member in such a case could be subject to dismissal proceedings. Angela Bonnell asked Catanzaro whether dismissal proceedings could apply to a tenured faculty member between post-tenure reviews. Catanzaro responded in the affirmative.

General considerations (beginning with XI.B.4)

Dean then directed the discussion to issues in Article XI (General Considerations) yet to be discussed by URC (see attached). She said they include stop-the-clock extensions, access to records of disciplinary processes, temporary reassignments of faculty members, and engagement of security officers in disciplinary matters. Bruce Stoffel reminded the committee that also yet to be discussed by committee members is the manner of communication in disciplinary cases, which, he said had been raised by Smelser when General Considerations were discussed by the committee last calendar year. Smelser reminded the committee that the issue of communication had been set aside until the committee outlined the disciplinary processes (as the committee now has done).

Dean began the discussion with consideration of Section XI.B.3 regarding stop-the-clock extensions. Horvath said it not full on sensible that someone who is not exonerated in a disciplinary case should get the right to ask for a stop-the-clock extension. Catanzaro pointed out that the August 2015 version of the passage recommended by URC did not include the phrase "or not" but provided that a probationary faculty member facing disciplinary actions and required to complete corrective actions would also be eligible to request a stop-the-clock extension.

Catanzaro noted that the Caucus subsequently removed the reference to corrective action and inserted the phrase “or not.” Ellerton said it may be a concern if a probationary faculty member is simultaneously stressed with completing corrective action related to a disciplinary case and working toward tenure but not allowed to ask for a stop-the-clock extension. Consensus of committee members present was to reinstate the reference to corrective action in Section XI.B.3. Dean then reminded the committee that it had set aside the stop-the-clock question last year due to concern that there might be an undesirable conflict if the party deciding whether to grant a stop-the-clock extension is the same party deciding the disciplinary action that precipitated the stop-the-clock extension request. Catanzaro explained that stop-the-clock requests are decided by the Provost in consultation with the dean and department chairperson. Horvath said, with that explanation from Catanzaro, he is agreeable to the stop-the-clock provision as suggested by the committee.

Next, Dean directed the committee discussion to the records access issue. She noted that the issue was addressed by URC beginning with the second sentence of XI.D of its August 2015 version of the disciplinary articles. Dean and Catanzaro reviewed changes to the passage suggested by the Caucus.

Ellerton said the passage regarding records access is intended to protect the faculty member who has applied for tenure and promotion from rumors. Catanzaro said the passage is also meant to protect a faculty member from being punished twice for the same actions (once through the disciplinary process and a second time through a negative decision in the tenure and promotion process). Ellerton suggested that the word “affirm” in the Caucus re-write of the passage might not be the correct word choice for the intended meaning of the sentence.

Horvath expressed concern about the clarity of the Caucus version of the records access passage. He said he interprets the passage to mean that the only reasons records from a disciplinary case can be viewed by a DFSC when considering a tenure or promotion application is to confirm or clarify, that a DFSC can only look at a disciplinary file if the committee has a question about it, and that the disciplinary file is not a usual part of the tenure or promotion process. Catanzaro said that is not the case, that the disciplinary file is always part of the tenure or promotion process, to help guide the committee in its deliberations. Horvath noted an apparent contradiction in the last sentence of the Caucus version of the section; he pointed out that the last sentence indicates that that documented facts are to be considered but also that the documented facts are not to be held against the faculty member.

Horvath expressed concern regarding the clause, “as it bears on the faculty members’ performance in teaching, research, and service” (which appears in the URC version and the Caucus version of the records access passage). He said inclusion of the clause suggests that a DFSC cannot consider behavioral issues when considering a tenure or promotion request and then deny tenure based on those issues; he said the clause could lead to confusion among parties to the tenure and promotion process if not clarified. Catanzaro said the clause was written into the section so behavioral issues are considered only in terms of their impact on teaching, research, or service, acknowledging the challenges in doing so.

Dean expressed the opinion that wording of the URC version of the passage is clearer than the Caucus version. Ellerton agreed. The consensus of committee members present was to retain the passage (the second and third sentences of Section XI.D) as URC had recommended it in August 2015.

Next steps

Dean said she still hopes URC can complete its work on the disciplinary articles by the end of the academic year and then submit its recommendations to the Caucus for its consideration in 2017-2018. She suggested forming three subgroups to expedite re-writing the articles regarding sanctions, suspensions, and dismissal now that the processes have been preliminarily decided. Smelser said the committee would not likely save much time re-writing the articles in subgroups, because the committee of the whole would need to review and revise the articles drafted by the subgroups. Ellerton added that the committee of the whole will also need to check for consistency in structure and style across the three articles.

Horvath recommended that URC instead meet more often between now and the end of the academic year, perhaps asking two committee members to come prepared to lead a committee discussion of one of the three articles at each meeting. Dean suggested assigning the two committee members asked to lead the discussion of a

particular article the task of making sure the elements and processes illustrated in the flow chart are incorporated in the re-written article. Dean asked Stoffel to poll members regarding their availability for additional committee meetings. She asked committee members to let her know which disciplinary article discussion they would be willing to co-facilitate.

III. Other business

There was none.

IV. Adjournment

Horvath moved to adjourn the meeting. Smelser seconded the motion. The motion passed on voice vote, all voting in the affirmative. The meeting adjourned at 5:07 p.m.

Respectfully submitted,

Bruce Stoffel, Recorder

ATTACHMENTS:

Flow Chart, End of University Review Committee Meeting, March 9, 2017 (2 parts)

Disciplinary Actions: Article XI. General Considerations through 12-13-16 URC Meeting

Flow Chart, End of University Review Committee Meeting, March 9, 2017, Part 1 of 2



Flow Chart, End of University Review Committee Meeting, March 9, 2017, Part 2 of 2



**Disciplinary Actions: Article XI. General Considerations
Through 12-13-16 URC Meeting**

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions may be imposed for such adequate causes as violations of laws or University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. 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. Specific policies related to suspensions are provided in ASPT XIII. 4. 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. 5. 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. Specific policies related to termination of tenured faculty appointments are provided in ASPT XIV.B. 	<p>A. Types of Disciplinary Actions; Conditions under which they may be applied</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions: As defined by the American Association of University Professors' 1971 guidelines regarding progressive discipline, sanctions that can be imposed upon a faculty member are: oral reprimand, written reprimand, recorded reprimand, requirement to make restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period, and disciplinary suspension for a stated period without other prejudice. Sanctions may be imposed for such reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. Suspension: Suspension occurs when a faculty member, as a result of disciplinary findings or allegations, is: <ol style="list-style-type: none"> a. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University and is excluded from all or parts of campus and its privileges (e.g. access to email services); or 	<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. The University normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension or dismissal may be appropriate. 2. Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral or performance problems or issues. Sanctions are intended to be corrective. Sanctions may be effected for such reasons as violations of laws or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. Suspensions are major disciplinary actions of varying degrees undertaken to temporarily relieve a faculty member from teaching, research, or service activities; on paid or unpaid status; with or without exclusion from campus or parts thereof. Suspensions may be effected for such reasons as when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees, or University property; or as a next step in a progressive disciplinary process; or when credible evidence of adequate cause for dismissal is available. Specific policies related to suspensions are provided in ASPT XIII.

Disciplinary Actions: Article XI. General Considerations
Through 12-13-16 URC Meeting

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p>6. 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.</p> <p><i>[Article XI continues below]</i></p>	<p>b. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University but is not excluded from campus; or</p> <p>c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or</p> <p>d. reassigned out of some portion thereof (e.g. reassignment out of a particular class for the remainder of a semester; exclusion from a laboratory space).</p> <p>Suspension of faculty members will only be contemplated (i) in circumstances when there is a reasonable threat of imminent harm to the faculty member in question, students, other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice.</p> <p>Specific policies related to the first type of suspension are provided in ASPT XIII. The second type of suspension follows the same process as described for dismissal in ASPT XIV, with due consideration to the protections provided for in ASPT XIII, and may be proposed as an alternative to dismissal or as a penalty unrelated to dismissal.</p>	<p>4. Dismissals are major disciplinary actions terminating the appointment of a probationary or tenured faculty member. Dismissals are effected under extraordinary or egregious circumstances or when other recourses of disciplinary action have been exhausted without effect. They should rarely if ever need occur.</p> <p>Dismissals may be effected for such reasons as lack of fitness to continue to perform in a faculty member's professional capacity as a teacher or researcher, failure to perform assigned duties in a manner consonant with professional standards, or malfeasance. Specific policies related to dismissals are provided in ASPT XIV.</p> <p>5. Recommendations for non-reappointment of probationary faculty for non-disciplinary, performance concerns will follow the process outlined in ASPT XV.</p> <p>6. Termination of the appointment of a probationary or tenured faculty member due to demonstrable University financial exigency or program termination is not disciplinary in nature, and will follow the process outlined in the Illinois State University Constitution (Article III, Section 4.B.2.), the Governing Document of the Board of Trustees (Section C) and all applicable policies.</p> <p><i>[Article XI continues below]</i></p>

Disciplinary Actions: Article XI. General Considerations
Through 12-13-16 URC Meeting

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p><i>[Article XI continues below]</i></p>	<p>4. Dismissal as a disciplinary action: Dismissal is the termination of the appointment of a probationary or tenured faculty member for cause. Dismissal for cause of a probationary faculty member must be distinguished from non-reappointment for academic reasons and follows different procedures.</p> <p>Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.</p> <p>As noted in the AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (last updated in 1990), “A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur.” The statement goes on to indicate that a “necessary precondition of a strong faculty is that it have first-hand concern with its own membership [which] is properly reflected both in appointments to and in separations from the faculty body” and that the “faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.”</p> <p>Dismissal of a probationary or 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.</p>	<p><i>[Article XI continues below]</i></p>

Disciplinary Actions: Article XI. General Considerations
Through 12-13-16 URC Meeting

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p><i>[Article XI continues below]</i></p>	<p>Specific policies related to dismissal are provided in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents and all applicable policies including the right of appeal.</p> <p>5. Note regarding dismissals that might be considered under non-disciplinary circumstances: Termination of a faculty member's appointment due to financial exigency or program termination follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal, and must not be used, construed or disguised as a disciplinary action process. Faculty may appeal termination proceedings on the basis that disciplinary issues are being alleged in order to effect a dismissal for reasons of financial exigency or program termination, or vice versa.</p> <p>Non-disciplinary termination of a faculty member's appointment on the grounds either of lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher or failure to perform assigned duties in a manner consonant with professional standards also follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal.</p>	<p><i>[Article XI continues below]</i></p>

**Disciplinary Actions: Article XI. General Considerations
Through 12-13-16 URC Meeting**

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p>B. Faculty Rights</p> <ol style="list-style-type: none"> 1. Disciplinary actions (including suspension or termination) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. 2. In all disciplinary proceedings, faculty members have the rights to due process, to timely notice, to seek advice, to respond to developments in the disciplinary process, and to have an advisor and/or counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member only. <p>C. Faculty members' duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed. The reasons for such reassignment of duties will be provided to the faculty member. Such reassignments shall be made to prevent reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings.</p>	<p>B. Faculty Rights</p> <ol style="list-style-type: none"> 1. Disciplinary actions (including suspension or dismissal for disciplinary reasons) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the ISU Constitution, Article III, the Academic Freedom Ethics and Grievance policy and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy. 2. Suspension, as defined in XI.A.3, shall not be effected without a recommendation to the President from a three-member hearing committee of the Academic Freedom, Ethics, and Grievance Committee convened by the chairperson of that committee. The written recommendation from the hearing committee shall including i) a recommendation for or against suspension, ii) a recommendation regarding the length of any recommended suspension, and iii) recommendations regarding other aspects of any recommended suspension, including the nature and scope of the suspension (e.g. restriction only from a single course, banishment from campus pending felony criminal investigation, etc.). If immediate action must be taken due to a reasonable threat of imminent harm, consultation with the AFEGC must occur within 24 hours and a preliminary written recommendation formulated within 3 business days. The faculty member shall have the same rights to a full hearing and set of appeals as in other AFEGC cases. 	<p>B. Faculty Rights</p> <ol style="list-style-type: none"> 1. Disciplinary actions (including sanctions, suspensions or dismissals) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the Illinois State University Constitution (Article III) and the Faculty Academic Freedom, Ethics and Grievance policy (University Policy 3.3.8). 2. In all disciplinary proceedings, faculty members have the right to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member and to no other party. 3. Probationary faculty who face disciplinary actions whether exonerated or not may request a one year "stop-the-clock" extension of their probationary period, as described in IX.B.3.

Disciplinary Actions: Article XI. General Considerations
Through 12-13-16 URC Meeting

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2016-2017
<p>D. 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 probationary period, as described in IX.B.3. The records of the disciplinary process, including documentation of exoneration and 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. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or corrective actions are considered.</p>	<p>3. In all disciplinary proceedings, faculty members have the right to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member and to no other party.</p> <p>4. Probationary faculty who face disciplinary actions whether exonerated or not may request a one year “stop-the-clock” extension of their probationary period, as described in IX.B.3.</p> <p>5. The records of the disciplinary process, including documentation of exoneration and/or imposition of sanctions, may not be reviewed in the tenure and/or promotion process except when necessary to affirm exoneration or imposition of sanctions, and then only as it bears on the faculty member’s performance in teaching, research, and service. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or sanctions are considered and not held against the faculty member.</p> <p>6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that they might need to exonerate themselves; if access to such material poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense.</p>	

UNIVERSITY REVIEW COMMITTEE

Tuesday, April 11, 2017
4 p.m., Hovey 401D

MINUTES

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

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

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University; “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University; “AAUP” refers to the American Association of University Professors; “AFEGC” refers to the Faculty Academic Freedom, Ethics and Grievance Committee at Illinois State University; and “ASPT document” refers to *Faculty Appointment, Salary, Promotion, and Tenure Policies* effective January 1, 2017.

I. Call to order

Chairperson Diane Dean called the meeting to order at 4:04 p.m. A quorum was present.

II. ASPT disciplinary articles

A. General considerations

Dean said her goal for the meeting is to complete general considerations (Article XI). Issues remaining for committee discussion include temporary reassignments, engagement of security officers in disciplinary matters, and communication protocols in disciplinary cases. Dean distributed a document that includes passages related to each of the three issues from the August 2015 URC version of Article XI and the September 2016 Caucus version of the article. To those two versions of the passages Dean has added her suggested revisions. She explained that her suggestions are intended as starting points for committee discussion.

During the ensuing discussion committee members also referred to the document titled *Disciplinary Actions: Through the March 21, 2017 URC Meeting* (see attached). In the passages that follow, “URC 2015,” “Caucus 2016,” and “URC 2017” refer to columns of that document.

Temporary reassignments

Dean said the definition of suspensions drafted earlier this year by URC and added to General Considerations as Section XI.A.3 of URC 2017 describes exactly what URC had described as temporary reassignments in Article XI.C of URC 2015. For that reason, Dean said, she suggests not including the wording from Section XI.A.3 of URC 2015 in Section XI.B of URC 2017. Dean also noted that the Caucus did not mention temporary reassignments in its 2016 version of Article XI. Christopher Horvath and Sarah Smelser noted that while Section XI.A.3 refers to relief from activities, the section does not explicitly provide for temporary reassignments. Catanzaro said he prefers that the disciplinary articles allow for temporary reassignment while parties to disciplinary action determine what is to be done, even if the temporary reassignment involves just one class. Catanzaro acknowledged that AAUP considers such a reassignment to be de facto suspension but said he does not agree. Horvath suggested retaining the first sentence of Section XI.C (URC 2015) that reads, “Faculty members’ duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed.” Dean said the sentence could be added as a new Section XI.A.2

(URC 2017). She said placing the new section there would make sense if the actions described in Section XI.A (URC 2017) are in order of increasing severity.

Angela Bonnell said she understands the rationale for temporary reassignment but is concerned that a temporary reassignment could in some instances be a more severe disciplinary action than a sanction. Catanzaro said he can think of many situations in which temporary reassignment would never be used, but there may be situations in which students or the faculty member would prefer reassignment of the faculty member until the disciplinary matter is resolved. A temporary reassignment would be an option, Catanzaro said, not a necessity. Nerida Ellerton agreed, noting there is a difference between a temporary reassignment as an option and as a necessary next step.

Horvath cited a scenario in which a department chairperson removes a faculty member from a committee and a scenario in which a chairperson removes a faculty member from her or his assignment as a program coordinator. Horvath also cited situations in which a department chairperson tells a faculty member that she or he can never teach a particular course or that she or he may never serve on a particular committee. Horvath said, while such actions are within a chairperson's right, the actions may be punitive and therefore should be subject to disciplinary processes. Horvath asked if such situations should be addressed by URC in its re-write of the disciplinary articles. He cautioned that the instances he has cited happen at Illinois State but are not covered by the versions of the disciplinary articles thus far drafted.

Ellerton suggested that a temporary reassignment might be analogous to the concept of "paid administrative leave" used in other employment sectors. She suggested that temporary reassignment is not really disciplinary, rather it is an action taken until the situation can be sorted out. A permanent reassignment, she suggested, would be a sanction or suspension. Horvath said he does not consider a permanent reassignment to be a suspension because it is not temporary.

Catanzaro said ASPT policies provide that faculty members are assigned courses each year by the department chairperson in consultation with the faculty member. He said a situation in which a faculty member does not get her or his first-choice course is not punitive. He explained that faculty assignments and reassignments are not permanent, adding that it is not good administrative practice to assign a course to the same faculty member every year. Horvath said if a chairperson is going to permanently reassign something as a punishment, then that reassignment should be covered by the disciplinary articles. He said he wants to make sure there is explicit due process for the imposition of that kind of punishment. There is a difference, he said, between being relieved of an assignment due to performance and being relieved of an assignment as a punishment for failing to do something else or for actually doing something else.

Dean recommended that the committee set the issue of temporary reassignment aside and instead address it when the sanctions article is revised by the committee. There were no objections from committee members.

Engagement of security officers in disciplinary matters

Dean pointed out that URC, in its August 2015 version of the disciplinary articles, did not address engagement of security officers but that the Caucus did in its September 2016 version. Dean said she recommends keeping the Caucus passage with a few edits, including deletion of the AFEGC reference. Smelser noted a typographical error in the first sentence of the second paragraph of Dean's suggested re-write of Section XI.B.6 (Caucus 2016). Ellerton suggested replacing the word "exonerate" in that same sentence with the phrase "prepare for pending disciplinary actions or appeals." Horvath asked if the passage should also address access by a faculty member to her or his own research documents; he added that if access to such materials is covered legally, it might not need to be addressed in the disciplinary articles. Joe Goodman said in the corporate world such documents are usually brought to the employee rather than allow the employee on-site access to retrieve them.

Goodman asked who owns teaching and research materials developed by faculty members. Catanzaro responded that it is typically the case that the faculty member who develops the materials owns them, unless the work was explicitly done "for hire." He said there may be reasons why the University would not want a faculty member who is the subject of a disciplinary action to have access to the University server to

retrieve her or his materials. In such cases, Catanzaro said, the University would make other arrangements to get the materials to the faculty member.

Goodman cautioned about use of the word “reasonable” in both paragraphs of the passage drafted by Dean, noting that the meaning of the word is ambiguous. Ellerton suggested deleting the phrase “all reasonable” in the second paragraph of the passage. Committee members concurred. Horvath suggested replacing the word “reasonable” in the first paragraph of the passage with the word “credible,” noting that the word “credible” implies evidence. Committee members agreed. Dean said she would make a note to consider making the same change (from “reasonable” to “credible”) in Section XI.A.3 (URC 2017).

Goodman asked if the text being drafted by URC will be reviewed by legal counsel. Catanzaro answered in the affirmative.

Communication protocols in disciplinary cases

Dean pointed out that neither URC nor the Caucus mentioned communication protocols in their respective versions of the disciplinary articles, nor is the matter of communication protocols mentioned anywhere in the ASPT document. She reminded committee members that Smelser had suggested adding a passage regarding communication protocols when general considerations were discussed by the committee earlier in the academic year. Dean said she has drafted such a passage based on an example submitted to her by Bonnell. Catanzaro expressed concern about the degree to which campus mail and campus email are secure. He recommended that URC consider re-writing Dean’s proposed passage to read, “Means of communication that are confidential, whether electronic or physical, shall be used.” Dean said she likes the flexibility Catanzaro’s rewording provides, noting that a faculty member prohibited from campus would not have access to campus mail. She asked committee members if the passage suggested by Catanzaro should be added. Committee members agreed that it should be. Smelser asked where the passage will be placed in the document. Dean said she will add it after Section XI.B.6 (URC 2017).

Dean said she will make the changes to Article XI recommended by the committee at this meeting. Discussion of Article XI by URC will then be considered complete, she said.

B. Re-writing articles regarding sanctions, suspensions, and dismissal

Dean said she is still optimistic that URC can complete its discussions of the disciplinary articles by the end of the academic year and can then present revised articles to the Caucus for its consideration next academic year. Dean proposed that the committee work in subgroups to re-draft the articles regarding sanctions, suspensions, and dismissal. She suggested the following subgroup assignments.

Article	Topic	Subgroup members	URC meeting at which the subgroup is scheduled to report
XII	Sanctions	Ellerton and Horvath	April 18, 2017 (4 p.m.)
XIII	Suspensions	Goodman, Jenkins, and Smelser	April 25, 2017 (4 p.m.)
XIV	Dismissal	Bonnell, Boser, and Houston	May 4, 2017 (1 p.m.)

Dean said she has nearly completed a template for each of the three articles to guide subgroups with their re-writes and to provide consistency across the three articles. Smelser asked Dean how she wants subgroups to use the templates. Dean responded that she considers the templates “sacrificial drafts,” that each subgroup should feel free to make whatever changes to the template the subgroup deems appropriate. Dean asked Bonnell if she would help guide the subgroup charged with re-writing the dismissal article, noting that Bonnell’s subgroup colleagues have not been able to attend all recent committee meetings and, therefore, do not have first-hand knowledge of recent committee discussions. Bonnell indicated that she will be glad to help.

III. Other business

There was none.

IV. Approval of minutes

Dean asked if committee members are amenable to reviewing and approving URC minutes via email. She said three sets of minutes have yet to be approved: minutes for URC meetings held on February 28, March 9, and March 21. Committee members agreed to do so.

V. Adjournment

Goodman moved to adjourn the meeting. Horvath seconded the motion. The motion passed on voice vote, all voting in the affirmative. Dean adjourned the meeting at 5:04 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

ARTICLE XI: General Considerations, as distributed by Chairperson Diane Dean to the University Review Committee at its April 11, 2017 meeting

Disciplinary Actions: Through the March 21, 2017 URC Meeting

ARTICLE XI: GENERAL CONSIDERATIONS

	Version A: URC 2015	Version B: Faculty Caucus 2016	Version C: URC 2017
Temporary reassignments	<p>C. Faculty members' duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed. The reasons for such reassignment shall be made to prevent reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings.</p>	<p>(Faculty Caucus version makes no mention of temporary reassignments.)</p>	<p>Suggestion: Drop inclusion of "temporary reassignments." Rationale: Our definition of suspensions describes exactly what URC also called "temporary reassignments." A temporary reassignment is a defacto suspension. See A.3.</p>
Engagement of security officers in disciplinary matters	<p>(URC 2015 original version makes no mention of temporary reassignments.)</p>	<p>B. Faculty Rights (continued) B.6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that the might need to exonerate themselves; if access to such materials poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense.</p>	<p>Suggestion: Keep with modifications below. The suggested edits clarify conditions under which uniformed escort could be needed. The rationales of potential harm, legal requirements or criminal investigations are more compelling and justifiable than those provided by Faculty Caucus. See below B.5. Uniformed police or security officers shall only be engaged in enforcing a suspension or dismissal when there are reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings. Faculty shall not be denied access to materials stored on campus property that the might need to exonerate themselves; if access to such materials poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense.</p>

ARTICLE XI: GENERAL CONSIDERATIONS

TOPIC	Version A: URC 2015	Version B: Faculty Caucus 2016	Version C: URC 2017
<p>Communication protocols in disciplinary cases</p>	<p>(URC 2015 original version makes no mention of communication protocols.)</p>	<p>(Faculty Caucus version makes no mention of communication protocols.)</p>	<p>Suggestion: Add wording as suggested by Sarah & Angie, based on University policy 3.3.8.b, re: AFEGC.</p> <p><i>“In this and subsequent matters, members of the AFEGC shall only use confidential campus mail envelopes to transmit items related to complaints and referrals, unless the Chairperson of the AFEGC has received signed permission from all parties and committee chairpersons that email or other electronic transmission mode is acceptable.”</i></p> <p>See below</p> <p>B.6. Only confidential campus mail envelopes shall be used to transmit communications and materials related to disciplinary actions.</p>
			<p><i>Any other considerations?</i></p>

DISCIPLINARY ACTIONS: THROUGH THE MARCH 21, 2017 URC MEETING

ARTICLE XI: GENERAL CONSIDERATIONS

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2017
<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions may be imposed for such adequate causes as violations of laws or University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. 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. Specific policies related to suspensions are provided in ASPT XIII. 4. 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. 	<p>A. Types of Disciplinary Actions; Conditions under which they may be applied</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions: As defined by the American Association of University Professors’ 1971 guidelines regarding progressive discipline, sanctions that can be imposed upon a faculty member are: oral reprimand, written reprimand, recorded reprimand, requirement to make restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period, and disciplinary suspension for a stated period without other prejudice. <p>Sanctions may be imposed for such reasons as violations of felony and ethics laws pertinent to a faculty member’s responsibilities or of University policies, including the Code of Ethics and its appendices.</p> <p>Specific policies related to sanctions are provided in ASPT XII.</p>	<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. The University normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension or dismissal may be appropriate. 2. Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral or performance problems or issues. Sanctions are intended to be corrective. <p>Sanctions may be effected for such reasons as violations of laws or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII.</p> <ol style="list-style-type: none"> 3. Suspensions are major disciplinary actions of varying degrees undertaken to temporarily relieve a faculty member from teaching, research, or service activities; on paid or unpaid status; with or without exclusion from campus or parts thereof. Suspensions may be effected for such reasons as when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees, or University property; or as a next step in a progressive disciplinary process; or when credible evidence of adequate cause for dismissal is available. Specific policies related to suspensions are provided in ASPT XIII.

DISCIPLINARY ACTIONS: THROUGH THE MARCH 21, 2017 URC MEETING

ARTICLE XI: GENERAL CONSIDERATIONS

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2017
<p>5. 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. Specific policies related to termination of tenured faculty appointments are provided in ASPT XIV.B.</p> <p>6. 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.</p> <p align="center"><i>[Article XI continues below]</i></p>	<p>3. Suspension: Suspension occurs when a faculty member, as a result of disciplinary findings or allegations, is:</p> <ul style="list-style-type: none"> a. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University and is excluded from all or parts of campus and its privileges (e.g. access to email services); or b. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University but is not excluded from campus; or c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or d. reassigned out of some portion thereof (e.g. reassignment out of a particular class for the remainder of a semester; exclusion from a laboratory space). <p>Suspension of faculty members will only be contemplated (i) in circumstances when there is a reasonable threat of imminent harm to the faculty member in question, students, other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice.</p>	<p>4. Dismissals are major disciplinary actions terminating the appointment of a probationary or tenured faculty member. Dismissals are effected under extraordinary or egregious circumstances or when other recourses of disciplinary action have been exhausted without effect. They should rarely if ever need occur.</p> <p>Dismissals may be effected for such reasons as lack of fitness to continue to perform in a faculty member's professional capacity as a teacher or researcher, failure to perform assigned duties in a manner consonant with professional standards, or malfeasance. Specific policies related to dismissals are provided in ASPT XIV.</p> <p>5. Recommendations for non-reappointment of probationary faculty for non-disciplinary, performance concerns will follow the process outlined in ASPT XV.</p> <p>6. Termination of the appointment of a probationary or tenured faculty member due to demonstrable University financial exigency or program termination is not disciplinary in nature, and will follow the process outlined in the Illinois State University Constitution (Article III, Section 4.B.2.), the Governing Document of the Board of Trustees (Section C) and all applicable policies.</p> <p align="center"><i>[Article XI continues below]</i></p>

DISCIPLINARY ACTIONS: THROUGH THE MARCH 21, 2017 URC MEETING

ARTICLE XI: GENERAL CONSIDERATIONS

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2017
<p align="center"><i>[Article XI continues below]</i></p>	<p>Specific policies related to the first type of suspension are provided in ASPT XIII. The second type of suspension follows the same process as described for dismissal in ASPT XIV, with due consideration to the protections provided for in ASPT XIII, and may be proposed as an alternative to dismissal or as a penalty unrelated to dismissal.</p> <p>4. Dismissal as a disciplinary action: Dismissal is the termination of the appointment of a probationary or tenured faculty member for cause. Dismissal for cause of a probationary faculty member must be distinguished from non-reappointment for academic reasons and follows different procedures.</p> <p>Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.</p> <p align="center"><i>[Article XI continues below]</i></p>	<p align="center"><i>[Article XI continues below]</i></p>

DISCIPLINARY ACTIONS: THROUGH THE MARCH 21, 2017 URC MEETING

ARTICLE XI: GENERAL CONSIDERATIONS

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2017
<p align="center"><i>[Article XI continues below]</i></p>	<p>As noted in the AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (last updated in 1990), “A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur.”</p> <p>The statement goes on to indicate that a “necessary precondition of a strong faculty is that it have first-hand concern with its own membership [which] is properly reflected both in appointments to and in separations from the faculty body” and that the “faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.”</p> <p>Dismissal of a probationary or 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.</p> <p>Specific policies related to dismissal are provided in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents and all applicable policies including the right of appeal.</p>	<p align="center"><i>[Article XI continues below]</i></p>

DISCIPLINARY ACTIONS: THROUGH THE MARCH 21, 2017 URC MEETING

ARTICLE XI: GENERAL CONSIDERATIONS

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2017
<p align="center"><i>[Article XI continues below]</i></p>	<p>5. Note regarding dismissals that might be considered under non-disciplinary circumstances: Termination of a faculty member's appointment due to financial exigency or program termination follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal, and must not be used, construed or disguised as a disciplinary action process. Faculty may appeal termination proceedings on the basis that disciplinary issues are being alleged in order to effect a dismissal for reasons of financial exigency or program termination, or vice versa.</p> <p>Non-disciplinary termination of a faculty member's appointment on the grounds either of lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher or failure to perform assigned duties in a manner consonant with professional standards also follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal.</p> <p align="center"><i>[Article XI continues below]</i></p>	<p align="center"><i>[Article XI continues below]</i></p>

DISCIPLINARY ACTIONS: THROUGH THE MARCH 21, 2017 URC MEETING

ARTICLE XI: GENERAL CONSIDERATIONS

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2017
<p>B. Faculty Rights</p> <ol style="list-style-type: none"> Disciplinary actions (including suspension or termination) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. In all disciplinary proceedings, faculty members have the rights to due process, to timely notice, to seek advice, to respond to developments in the disciplinary process, and to have an advisor and/or counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member only. <p>C. Faculty members' duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed. The reasons for such reassignment of duties will be provided to the faculty member. Such reassignments shall be made to prevent reasonable threats of harm to the University, the individual faculty member, or other members of the University community; when required by law; or when necessitated by pending criminal investigation or legal proceedings.</p> <p align="center"><i>[Article XI continues below]</i></p>	<p>B. Faculty Rights</p> <ol style="list-style-type: none"> Disciplinary actions (including suspension or dismissal for disciplinary reasons) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the ISU Constitution, Article III, the Academic Freedom Ethics and Grievance policy and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy. <p align="center"><i>[Article XI continues below]</i></p>	<p>B. Faculty Rights</p> <ol style="list-style-type: none"> Disciplinary actions (including sanctions, suspensions or dismissals) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the Illinois State University Constitution (Article III) and the Faculty Academic Freedom, Ethics and Grievance policy (University Policy 3.3.8). In all disciplinary proceedings, faculty members have the right to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member and to no other party. <p align="center"><i>[Article XI continues below]</i></p>

DISCIPLINARY ACTIONS: THROUGH THE MARCH 21, 2017 URC MEETING

ARTICLE XI: GENERAL CONSIDERATIONS

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2017
<p>D. 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 probationary period, as described in IX.B.3. The records of the disciplinary process, including documentation of exoneration and 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. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or corrective actions are considered.</p>	<p>2. Suspension, as defined in XI.A.3, shall not be effected without a recommendation to the President from a three-member hearing committee of the Academic Freedom, Ethics, and Grievance Committee convened by the chairperson of that committee. The written recommendation from the hearing committee shall including i) a recommendation for or against suspension, ii) a recommendation regarding the length of any recommended suspension, and iii) recommendations regarding other aspects of any recommended suspension, including the nature and scope of the suspension (e.g. restriction only from a single course, banishment from campus pending felony criminal investigation, etc.). If immediate action must be taken due to a reasonable threat of imminent harm, consultation with the AFEGC must occur within 24 hours and a preliminary written recommendation formulated within 3 business days. The faculty member shall have the same rights to a full hearing and set of appeals as in other AFEGC cases.</p> <p>3. In all disciplinary proceedings, faculty members have the right to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member and to no other party.</p> <p align="center"><i>[Article XI continues below]</i></p>	<p>3. Probationary faculty who face disciplinary actions whether exonerated or required to complete corrective actions may request a one year “stop-the-clock” extension of their probationary period, as described in IX.B.3.</p> <p>4. The records of the disciplinary process, including documentation of exoneration and 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. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or corrective actions are considered.</p>

DISCIPLINARY ACTIONS: THROUGH THE MARCH 21, 2017 URC MEETING

ARTICLE XI: GENERAL CONSIDERATIONS

VERSION A: URC 2015	VERSION B: Faculty Caucus 2016	VERSION C: URC 2017
	<p>4. Probationary faculty who face disciplinary actions whether exonerated or not may request a one year “stop-the-clock” extension of their probationary period, as described in IX.B.3.</p> <p>5. The records of the disciplinary process, including documentation of exoneration and/or imposition of sanctions, may not be reviewed in the tenure and/or promotion process except when necessary to affirm exoneration or imposition of sanctions, and then only as it bears on the faculty member’s performance in teaching, research, and service. The purpose of such review will be to ensure that only the documented facts of the individual’s exoneration and/or sanctions are considered and not held against the faculty member.</p> <p>6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that they might need to exonerate themselves; if access to such material poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense.</p>	

UNIVERSITY REVIEW COMMITTEE

Tuesday, April 18, 2017
4 p.m., Hovey 401D

MINUTES

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

Members not present: Rick Boser, Sheryl Jenkins

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University; “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University; “AFEGC” refers to the Faculty Academic Freedom, Ethics and Grievance Committee at Illinois State University; “FRC” refers to the Faculty Review Committee at Illinois State University; “ASPT document” refers to *Faculty Appointment, Salary, Promotion, and Tenure Policies* effective January 1, 2017; “CFSC” refers to college faculty status committee; “DFSC” refers to department faculty status committee; and “SFSC” refers to school faculty status committee. References in the minutes to “DFSC” are intended to refer to both DFSC and SFSC.

I. Call to order

Chairperson Diane Dean called the meeting to order at 4:04 p.m. A quorum was present.

Dean reported that minutes of the February 28, 2017 URC meeting, the March 9, 2017 URC meeting, and the March 21, 2017 URC meeting were approved by committee members via email on April 17, 2017. She noted that minutes of the April 11, 2017 URC meeting will be distributed prior to the April 25, 2017 URC meeting.

Dean reviewed the work scheduled to be completed by URC before the end of the academic year. She said the committee is scheduled to discuss the sanctions article at this meeting. To facilitate the discussion, she drafted the article and asked the sanctions subgroup (Nerida Ellerton and Christopher Horvath) to review it and provide their suggestions to the committee regarding changes to the draft. Dean said she will send similar drafts of the suspensions and dismissals articles to the respective subgroups for review and reporting at upcoming URC meetings. Discussion of Article XIII is scheduled for the April 25, 2017 URC meeting, and discussion of Article XIV is scheduled for the May 4, 2017 URC meeting.

II. Discussion of Article XII: Sanctions

Dean distributed her draft of the sanctions article (see attached) and then yielded the floor to Ellerton and Horvath to report their findings and recommendations.

Referring to Section XII.A.2, Horvath said he and Ellerton suggest replacing the word “corrective” in the first sentence with the phrase “progressive and remedial.” He noted that the word “corrective” as used elsewhere in the disciplinary articles has a different meaning. Horvath said he and Ellerton recommend the change to prevent confusion regarding the intended meaning of the word. Committee members agreed. Dean later noted that the word “corrective” appears in Article XI (General Considerations) at Section XI.A.1. She asked if she should change the word “corrective” there as well. Ellerton and Horvath recommended that she do so.

Horvath said he and Ellerton suggest removing the last clause of the last sentence of Section XII.A.2 because it is unnecessary (“if appropriate to the seriousness of the misconduct”). Committee members agreed.

Referring to Section XII.B (Type of Sanctions), Ellerton asked if the term “level” or the term “type” should be used to categorize sanctions set forth in the section. Catanzaro suggested that the term “level” may be interpreted as implying severity. Horvath added that ordering the levels may be interpreted as suggesting

increasing severity, which may not be the case. Ellerton suggested replacing the phrase “general levels” with “broad categories.” Committee members agreed.

Ellerton said she and Horvath recommend that verbal notices not be considered sanctions and should not be cited in the article. Committee members agreed.

Horvath asked if the references to levels and types of sanctions in Section XII.B.1 should be considered exhaustive or if a DFSC or CFSC should be allowed to impose sanctions not cited in the section. Ellerton said it might be risky to consider the references exhaustive. Horvath said he has mixed views about the issue; allowing a DFSC or CFSC to impose sanctions not cited in the section would allow those committees flexibility in selecting a sanction that best fits each circumstance, however doing so might provide those committees with too much latitude. Horvath suggested that the levels and types of sanctions be considered exhaustive, with the understanding that the committee can consider changing that approach if it becomes problematic. There were no objections to Horvath’s suggestion.

Committee members then discussed Section XII.B.1.d, regarding reassignments. Catanzaro expressed concern about reassignments being considered sanctions. He explained that while he would not want department chairpersons to be haphazard or inappropriately spontaneous with reassignments, he also would not want reassignments to always be considered punitive. Doris Houston suggested modifying the beginning of that section to allow for punitive and non-punitive reassignments, from “Reassignments are disciplinary actions ...” to “Reassignments may be used as a disciplinary action ...” Angela Bonnell agreed, stating that defining a reassignment based on its intent is workable. Horvath cautioned that it needs be clear in the article when a reassignment is considered a disciplinary action and when it is not. He suggested distinguishing between the two based on whether a reassignment is permanent or temporary and whether the assignment being changed had already officially been made by the department chairperson. He recommended that a reassignment be considered a sanction if it is not permanent, further recommending that a temporary reassignment should be limited to not more than one year. He also recommended that taking a course away from a faculty member after it has been officially assigned and advertised should be considered a sanction. There were no objections to Horvath’s recommendations.

Ellerton and Horvath then referred committee members to Section XII.C, regarding procedural considerations related to sanctions. Horvath said the organization of that section is confusing because one subsection refers to sanctions initiated by either a DFSC or the Provost (XII.C.1), one subsection refers to sanctions initiated only by a DFSC (XII.C.2), and one subsection refers to sanctions initiated only by the Provost. He said he and Ellerton suggest simplifying Section XII.C to include one subsection regarding sanctions initiated by a DFSC and one subsection regarding sanctions initiated by the Provost. Ellerton said using the sentence numbered Section XII.C.1 in the draft as an introductory statement rather than as the beginning of a subsection might help. Committee members agreed.

Horvath raised a concern regarding the two sanctioning paths described in Section XII.C (one initiated by the Provost and the other initiated by DFSC). He said in the path initiated by the Provost, the faculty member has two opportunities to appeal, one to the external body that has determined that the faculty member has violated a policy and a second to FRC. However, if sanction proceedings are initiated by a DFSC, the faculty member has only one opportunity to appeal (to FRC). Horvath said he believes this difference may be inequitable. Catanzaro said his interpretation of the path set forth by URC for sanctions initiated by a DFSC is that the DFSC sends the case to the CFSC without deciding whether the faculty member has committed a violation; the CFSC recommends to the Provost whether a violation has been committed by the faculty member and also recommends sanctions to the Provost; the FRC considers an appeal by the faculty member regarding the recommendation whether a violation has been committed, the recommendation regarding sanctions, or both; and the Provost makes a decision based on CFSC recommendations and FRC recommendations (if the faculty member has filed an appeal). Catanzaro suggested that, in his interpretation of the process, the DFSC serves a role analogous to the role served by a grand jury. Dean and Houston agreed. Horvath said he likes that approach. He said he would be more comfortable asking the CFSC to make recommendations than asking the DFSC to do so, because the CFSC is one level removed from the situation. Catanzaro suggested revising Section XII.C.2.b to clarify that the role of the DFSC is to refer the matter to the CFSC, not to act on the matter. He suggested changing the phrase “... then the DFSC will notify the faculty member in writing that sanction

proceedings are being initiated” to “then the DFSC will notify the faculty member in writing that the matter is being referred to the CFSC.” Committee members agreed to the change.

Bonnell pointed out that the CFSC in Milner Library is not removed from the DFSC in the manner described by Horvath. She explained that the Milner Library DFSC and CFSC both consist of library faculty members elected by their peers. She said the same may be true of Mennonite College of Nursing. Houston asked if another level of review should be added for Milner Library and Mennonite College of Nursing. Joe Goodman reminded committee members that a section near the beginning the ASPT document mentions differences between Milner Library and Mennonite College of Nursing and all other colleges. Horvath suggested setting the issue aside for discussion by URC at a future meeting, with the understanding that the issue is significant and needs to be resolved. Bonnell agreed, stating that she would like to talk with her Milner Library colleagues about options for addressing the issue. She added that it is possible that her library colleagues might feel that the process is acceptable as drafted. Catanzaro said an option URC might consider is organizing one ad hoc subcommittee of FRC to fulfill one role and organizing a second ad hoc committee of FRC to fill a second role. He noted there are enough FRC members to populate two ad hoc subcommittees with different members.

Referring to Section XII.C.2.a, Ellerton said she and Horvath suggest ending the second sentence after the word “informally” because the rest of the sentence is redundant (i.e., to delete the clause “when possible, by clarifying the issues involved, resolving misunderstandings and considering alternatives”). Committee members agreed.

Horvath responded to the question posed by Dean, in the comments section of her draft article, regarding whether appeals processes associated with disciplinary actions should be set forth in each disciplinary article or consolidated with the description of other ASPT appeals processes in the existing article titled “Appeals Policies and Processes.” Horvath said he and Ellerton support consolidating the descriptions of appeals processes in one article of the ASPT document. Horvath also responded to the question posed by Dean, in the comments section of her draft article, regarding whether the article should explicitly set forth the opportunity for the faculty member to meet with the CFSC or for the CFSC to request to meet with either the faculty member or the DFSC. Horvath said he and Ellerton find the section as drafted by Dean acceptable. He said adding provisions for those opportunities would require adding another set of rules.

Sarah Smelser asked about underscoring within the text on page four of the draft article. Horvath explained that he and Ellerton recommend embedding a timeline in the article and that underscoring is to be replaced by numbers (of days). He said he and Ellerton recommend that the numbers replacing the underscoring should be consistent with numbers set forth elsewhere in the ASPT document for other processes, such as performance evaluations and promotion or tenure decisions.

Horvath expressed concern about Section XII.D.2, which provides for referral by the faculty member to AFEGC of any allegations of violation within the jurisdiction of AFEGC. He pointed out that, in the case of the sanctioning path initiated by the Provost, the impetus for initiating the case could have been a decision by AFEGC. He said it would then be inappropriate for AFEGC to consider an appeal by that same faculty member in the same case. Catanzaro pointed out that university policies provide that AFEGC may have up to 30 members, in which case AFEGC should have enough members to organize an appeals panel independent from the panel that initially found the faculty member in violation. Horvath noted that, even still, the same AFEGC chairperson would be forming both panels. Catanzaro said a potential conflict of that nature has occurred and was resolved by having the AFEGC vice-chairperson appoint one of the AFEGC panels. Goodman asked if AFEGC is then permitted to review a matter if there is a conflict of interest on the part of a panel member. Horvath said a panel member from the same department as the faculty member filing the appeal would have to recuse herself or himself, but only that faculty member. Catanzaro said he is aware of at least one case that involved such a recusal. Horvath suggested sending a memorandum to the newly-formed AFEGC policy writing group to explain this matter and to ask AFEGC to consider incorporating the approach recommended by URC in the AFEGC policy revisions. Dean asked Horvath if he would be willing to write such a memorandum. Horvath said he would.

Horvath next referred committee members to the draft flow chart on page five of the draft sanctions article. He said the dotted line between “AFEGC” and “Option to appeal to FRC” could be interpreted to mean that a faculty member may appeal an AFEGC decision to FRC, but that is not the case. Horvath suggested adding text to “AFEGC” to explain the role AFEGC has in the process. Dean pointed out missing lines between “FRC Report” and the two “Provost reviews & decides” boxes. She said she will add them.

Dean asked if the draft sanctions article should be revised based on the discussion at this meeting and then circulated to committee members for another review. Horvath said it should. Houston thanked Ellerton and Horvath for their work on the article.

III. Other business

There was none.

IV. Adjournment

Goodman moved to adjourn the meeting. Ellerton seconded the motion. The motion passed on voice vote, all voting in the affirmative. Dean adjourned the meeting at 5:00 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Article XII: Sanctions: Draft for consideration & URC group use, based on versions proposed by URC 2015, Faculty Caucus 2016, and the ongoing work of the URC 2017, compiled by Diane Dean, Chairperson, University Review Committee, April 13, 2017

ARTICLE XII: SANCTIONS

Draft for consideration & URC work group use, based on versions proposed by URC 2015, Faculty Caucus 2016, and the ongoing work of the URC 2017

A. General Provisions

1. All parties involved in considering the sanctioning of a faculty member shall refer to the definitions, conditions, and faculty rights set forth in Article XI (General Considerations) in addition to this Article XII.
2. Sanctions are intended to be corrective. Therefore, effort should be made to apply the most minor sanction likely to address the problem or issue and provide faculty with an opportunity to improve. Past disciplinary actions related to the problem or issue, if any, should be taken into consideration when determining sanctions. Repeated cause for discipline may merit progressively increased sanctions, if appropriate to the seriousness of the misconduct.
3. No sanction may be implemented until all appeals are exhausted.

B. Types of Sanctions

1. Sanctions fall into four general levels: reprimands, penalties, loss of prospective benefits, and reassignments.
 - a. Reprimands include written notices of issues that do not result in overt disciplinary action but that require corrective action by the faculty member.
 - b. Penalties are disciplinary actions that do not impede a faculty member's duties. These may include the removal of honors, reimbursement, restitution or fine, or mandatory training.
 - c. Loss of prospective benefits are the withholding of rewards or support for a stated period. This may include the suspension of regular or merit pay increases, a temporary reduction in salary, or the temporary loss of / ineligibility for institutional support for academic or research activities. Loss of prospective benefits cannot be applied to pension, healthcare, or other benefits provided by the state of Illinois.
 - d. Reassignments are disciplinary actions that modify a faculty member's teaching, research or service activities or administrative assignments for a stated period of time, without completely relieving a faculty member of the entire duty.
2. Sanctions may include corrective actions. The requirements of any corrective action imposed on the faculty member should be communicated with the notification of the sanction and should include a timeline and acceptable documentation of completion.

C. Procedural Considerations Related to Sanctions

1. Sanction proceedings may be initiated by the DFSC / SFSC or the Provost.
 - a. The DFSC / SFSC may initiate sanction proceedings when there is evidence of cause, such as: behavior or performance problems or issues in the faculty member's responsibilities;

Comment [DD1]: Should we provide examples or not?

If we provide examples, is it in order of severity?

This draft uses examples from the prior URC and FC drafts, URC discussions, and examples from Michigan State U. and Northwestern U.

Comment [DD2]: We discussed that a verbal reprimand would be a level of action lower than an official sanction. Also, a verbal reprimand would become "written" by virtue of the sanctioning process described.

Comment [DD3]: I think the committee wanted some form of reassignment left as a possible sanction. How do we clarify the difference between a reassignment as a sanction (e.g. can't teach a specific course for a while) vs. suspension (e.g. can't teach any courses for a while)? Or are they both forms of suspension?

violation of University policies; or violation of laws pertinent to the faculty member's responsibilities.

- b. The Provost, in consultation with the Dean, may initiate sanction proceedings when there is a substantiated finding of violation imposed on a faculty member by an office or entity external to the ASPT system that has withstood the exhaustion of any applicable opportunities for appeal; such as:
 - i. Receipt from the University Ethics officer of a substantiated finding of violation of the State Ethics Act and / or other relevant laws;
 - ii. Receipt from the Office of Equal Opportunity, Ethics and Access of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy;
 - iii. Receipt from the Office of Research Ethics and Compliance of a substantiated finding of violation of federal, state and/or University policies regarding the conduct of ethical research, academic integrity, or financial practices in sponsored research;
 - iv. Receipt from the Academic Freedom, Ethics and Grievance Committee of a substantiated finding regarding violations of academic freedom or the University Code of Ethics, or a substantiated grievance that is not based in academic freedom concerns or the Code of Ethics.

2. Sanction proceedings initiated by the DFSC / SFSC will be directed to and reviewed by the CFSC.

- a. The DFSC / SFSC will first request to meet with the faculty member to discuss the alleged misconduct and the potential for discipline. The purpose of such consultation is to reconcile disputes early and informally, when possible, by clarifying the issues involved, resolving misunderstandings and considering alternatives.
- b. If the issue is not resolved through informal consultation, then the DFSC/SFSC will notify the faculty member in writing that sanction proceedings are being initiated. The notification will include the alleged misconduct, the evidence supporting the charges, and the relevant University policy or law violated and/or basis for showing that the faculty member has breached acceptable standards for responsible behavior or performance. This information will also be directed to the CFSC, with a request for its review and recommendation.
- c. The faculty member may provide a written response to the charges, to be considered in the CFSC's deliberations.
- d. The CFSC will review the information regarding the allegation and the faculty member's response, and recommend whether a sanction should be imposed. If the CFSC recommends imposing a sanction, the CFSC will also recommend the sanction or sanctions to be imposed. The CFSC shall report the recommendation in writing to the faculty member, the DFSC/SFSC and the Provost.
- e. The faculty member may appeal the CFSC's recommendation to the FRC, following the provisions in (###).

Comment [DD4]: Should we include timelines for each of these steps? What would be appropriate?

Comment [DD5]: Should this review process also include opportunity for faculty member to meet with the CFSC, or for the CFSC to request to meet with either the faculty member and/or the DFSC/SFSC?

Comment [DD6]: Should the appeal processes for disciplinary actions be presented within each article (e.g. sanction, suspension, dismissal)? Or should they be presented within and as an amendment to the existing article XIII, Appeals Policies and Procedures? If they go into the existing article, edits will need to be made to that article.

f. The Provost will review sanctioning recommendations made by the CFSC and any appeal recommendations made by the FRC, and make a decision regarding the disciplinary action. The Provost will notify the faculty member, DFSC and CFSC of the decision in writing. The sanction will then take effect.

3. Sanction proceedings initiated by the Provost will be directed to and reviewed by the DFSC / SFSC.

a. The Provost, in consultation with the Dean, will notify the faculty member in writing that sanction proceedings are being initiated. The notification will include the alleged misconduct, the substantiated findings of violation supporting the charges, and the office or entity issuing the findings. This information will also be directed to the DFSC, with a request for its review and recommendation.

b. The faculty member will have an opportunity to provide a written response to the charges, to be considered in DFSC/SFSC deliberations.

c. The DFSC/SFSC will review the information regarding the allegation and the faculty member's response, and recommend whether a sanction should be imposed. If the DFSC/SFSC recommends imposing a sanction, the DFSC/SFSC will also recommend the sanction or sanctions to be imposed. A DFSC/SFSC recommendation shall be based on a majority vote of the members of the committee.

d. The DFSC/SFSC shall report the recommendation in writing to the faculty member and the Provost.

e. The faculty member may appeal the DFSC/SFSC's recommendation, following the provisions in (####).

f. The Provost will review sanctioning recommendations made by the DFSC/SFSC and any appeal recommendations made by the FRC, and make a decision regarding the disciplinary action. The Provost will notify the faculty member, DFSC and Dean of the decision in writing. The sanction will then take effect.

4. If the sanctions include corrective actions, the requirements of these corrective actions, including timeline and acceptable documentation will be described in the same notification from the Provost and copied to the personnel / ASPT file. The faculty member may request, and shall receive, clarification of such requirements.

5. An overview of the sanctions process is found in Appendix #

D. Appeals Procedures Related to Sanctions

1. An appeal is here defined as a written statement by a faculty member that explains why a faculty member believes that there has been a misinterpretation, misjudgment, or procedural error relating to a sanctioning recommendation concerning that faculty member.

2. Upon receipt of a sanctioning recommendation from the CFSC or DFSC/SFSC, the faculty member may appeal the recommendation to the FRC. The faculty member should refer to the Academic Freedom Ethics and Grievance Committee (AFEGC) any allegations of violation that would fall within that committee's jurisdiction.

Comment [DD7]: Should this review process also include opportunity for faculty member to meet with the DFSC/SFSC, or vice versa?

Comment [DD8]: See previous question re: location of appeals information.

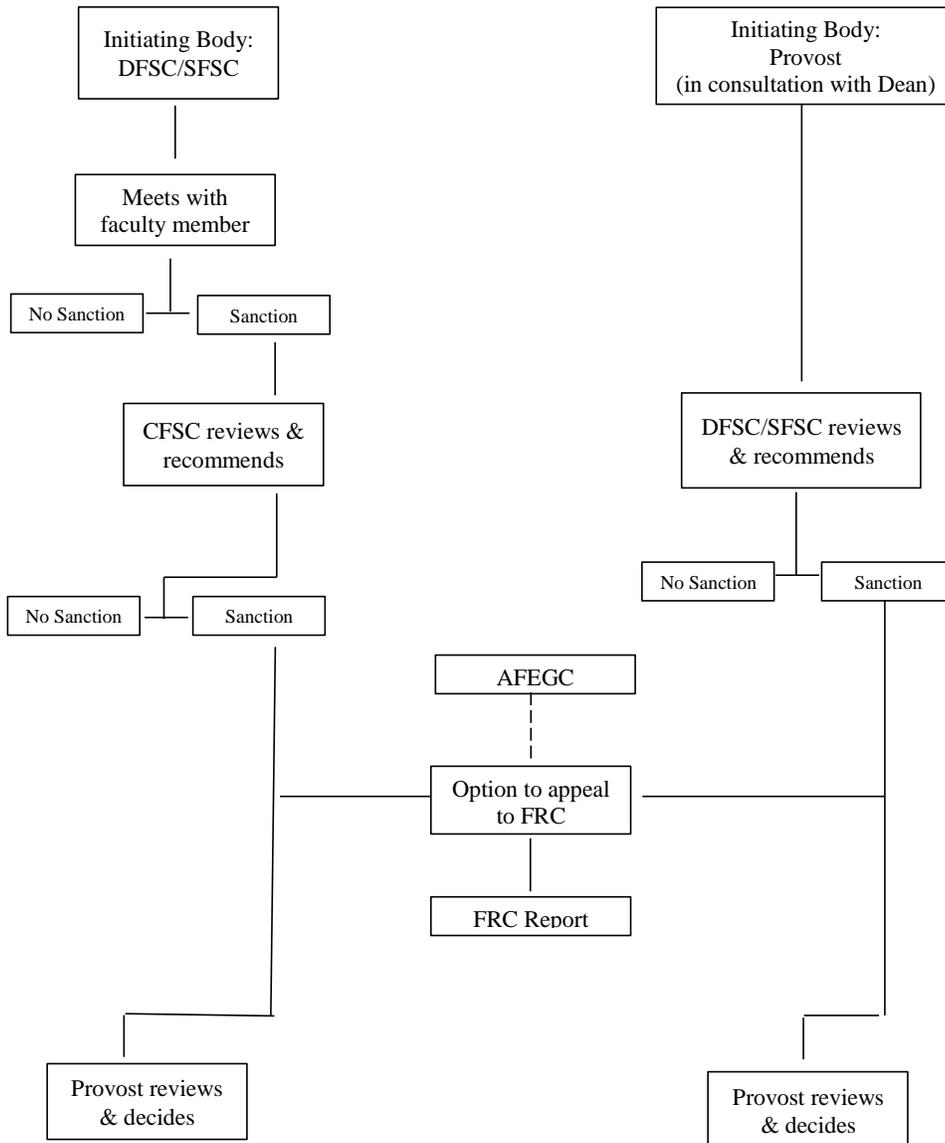
Comment [DD9]: This section largely borrows from ASPT XIII.H. (promotion or tenure appeals). If you think another model is more appropriate, please substitute.

Comment [DD10]: Note: We will need to change sections in ASPT III. "Faculty Review Committee" to reflect this new responsibility.

3. The faculty member shall notify the Chairperson of the FRC in writing of an intention to appeal within ____ days of receipt of the sanctioning recommendation.
4. The Chairperson of the FRC shall respond to the faculty member within _____ business days following the receipt of a written intent to appeal, and shall notify the Provost and the recommending CFSC (IX.C.2.d.) or DFSC/SFSC (IX.C.3.c.) of a faculty member's intent to appeal. The FRC shall initiate consideration of an appeal as expeditiously as possible.
5. In sanctioning cases, the FRC must receive from the faculty member an appeal as defined in XII.D.1, including written information supporting the request for an appeal, within _____ days of submitting an intent to appeal. This information shall also be made available to the recommending CFSC or DFSC/SFSC. The faculty member may request appropriate information regarding the case. This information shall include any official document used to support a decision regarding the case.
6. In order to effect a just and efficient appeal, the FRC shall be provided any documents used by the CFSC or DFSC/SFSC in the process of making recommendations. The FRC may request the parties in the review to appear in person. The FRC may deny an appeal where there is no evidence that a substantial basis for an appeal exists. If the FRC believes that the basis of the appeal is an academic freedom or ethics violation question, then the FRC may suspend its proceedings until it receives a report from the AFEGC.
7. Upon completion of the AFEGC hearings, if any, reports of the AFEGC, in addition to being processed as outlined in the procedures of the AFEGC, shall also immediately be forwarded to the FRC and shall become a permanent part of the FRC report. If, in the judgment of the AFEGC, a violation of academic freedom or ethics has occurred, the FRC must decide whether the violation significantly contributed to the recommendation to initiate and/or recommend sanctions. The FRC shall then complete its deliberations.
8. An FRC recommendation shall be based on a majority vote of the members of the committee. The FRC shall report the recommendation to the faculty member, the recommending DFSC/SFSC or CFSC, and the Provost.

APPENDIX ##

Overview of the Sanctions Process



UNIVERSITY REVIEW COMMITTEE

Tuesday, April 25, 2017
4 p.m., Hovey 401D

MINUTES

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

Members not present: Rick Boser, Doris Houston

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University; “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University; “AFEGC” refers to the Faculty Academic Freedom, Ethics and Grievance Committee at Illinois State University; “FRC” refers to the Faculty Review Committee at Illinois State University; “CFSC” refers to college faculty status committee; “DFSC” refers to department faculty status committee; and “SFSC” refers to school faculty status committee. References in the minutes to “DFSC” are intended to refer to both DFSC and SFSC.

I. Call to order

Chairperson Diane Dean called the meeting to order at 4:04 p.m. A quorum was present.

II. Discussion of Article XII: Suspensions

Dean yielded the floor to the subgroup charged with making recommendations to the committee regarding the suspensions article drafted by Dean. The committee consists of Joe Goodman, Sheryl Jenkins, and Sarah Smelser. Goodman facilitated the discussion working from a version of Dean’s draft of the article annotated with Goodman’s comments (see attached). Jenkins and Smelser contributed their comments and suggestions throughout the discussion.

Goodman suggested an editorial change in Section XIII.A.2, from “a progressive disciplinary process” to “the progressive disciplinary process.” There were no objections from committee members.

Goodman suggested an editorial change in Section XIII.A.4, from “A faculty member shall be afforded due process” to “A faculty member will be afforded due process.” Goodman explained that, according to *Black’s Law Dictionary*, the word “will” is more definitive and, therefore, preferable to him. There were no objections.

Goodman said the second sentence of Section XIII.A.5 is unclear to him (“Suspensions may not be of indefinite duration and must be followed by reinstatement, unless the faculty member has been dismissed following the academic due process set forth in Article XIV (Dismissals)”). Dean said the sentence came right from the Caucus 2016 version of Article XIII. Jenkins said dividing parts of the sentence with a semicolon might make the sentence clearer. Catanzaro said the entire sentence seems redundant. Jenkins agreed, noting that the reference to reinstatement seems obvious. Horvath said he wants the idea to be clearly conveyed; he suggested deleting the phrase “may not be of indefinite duration” from the sentence but leaving the rest. There were no objections.

Smelser then pointed out that the first sentence of Section XIII.A.5 states that suspensions are ordinarily no longer than six calendar months, while the sanctions article (XII) states that sanctions may be imposed for up to one year. She asked about the origin of the six-month rule and why the maximum duration for suspensions and sanctions differ. She said the maximum periods of time should be consistent for sake of parity and to prevent confusion. Referring to her notes from Caucus meetings at which the disciplinary articles were discussed, Angela Bonnell reported that Susan Kalter (Academic Senate chairperson) suggested the six-month limit on suspensions, citing AAUP documents. Horvath said defining time limits by academic year would make more

sense (e.g., rather than cite six months, cite half of an academic year). Dean said month was likely used as the unit of time in the passage rather than academic year or semester so the Provost would not have to wait until a semester ends to start a suspension. Horvath noted use of the word “ordinarily” in the passage, adding that it would be up to the Provost to decide the duration. Ellerton said the word “ordinarily” gives the Provost flexibility in setting the duration of the suspension, which is preferable. Smelser suggested retaining the phrase “ordinarily no longer than six months” for now and returning to the issue later in the discussion. There were no objections.

Goodman asked what the word “their” in the second sentence of Section XIII.B.2 references. Dean responded that the word “their” is intended to reference exclusions.

Horvath directed the discussion to Section XIII.B.1 (three categories of suspensions), specifically Section XIII.B.1.c. Horvath reminded committee members that they addressed the issue of reassignments in the sanctions article (XII). Dean proposed that reassignments be addressed only in the sanctions article. Committee members agreed. Dean said Section XIII.B.1.c will be deleted and the reference to “three categories” will be changed to “two categories.”

Horvath then directed the discussion to Section XIII.B.1.b (“Temporary relief from one or more academic duties (teaching, research, and/or service)”). He asked if a faculty member receiving this type of suspension would be reassigned to some other duty to replace the duty from which the faculty member has been relieved. He added that in his view of suspension, an employee would be directed not to come to work at all rather than be reassigned to some other duty. Catanzaro said he views relieving a faculty member of one duty as tantamount to reassignment rather than suspension. However, he added, AAUP considers temporary relief from one duty a de facto suspension in that it is a violation of a faculty member’s freedom to teach. Catanzaro said he does not agree with the AAUP interpretation. Jenkins asked Catanzaro what this looks like in real life. Catanzaro said he is aware of a situation in which a faculty member was asked not to teach but was allowed to continue some research activities, some remotely, so the faculty member’s graduate students were not adversely affected by the circumstance. Catanzaro cited another instance in which a faculty member was removed from campus but was permitted to work remotely with students to finish projects; Catanzaro added that the faculty member was a member of a thesis committee but was replaced when it became clear to the chairperson that there had been no communication between the faculty member and the student regarding the thesis. This second example, Catanzaro said, was closer to being considered a suspension than the first example, although the term “suspension” was not used at the time because there were (and are) no provisions in ASPT policies for suspension. Jenkins said, in light of Catanzaro’s examples, she believes that partial relief of duties should be considered a reassignment. Horvath reiterated that the reassignment would be a sanction not a suspension. Horvath suggested that one factor that might be used to distinguish between a reassignment (sanction) and a suspension is whether the faculty member’s salary is docked. Another factor, he said, is whether the faculty member has been physically barred from campus and denied use of services like the library or email. He suggested that if a faculty member has not been barred, the disciplinary action is a reassignment; however, if the faculty member’s access to campus is restricted, that action amounts to a suspension. Smelser directed the discussion back to Section XIII.B.1.b. Horvath recommended rewording that passage to provide for temporary relief from some or all duties along with exclusion from some or all parts of campus as a category of suspension. Dean asked if a faculty member could be suspended but not excluded from all or part of campus. Committee members present all said no. Dean said that in light of the discussion, she will check references to reassignments in Article XI (General Considerations) for consistency with references to reassignments in the suspensions article.

Goodman then directed the discussion to Section XIII.B.4, regarding corrective actions. He said he believes that any communication regarding a suspension must include a timeline. Catanzaro suggested revising the passage “and should include a timeline and acceptable documentation of completion” to “and must include a timeline and acceptable documentation of completion.” All committee members agreed.

Horvath recommended that Section XIII.B.4 require that a timeline be communicated to the faculty member being suspended regardless whether corrective action is required. Dean clarified that Section XIII.B is intended to describe types of suspensions. She suggested addressing Horvath’s recommendation in a subsequent section of the article.

Catanzaro then recommended revising the clause “and acceptable documentation of completion” in Section XIII.B.4 to read “and the expectation for acceptable documentation of completion.” There were no objections. Ellerton asked if the word “acceptable” should be replaced by the word “appropriate.” Horvath said he prefers to retain the word “acceptable,” because it refers to what is acceptable to the University. Ellerton agreed.

Goodman then directed the discussion to Section XIII.C.1. He asked if the phrase “for good reason” should be clarified. Horvath asked that the phrase be retained without clarification; he explained that the phrase provides a legal point on which a faculty member could base an appeal, adding that if the phrase is deleted or clarified the faculty member might lose that opportunity. There were no objections to Horvath’s request.

Horvath proposed to delete the last sentence of the Section XIII.C.1 (“Such extensions shall not constitute a procedural violation of this policy.”). Catanzaro explained that the sentence was requested by legal counsel because a common question asked in court proceedings is whether procedures have been followed. Horvath asked if legal counsel is likely to restore the sentence to the section if URC deletes it. Catanzaro said legal counsel is likely to do so. Committee members agreed to retain the sentence.

Goodman then directed the discussion to Section XIII.C.2. He suggested replacing the phrase “will be” with the word “are” in the second sentence of the section, to read “Suspension proceedings initiated by the DFSC/SFSC are directed to and reviewed by the CFSC.” There were no objections. Regarding Section XIII.C.2.a, Goodman noted that Caucus, in its 2016 version of this article, provided that the meeting involving the DFSC and the faculty member to discuss the alleged misconduct should occur within five business days of an allegation. He asked if such a provision should be included in the URC revision of the article. He recommended not adding such a provision, so all parties have greater flexibility in arranging a meeting. There were no objections.

Regarding that same Section XIII.C.2.a, Horvath noted the parenthetical recitation of examples of “relevant documentation” (“e.g. past performance evaluations; past sanctions; investigation report; and/or advice of Legal Counsel.”). He said it has been his experience that when examples are included in this manner, the examples become de facto choices. Ellerton agreed, noting that the phrase “relevant documentation” should be sufficient. Dean said she will note that the examples in the passage would instead be communicated through training subsequently provided to ASPT bodies regarding the disciplinary articles. She asked if the same parenthetical list, in Section XIII.C.2.c should also be deleted. Goodman said it should. Ellerton said she can imagine Caucus members asking about the intent of such a list, adding that it is better to address the issue now.

Regarding the last sentence of Section XIII.C.2.a (“The faculty member’s right to seek counsel must be honored and facilitated through reasonable scheduling of the meeting.”), Horvath asked if URC has provided for counsel in the general considerations article (XI). Dean responded that the committee did so, in XI.B.2. Horvath asked if his interpretation of the term “counsel” as referring to a lawyer is correct. Dean answered in the affirmative. Horvath asked if the provision for counsel is included in the sanctions article (XII). Dean said it should be included there as well; she said will make a note to check.

Goodman continued his review of Section XIII.C.2. He suggested an editorial change to Section XIII.C.2.b, revising the phrase “if both parties agree that additional time for deliberation likely would lead to a mutually agreeable solution” to read “if both parties agree that additional time for deliberation would lead to a mutually agreeable solution.” He suggested replacing the phrase “will also be” in the last sentence of Section XIII.C.2.c and replacing it with the word “is” so the sentence reads “This information is directed to the CFSC, with a request for its review and recommendation.” He suggested replacing the word “shall” with “will” in the beginning of Section XIII.C.2.d (to read “The faculty member will have an opportunity ...”) while retaining the word “shall” in the second sentence of that section. There were no objections. Dean noted that the final version of the disciplinary articles recommended by URC will need to be scanned for consistency in use of the words “will” and “shall” before the articles are submitted to the Caucus.

Goodman asked if Section XIII.C.2.e should be revised to include the opportunity for the faculty member to meet with the CFSC or for the CFSC to request to meet with the faculty member and/or the DSFC. He suggested that such a provision not be added. There were no objections to Goodman’s suggestion.

Dean noted that Section XIII.C.2.g is the passage to which a provision should be added requiring that the timeline for suspension be communicated in writing to the faculty member. There were no objections.

Horvath suggested that another issue of parallelism is the lack of mention in Section XIII.C.2 of the right of a faculty member to appeal to AFEGC if the faculty member believes her or his academic freedom has been violated. He noted that such a provision is included in the sanctions article (XII) and should be included in Section XIII.C.2 as well. Dean pointed out that the right to file a grievance with AFEGC is addressed in Section XIII.C.6. She asked if Horvath prefers that Section XIII.C.6 be placed elsewhere in Section XIII.C. Horvath responded that it is important to provide for an appeal to AFEGC before the faculty member appeals to FRC. Ellerton agreed, pointing out that an appeal to AFEGC before the appeal to FRC is illustrated in the flow chart in the draft article. Dean suggested inserting a new Section XIII.C.2.f regarding appeals to AFEGC and moving the existing Section XIII.C.2.f regarding the right to appeal to FRC below the newly-inserted section. Horvath agreed. Dean asked if this same change should be made to Section XIII.C.3 (regarding initiation of suspension proceedings by the Provost). Horvath said the change should be made there as well.

Dean expressed concern about the last sentence of Section XIII.C.2.g, “The suspension will then take effect.” She said inclusion of the sentence at that location and with that wording suggests that imposition of suspension is assumed when that should not be the case. Horvath added that the sentence as written can be factually incorrect in that the Provost may want a suspension to take effect at some later date. He suggested deleting the last sentence of the section (“The suspension will then take effect.”). There were no objections. Dean asked if one reason for deleting the sentence is because the effective date of the suspension is included in the timeline communicated in writing to the faculty member. Smelser answered in the affirmative.

Dean asked if Section XIII.C.2.g should grant the Provost the right to decide something other than suspension or no suspension, perhaps something lesser than a suspension. Horvath recommended that the section not grant the Provost such flexibility. There were no objections to Horvath’s recommendation.

Goodman said Section XIII.C.3 (initiation of suspension proceedings by the Provost) is his biggest concern among the passages of Article XIII yet to be discussed by the committee. One specific concern regarding the section, Goodman said, is whether a faculty member suspended pursuant to the section will continue to receive her or his salary. Goodman pointed to Section XIII.B.3, which provides that “Suspensions without pay will only occur after all appeals or related grievances have been adjudicated.” He asked if the faculty member suspended pursuant to Section XIII.C.3 will continue to receive her or his salary between the time the suspension starts and adjudication of all appeals and grievances or if salary payments to the faculty member would immediately cease upon start of the suspension. Horvath said the University cannot withhold salary until allegations have been proven. Catanzaro agreed, noting that the University would not do so anyway. Ellerton said the faculty member should have the benefit of the doubt until a final decision is rendered. She added that the University will likely want that decision to be rendered quickly in such situations.

Horvath asked if Section XIII.C.4 is intended to relate to suspensions initiated by DFSC and to suspensions initiated by the Provost; if so, he said, Section XIII.B.4 is redundant and should be deleted. All committee members agreed. Ellerton cautioned that reference to “written notification” in Section XIII.B.4 should be incorporated into Section XIII.C.4 if Section XIII.B.4 is deleted.

Smelser noted insertion of the word “to” in Section XIII.C.3 (“involving credible threat of imminent harm to the University.”).

Addressing disciplinary processes on a broader level, Horvath noted that the suspensions article (XIII) sets forth processes for a DFSC to initiate suspension proceedings and, in the case of imminent harm, for the Provost to initiate an expedited process. Horvath pointed out that the sanctions article (XII) sets forth a process through which a DFSC can initiate sanctions proceedings and a process through which the Provost can initiate sanctions proceedings if an body external to the ASPT system has rendered a substantiated and fully adjudicated finding of violation by a faculty member. Horvath asked what would happen if an external body were to find a faculty member in violation and to then recommend suspension of the faculty member due to the severity of the violation. He asked if such a situation would be reviewed pursuant to Section XIII.C.3 (suspension proceedings initiated by the Provost). Catanzaro noted that the AAUP stance regarding such a situation is that it should be

handled pursuant to sanction proceedings if imminent harm is not an issue. Horvath pointed out that an external body could decide that a faculty member should be suspended for six months for a violation of ethics policies, in which case sanctioning processes would not apply. Dean suggested that, if imminent harm is not a concern in such an instance, suspension proceedings would be considered by DFSC rather than the Provost. But, Dean added, such an approach would not be consistent with procedures set forth in the sanctions article (XII). Horvath agreed. Dean noted that suspension proceedings set forth in Section XIII.C.3 (suspension proceedings initiated by the Provost) are fast tracked, so they would not fit the situation posited by Horvath. She suggested establishing a third type of suspension proceeding, initiated by the Provost when imminent harm is not an issue. Horvath said because suspension is a severe disciplinary action, he would be comfortable having such cases initiated by the Provost and reviewed by the CFSC rather than initiated by the DFSC.

Horvath suggested another scenario that might not yet be addressed in the suspensions article as drafted. He asked which type of suspension proceeding thus far set forth by URC would apply to cases involving consideration of progressive discipline (i.e., a situation in which a faculty member had been sanctioned but has not changed her or his behavior). Dean responded that such a case would be considered by the DFSC. Horvath said he is troubled that DFSC would then be a sanctioning body. He said he would be more comfortable having CFSC adjudicate such cases.

Dean then referred to the disciplinary actions flow chart prepared by URC earlier in the semester (see attached). Dean said that in response to the committee discussion at this meeting, she proposes to modify the first sanctions process by having CFSC review and recommend rather than DFSC. Dean further proposed to add a third suspension process to allow for adjudication of cases involving the question of progressive discipline by CFSC. Horvath said he supports Dean's proposal because it would address the two scenarios he has raised, one involving a recommendation for suspension by a body external to the ASPT process and one involving the question of progressive discipline. He said he would like CFSC to always be the sanctioning body. He stressed that he is not concerned that a DFSC would act improperly in disciplinary cases; he said he does not want DFSC members to be asked to stand in judgment of their colleagues. Dean agreed, adding that she wants to retain the provision that the DFSC attempt to informally resolve the matter before it is considered by CFSC.

Dean asked if she should revise the Suspensions article (XIII) and circulate the revised version to committee members prior to the next committee meeting. All committee members answered in the affirmative.

Ellerton asked Dean to also consider a change to the last sentence in section XIII.C.2.b ("The length of the timeline extension must be stated."). Ellerton asked that the sentence be revised to read "The length and the details of the timeline extension must be stated."

Regarding the Dismissal article (XIV), Dean asked if the provision for expedited dismissal in an extraordinary egregious event is needed. She said she cannot think of an instance in which the University would want to dismiss a faculty member so quickly. Horvath said a situation so severe might arise in which the public and media argue for immediate dismissal; the University would want to be able to act quickly. Dean suggested that in such a situation the Provost could immediately suspend the faculty member pursuant to the imminent harm track in suspension proceedings and then immediately initiate dismissal proceedings. Horvath agreed.

III. Other business

There was none.

IV. Approval of minutes

Approval of minutes was deferred to a future URC meeting.

V. Adjournment

Horvath moved to adjourn the meeting. Goodman seconded the motion. The motion passed on voice vote, all voting in the affirmative. Dean adjourned the meeting at 5:22 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Article XIII: Suspensions, as distributed by Joe Goodman to the University Review Committee at its meeting on April 25, 2017
Flow Chart, ASPT Disciplinary Processes, University Review Committee, March 9, 2017

ARTICLE XIII: SUSPENSIONS

Draft for consideration & URC work groups' use, based on versions proposed by URC 2015, Faculty Caucus 2016, and the ongoing work of the URC 2017

A. General Provisions

1. All parties involved in considering suspension of a faculty member shall refer to the definitions, conditions, and faculty rights set forth in Article XI (General Considerations) in addition to this Article XIII.
2. There are three circumstances in which suspension of a faculty member may be considered:
 - a. As a next step in ~~the~~ progressive disciplinary process;
 - b. In a circumstance involving credible threat of imminent harm to the University, including the faculty member in question, students or other employees, or university property; or
 - c. When necessitated by pending criminal investigation or legal proceedings
3. A faculty member may be suspended during dismissal proceedings, if the imminent harm standard also applies, or if necessitated by pending criminal investigation or legal proceedings.
4. A faculty member will be afforded due process in the suspension proceedings. This right is balanced against the responsibility of the University to prevent harm to students, other employees, and the institution.
 - a. In circumstances involving progressive disciplinary action (XIII.A.2.a), a suspension shall be effected only after all appeals are exhausted.
 - b. In circumstances involving credible threat of imminent harm (XIII.A.2.b.), a suspension may be effected prior to the start of appeal proceedings.
5. A faculty member may be suspended only for a specified period of time, ordinarily no longer than six calendar months. Suspensions may not be of indefinite duration and must be followed by reinstatement, unless the faculty member has been dismissed following the academic due process set forth in Article XIV (Dismissals).

Comment [GJ1]: Changed "a" to "the".

Comment [GJ2]: I have reworded "shall" to "will". Shall can also mean, or be interpreted as, "may". I contend that we desire an employee's due process rights are intact. Thus, let's use a definitive word. According to Bryan Garner, the legal writing scholar and editor of *Black's Law Dictionary* wrote that "In most legal instruments, *shall* violates the presumption of consistency...which is why *shall* is among the most heavily litigated words in the English language." (Cited by FAA Language Writing Order 1000 and Bruce V. Corsino)

Comment [GJ3]: Sentence doesn't roll off of the tongue easily. Not sure what the fix is or if it's just me.

B. Types of Suspensions

1. Suspensions are of three categories:
 - a. Temporary relief from all academic duties (teaching, research, and service)
 - b. Temporary relief from one or more academic duties (teaching, research, and/or service)
 - c. Reassignment of parts of one or more academic duties (teaching, research, and/or service)
2. Suspensions may be either with or without exclusion from all or parts of campus and privileges thereof. In the case of partial suspensions (XIII.B.1.b), the rationale for the imposition of any such exclusions will be considered against their potential impediment to the faculty member's remaining non-suspended duties.
3. Suspensions may be either with or without pay. Ordinarily, suspensions will be paid suspensions, unless legal considerations forbid. Suspensions without pay will only occur after all appeals or related grievances have been adjudicated.

Comment [GJ4]: What is this pronoun referencing?

Formatted: Highlight

4. Suspensions may include corrective actions. The requirements of any corrective action, imposed on the faculty member, should be communicated with the notification of the suspension and ~~should include~~ a timeline and acceptable documentation of completion.

Comment [GJ5]: Deleted "should". We do not want to give the discretion to the punishing body. Both parties must be clear on the timetable. Should leaves the door open. Of course, if we opt to use Faculty Caucus version, this is moot.

C. Procedural Considerations Related to Suspensions

Suspension proceedings may be initiated by the DFSC/SFSC or the Provost.

1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated. However, the DFSC/SFSC or Provost may extend these deadlines for good reason, and involved parties may request consideration for doing so. The DFSC/SFSC or Provost will communicate any timeline extensions in writing to all involved parties. Such extensions shall not constitute a procedural violation of this policy.
2. The DFSC / SFSC may initiate suspension proceedings as the next step in a progressive disciplinary process when there is evidence of cause, such as: continued behavior or performance problems or issues in the faculty member's responsibilities that have not been ameliorated through sanctions; repeated or egregious violation of University policies; or repeated or egregious violation of laws pertinent to the faculty member's responsibilities.

Comment [DD6]: Note : URC and Faculty Caucus differed on the right of the University to require corrective action in suspension cases.

- The URC said suspensions may include corrective actions to be completed prior to reinstatement.
- The Faculty Caucus ~~deleted~~ any reference to corrective actions.
- This statement, XIII.B.4. is a middle ground, providing for corrective actions but not stating that they may be involve requirements to complete them before reinstatement.

Question: How do we want to handle this? Leave as suggested here? Restore URC original? Delete entirely as per Faculty Caucus?

Comment [DD7]: Question: Do we need to elaborate on what may constitute "good reasons"?

Suspension proceedings initiated by the DFSC / SFSC ~~will be~~ directed to and reviewed by the CFSC.

Comment [GJ8]: How using "sufficient procedural justification(s)"?

a. ~~The DFSC / SFSC~~ will first request in writing to meet with the faculty member to discuss the alleged misconduct and the potential for suspension. Such consultation will include a review of relevant documentation / information (e.g. past performance evaluations; past sanctions; investigation report; and/or advice of Legal Counsel).The purpose of such consultation is to reconcile disputes and to develop a mutually agreeable solution that ensures safety for the University community and educational success of students. The faculty member's right to seek counsel must be honored and facilitated through reasonable scheduling of the meeting.

Comment [GJ9]: Deleted "will be" and inserted "are". The whole sentence is in the passive voice but it's following ASPT wording. "Are" fits better for me. It just seems a cleaner statement, though not wed to it.

Comment [DD10]: Note: Faculty caucus said that this meeting should occur within 5 business days of an allegation.

This would mean that if something occurs, and DFSC/SFSC doesn't do anything about it within 5 days, then they miss the window of opportunity to do anything about it.

Question: Do we want to establish parameters for a process "start" time? What is a reasonable window of time between action /allegation / proceedings?

Further, if we establish such parameters for suspensions should we also establish a "start window" of sanctions?

b. If a mutually agreeable solution is found, it shall be documented in writing and signed by the DFSC/SFSC and faculty member within five (5) business days of the meeting described in XIII.C.2.a.. However, this period may be extended if both parties agree that additional time for deliberation ~~likely would~~ lead to a mutually agreeable solution. The DFSC will communicate any timeline extensions to the faculty member in writing within five (5) business days of the initial meeting (XIII.C.2.a.). The length of the timeline extension must be stated.

Comment [GJ11]: The fluidity and nature of these types of events must be taken into consideration. In a progressive discipline system, of course we have controls and can impose timelines. For any other event, we have to consider the ease with which faculty can assemble (availability, etc.). My recommendation is to avoid a hard time line from event to initiation.

c. If the issue is not resolved through informal consultation, then the DFSC/SFSC will notify the faculty member in writing that the matter is being referred to the CFSC. This notification will be made within five (5) business days of the initial meeting, if there is no timeline extension; or within five (5) business days of the expiration of any extension. The notification will include the alleged misconduct, the evidence supporting the charges, relevant documentation / information (e.g. past performance evaluations; past sanctions; investigation report; and/or advice of Legal Counsel), and the reasons why suspension may be indicated. This information ~~will also be~~ directed to the CFSC, with a request for its review and recommendation.

Comment [GJ12]: Deleted "likely". It did not fit for me.

Comment [GJ13]: Deleted "will be also" and replaced with "is"

- d. The faculty member ~~shall will~~ have an opportunity to provide a written response to the charges, to be considered in the CFSC's deliberations. The faculty member's written statement shall be submitted within five (5) business days of the written notification from the DFSC/SFSC that the matter has been referred to the CFSC.
- e. The CFSC will review the information regarding the allegation and the faculty member's response, and recommend whether a suspension should be imposed. If the CFSC recommends imposing a suspension, the CFSC will also recommend the type and length of suspension to be imposed. A CFSC recommendation shall be based on a majority vote of the members of the committee. The CFSC shall report the recommendation in writing to the faculty member, the DFSC/SFSC and the Provost, within ten (10) business days of receiving the case for review.
- f. The faculty member may appeal the CFSC's recommendation to the FRC, following the provisions in (###).
- g. The Provost will review suspension recommendations made by the CFSC and any appeal recommendations made by the FRC, and all supporting materials, and make a decision regarding the disciplinary action. The Provost will notify the faculty member, DFSC and CFSC of the decision in writing within ten (10) business days of receipt of the CFSC recommendation, if there is no appeal; or within five (5) business days of the receipt of the FRC recommendations, if there is an appeal. The suspension will then take effect.
3. The Provost, in consultation with the Dean, may initiate suspension proceedings in circumstances involving credible threat of imminent harm to the University, including the faculty member in question, students or other employees, or university property; or when necessitated by criminal investigations or legal proceedings. As such, the process is intended to quickly mitigate or eliminate the possibility of harm.
- a. The Provost, in consultation with the Dean, reviews the alleged misconduct, relevant documentation / information (e.g. past performance or disciplinary records; investigation report; substantiated findings of any violation supporting the charges; substantiated report from the Faculty Staff Care Team; and/or advice of Legal Counsel) and the rationale for why an immediate suspension may be indicated.
- b. The Provost, after the aforementioned consultation and review, will make a decision regarding whether a suspension should be imposed. If a suspension is to be imposed, the Provost's decision will also include the type and length of suspension. The Provost will notify the faculty member, DFSC and Dean of the decision in writing within five (5) business days of the aforementioned consultation and review. The suspension is effective immediately upon serving notice to the faculty member.
- c. Faculty members suspended under the rationale of imminent harm retain their right to academic due process and may appeal the decision to the FRC following the provisions in (####). Suspensions will remain in effect while any appeal is adjudicated.
4. If the suspension includes corrective actions to be taken prior to reinstatement, the requirements of these corrective actions, including timeline and acceptable documentation will be described in the same notification from the Provost and copied to the personnel / ASPT file. The faculty member may request, and shall receive, clarification of such requirements.

Comment [GJ14]: Deleted "shall" for "will" here.

Comment [GJ15]: This one I'm leaving as "shall" because the implied "may" works.

Comment [DD16]: Question: Should this review process also include the opportunity for the faculty member to meet with the CFSC, or for the CFSC to request to meet with the faculty member and/or the DFSC/SFSC?

In the case of sanctions, we decided "no" (04.18.17), but suspensions are major disciplinary actions that may arguably warrant the features of a hearing, such as right to appear, bring witnesses, etc.

Comment [GJ17]: I say no to Diane's question.

Comment [GJ18]: Not following the wording. Should we state, "warranted". Maybe that's just me.

Comment [GJ19]: Is this suspensions with or without pay? Or am I reading this incorrectly? Was the suspension put in place while appealing? Section B:3 references suspensions without pay only occur after all appeals are exhausted and adjudicated. Are we just stating all suspensions are with pay then? Again, it's probably me reading it wrong.

Comment [GJ20]: Deleted "these"

5. If the reasons for suspension also constitute adequate cause for dismissal as described in **XIV.##**, the written notice from the Provost shall so indicate, and the dismissal procedures delineated in Article XIV shall commence.
6. The faculty member may file a grievance with the AFEGC if the faculty member believes her or his academic freedom has been violated or if the code of ethics has been violated. AFEGC shall communicate its findings and recommendations to the faculty member with copies to the Provost, the Dean, and the DFSC/CFSC.
7. An overview of the suspensions process is found in Appendix **#**

Comment [DD21]: Question: In preparing this, I noticed this statement was not included in the Sanctions article. Should it be?

Appeals Procedures Related to **Sanctions**

Comment [DD22]: Note: These will be moved to ASPT Article on Sanctions

1. An appeal is here defined as a written statement by a faculty member that explains why a faculty member believes that there has been a misinterpretation, misjudgment, or procedural error relating to a suspension recommendation concerning that faculty member.
2. Upon receipt of a suspension recommendation from the CFSC or a notice of suspension from the Provost, the faculty member may appeal the recommendation or decision to the **FRC**. The faculty member should refer to the Academic Freedom Ethics and Grievance Committee (AFEGC) any allegations of violation that would fall within that committee's jurisdiction.
3. The faculty member shall notify the Chairperson of the FRC in writing of an intention to appeal within **five (5) business** days of receipt of the sanctioning recommendation or notice.
4. The Chairperson of the FRC shall respond to the faculty member within **five (5) business** days following the receipt of a written intent to appeal, and shall notify the Provost and the recommending CFSC, if applicable, of a faculty member's intent to appeal. The FRC shall initiate consideration of an appeal as expeditiously as possible.
5. In suspension cases, the FRC must receive from the faculty member an appeal as defined in XII.D.1, including written information supporting the request for an appeal, within **five (5) business** days of submitting an intent to appeal. This information shall also be made available to the recommending CFSC or DFSC/SFSC. The faculty member may request appropriate information regarding the case. This information shall include any official document used to support a decision regarding the case.
6. In order to effect a just and efficient appeal, the FRC shall be provided any documents used by the Provost, CFSC or DFSC/SFSC in the process of review and recommendations. The FRC may request the parties in the review to appear in **person**. The FRC may deny an appeal where there is no evidence that a substantial basis for an appeal exists. If the FRC believes that the basis of the appeal is an academic freedom or ethics violation question, then the FRC may suspend its proceedings until it receives a report from the AFEGC.

Comment [DD23]: Note: We will need to change sections in ASPT III. "Faculty Review Committee" to reflect this new responsibility.

Comment [DD24]: Question: Should we state that faculty may request an extension of this timeline, if additional time is needed to seek counsel?

Comment [DD25]: Question: Should this review process also include the opportunity for the faculty member to request meet with the FRC?

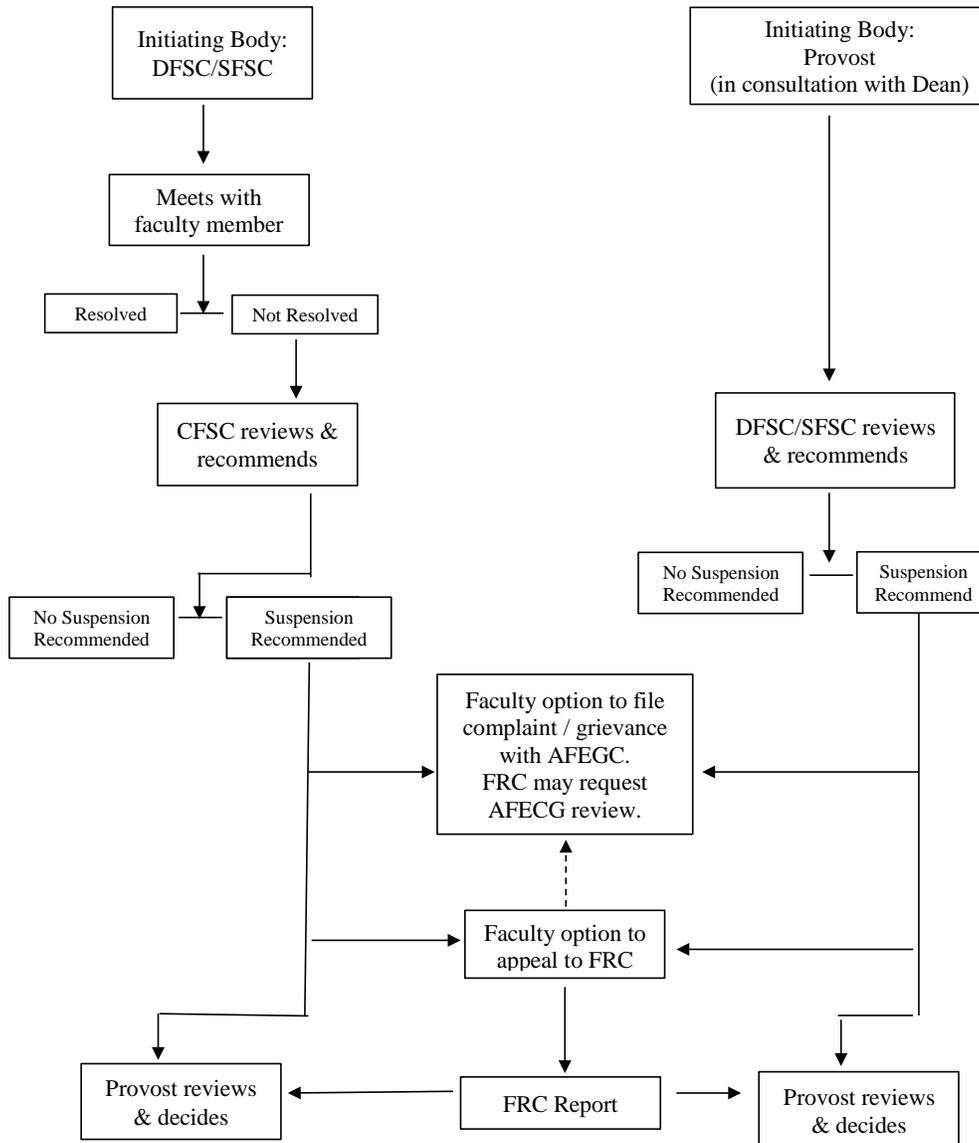
For sanctions, we said no. Suspensions, however, are major disciplinary actions that may arguably warrant the features of a hearing, such as right to appear, bring witnesses, etc.

7. Upon completion of the AFEGC hearings, if any, reports of the AFEGC, in addition to being processed as outlined in the procedures of the AFEGC, shall also immediately be forwarded to the FRC and shall become a permanent part of the FRC report. If, in the judgment of the AFEGC, a violation of academic freedom or ethics has occurred, the FRC must decide whether the violation significantly contributed to the recommendation to initiate and/or recommend sanctions. The FRC shall then complete its deliberations.
8. An FRC recommendation shall be based on a majority vote of the members of the committee. The FRC shall report the recommendation to the faculty member, the recommending DFSC/SFSC or CFSC, and the Provost

Comment [DD26]: Question: Do parameters need to be established for the FRC appeal review so that reviews are completed within a specified timeframe, such as they are for AFEGC complaints?

APPENDIX ##

Overview of the Suspension Process



**Flow Chart, ASPT Disciplinary Processes,
University Review Committee,
March 9, 2017**

AFEGC

Initiates	Reviews & Rec	Appeals	Decision	Notification
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<u>Sanctions</u>	Origin of concern = Institutional	Provost	DFSC/SFSC	FRC	Provost	Provost
		Dean				
	Origin of concern = local	DFSC/SFSC	CFSC	FRC	Provost	Provost

<u>Suspensions</u>	Origin = Imminent harm	Provost	Provost	?	FRC	Provost	Provost
	Origin = progressive	DFSC/SFSC	CFSC	FRC	Provost	Provost	

<u>Dismissal</u>	Origin = extraordinary egregious event	Provost	Provost	FRC III.E	Provost	Provost
	Origin = progressive	DFSC/SFSC	CFSC	FRC	Provost	Provost

UNIVERSITY REVIEW COMMITTEE

Thursday, May 4, 2017
1 p.m., Hovey 102

MINUTES

Members present: Angela Bonnell, Rick Boser, Sam Catanzaro, Diane Dean, Joe Goodman, Christopher Horvath, Doris Houston (via telephone), Sheryl Jenkins

Members not present: Nerida Ellerton, Sarah Smelser

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University; “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University; “ASPT 2017” and “ASPT document” refer to *Faculty Appointment, Salary, Promotion, and Tenure Policies*, Illinois State University, effective January 1, 2017; “AFEGC” refers to the Faculty Academic Freedom, Ethics and Grievance Committee at Illinois State University; “FRC” refers to the Faculty Review Committee at Illinois State University; “CFSC” refers to college faculty status committee; “DFSC” refers to department faculty status committee; “SFSC” refers to school faculty status committee; “Mennonite” refers to Mennonite College of Nursing at Illinois State University; and “Milner” refers to Milner Library at Illinois State University.

I. Call to order

Chairperson Diane Dean called the meeting to order at 1:02 p.m. A quorum was present.

II. Continuation of discussion regarding Article XIII: Suspensions

Dean reported that URC, at its April 25, 2017 meeting, completed its review of the draft suspensions article up to the section regarding appeals. She noted that URC has decided to consolidate the appeals sections from the sanctions, suspensions, and dismissals articles into a single appeals section that will be added to the appeals policies and procedures article of the ASPT document (Article XIII of ASPT 2017). Dean circulated a draft of the consolidated section to committee members (see attached). She said she will ask the committee to discuss the draft after it has completed its review of the draft sanctions, suspensions, and dismissals articles.

Dean then directed the committee discussion to the dismissals article template distributed with the meeting agenda (see attached).

III. Discussion regarding Article XIV: Dismissal

Dean yielded the floor to the subgroup charged with making recommendations to the committee regarding the dismissals article. Subgroup members include Angela Bonnell, Rick Boser, and Doris Houston. Boser initiated the subgroup report. Bonnell and Houston contributed their comments and suggestions throughout the discussion.

Boser said Dean’s draft is well organized and logical overall and appears to reflect the thinking and deliberations of URC members to date. Boser added that Dean’s draft generally aligns with content of the September 2016 version of the article referred to URC by the Caucus. He said one difference between the Caucus version and Dean’s draft is inclusion by the Caucus of the President in the dismissal process, as one more independent reviewer before dismissal occurs. Bonnell noted that involvement by the President in dismissal deliberations is not included in ASPT 2017 either. Boser said the subgroup does not have a recommendation whether the President should be involved in dismissal.

Boser said the subgroup has discussed how consideration of sanctions would occur for faculty members from colleges without a department (Mennonite College of Nursing and Milner Library). He said the subgroup

suggests that FRC rather than CFSC review such cases and make recommendations to the Provost and that FRC also consider appeals filed in such cases. He suggested having FRC establish one subcommittee to review disciplinary cases and make recommend regarding sanctions and another subcommittee to consider an appeal if one is filed. Horvath noted that such an alternative process for Mennonite and Milner will also be needed in the case of sanctions and suspensions. Bonnell concurred, noting the numerous purple-shaded boxes labeled “CFSC” in the “Reviews and Recommends” column of the flow chart developed by URC.

Bonnell reported having asked some Milner Library colleagues whether the Milner CFSC should be charged with recommending disciplinary actions in cases involving a Milner Library faculty member or if a FRC subcommittee should instead be charged with doing so. She said the colleagues she consulted expressed support for having FRC charged with the review but also expressed concern about taking the responsibility for making decisions in disciplinary cases away from the college. Bonnell further noted that charging the CFSC at Milner Library with making recommendations regarding dismissal could be problematic due to recusal rules observed by the CFSC; she explained that it is possible that only one CFSC member would be permitted to vote on a dismissal recommendation and that person could be the Dean. Horvath recommended that URC draft disciplinary policies that apply to the five colleges at the University with multiple departments and then provide for consideration by URC of requests for waivers of those policies from Mennonite and Milner. Bonnell asked Horvath if he recommends permitting Mennonite and Milner to request a waiver from URC in each disciplinary case that arises. Horvath said he is not recommending that approach, rather he is recommending permitting Mennonite and Milner to each request a waiver that would apply to all disciplinary cases involving faculty members in the college.

Boser said one alternative to consider is electing adjunct members to FRC who would serve only in disciplinary cases, much like the Panel of Ten at the University. He added that the need for adjunct members to serve would likely only occur every five or 10 years. Horvath said that approach would be similar to how AFEGC functions. Catanzaro explained that AFEGC forms panels of three or five persons selected from its membership (of up to 30 faculty members) to consider appeals filed by faculty members. AFEGC panels make recommendations to the Provost, Catanzaro said, adding that a faculty member is permitted to appeal the Provost’s decision to the President.

Dean returned to the question raised by Boser regarding who should be charged with making final decisions in disciplinary cases. She reminded committee members that they have at various times during discussion of the disciplinary articles considered involving the President in some disciplinary decisions. Horvath agreed. He pointed out that URC discussed having the Provost confer with the President. Boser asked who makes final decisions at the University regarding hiring faculty members, the Provost or the President. Catanzaro responded that the President does so, explaining that the Board of Trustees has ceded authority to the President to make final decisions regarding faculty appointments. Bonnell said she would consider it odd if the President hires faculty but the Provost dismisses faculty, adding that she is not necessarily suggesting that the President be involved in disciplinary cases. Horvath noted that whatever URC decides, legal counsel will review and, if necessary, correct the process recommended by URC. Dean agreed.

Catanzaro reported having consulted legal counsel a few years ago to draft steps in the dismissal process. At that time, he said, legal counsel found it acceptable to charge the Provost with making final decisions in dismissal cases and permitting the faculty member to appeal the Provost’s decision to the President. Dean said her personal view is that a faculty member would probably want the opportunity to appeal to the President; she asked if providing for an appeal to the President in dismissal cases would necessitate URC reconsideration of sanctions and suspensions processes, to allow for an appeal to the President in those disciplinary actions. Boser said that need not be case, noting that there are different processes for different actions in the ASPT document. Sheryl Jenkins opined that it seems just and symmetrical if the President both hires and fires, whether the act is symbolic or actual. She added that the President need not make final decisions in sanctions and suspensions cases, because those disciplinary actions are not as serious as dismissal. Goodman agreed. He said it is important that URC decide processes that will protect the University, adding that if that means the President should be part of the process, so be it. Dean closed the discussion of this issue by stating she will include the President in the dismissal process as the person who makes the final decision. There were no objections from committee members.

Referring to Section XIV.A.2 of the draft dismissal article, Horvath expressed concern regarding vagueness of the terms “malfeasance,” “extraordinary,” and “egregious.” But, he said, if legal counsel has determined that those terms are the appropriate legal terms to use, he can accept them. Catanzaro said the terms may have been introduced by the Caucus; he recommended that URC agree on wording of the section and then ask legal counsel to determine if the terms are acceptable from a legal perspective. Boser suggested making a note of committee concerns regarding the terms and moving to other issues in the document. Committee members agreed.

Horvath then noted the phrase “performance problems or issues” in Section XIV.B.2 of the draft dismissal article. He said it was his understanding that references to performance as a reason for disciplinary actions were to be removed from the disciplinary articles, to focus instead on behavior. Dean said her recollection is that URC decided that a probationary faculty member could be dismissed for either performance or behavioral issues. [Catanzaro left the meeting at this time.] Horvath noted other concerns regarding Section IV.B.2, including vagueness of the phrase “problems or issues in the faculty member’s responsibilities that have not been ameliorated through sanctions or suspensions” and appropriateness of the clause “repeated violation of laws pertinent to the faculty member’s responsibilities.” Horvath also questioned the appropriateness of the phrase “lack of fitness to continue to perform in the faculty member’s professional capacity as a teacher or researcher”; he said concerns related to health conditions should not be handled through disciplinary processes. After further discussion of the section, committee members agreed to replace Section XIV.B.2 of the draft dismissals article as follows: “The DFSC/SFSC may initiate dismissal proceedings as the next step in a progressive disciplinary process when there is evidence of adequate cause, such as continued behavior problems that have not been ameliorated through sanctions or suspensions.”

Referring to Section XIV.B.2.b, Horvath said it is unclear to him what role each party cited in the section may play; he asked if the attorney for the University, if present, may speak. Dean said she wondered about that also. Horvath said the section permits the Dean, Provost, or administrative designee to be present at the meeting if they have information pertinent to the matter, which, he said implies that those persons will be allowed to speak. Horvath pointed out the word “may” in the section (“may also be present”), asking who decides which parties are allowed to attend the meeting.

Bonnell said the draft dismissals article contains considerable detail; she asked why detail is provided in the dismissals article but not in other parts of the ASPT document. Bonnell pointed out that Article XIII of the ASPT document (Appeals Policies and Procedures) describes very similar processes; she asked if those same processes need to be set forth twice in the ASPT document. Bonnell also expressed concern about the intended relationship between processes described in the Appeals Policies and Procedures article of ASPT 2017 and the draft dismissal article; she said it is unclear to her when provisions of the Appeals Policies and Procedures article apply and when provisions of the dismissals article apply.

Boser proffered a broader question whether the disciplinary articles should be part of the ASPT document. He said the current ASPT document is largely encouraging and supportive of faculty members, while the proposed disciplinary articles are not. He expressed concern about the potentially negative impact the disciplinary articles may have on new faculty members receiving the ASPT document. Horvath noted that because the ASPT document permits faculty members to govern themselves, it is appropriate to include the disciplinary articles in the document. He said publishing the disciplinary articles as a separate volume of the ASPT document might be a way to address Boser’s concerns.

Dean brought the discussion to a close by thanking members of the dismissal subgroup for their review of the draft dismissals article and for the issues subgroup members have raised. Dean said she has made notes of issues not yet resolved, for discussion at subsequent committee meetings. She said she plans to revise the dismissal article to incorporate changes made by the committee at this meeting and will send the revised document to URC members before the next committee meeting. Dean said that by the end of the next meeting (the last planned for the academic year) committee members will need to decide how and where to end this year-long discussion of the disciplinary articles, since the committee will not likely be ready to submit the articles to the Caucus.

IV. Other business

There was none.

V. Approval of minutes

Bruce Stoffel noted that URC needs to review and accept CFSC annual reports, the FRC annual report, and yet-to-be-approved URC minutes before the end of the academic year. He announced that he has uploaded those documents to a Sharepoint site (<https://vpaa.sharepoint.illinoisstate.edu/URC/>) for review by committee members. He recommended that the committee approve the documents via email prior to the end of the spring term. There were no objections from committee members.

VI. Adjournment

Boser moved to adjourn the meeting. Goodman seconded the motion. The motion passed on voice vote, all voting in the affirmative. Dean adjourned the meeting at 2:15 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Appeals Procedures Related to Disciplinary Actions, drafted by Diane Dean, April 27, 2017

Article XIV: Dismissals, Draft for consideration & work groups' use, based on versions proposed by URC 2015, Faculty Caucus 2016, and the ongoing work of the URC 2017

Appeals Procedures Related to Disciplinary Actions

1. An appeal is here defined as a written statement by a faculty member that explains why a faculty member believes that there has been a misinterpretation, misjudgment, or procedural error relating to a disciplinary recommendation (sanction, suspension or dismissal) concerning that faculty member.
2. Upon receipt of a sanction, suspension, or dismissal recommendation from the CFSC or a notice of suspension or dismissal from the Provost, the faculty member may appeal the recommendation or decision to the Faculty Review Committee (FRC). The faculty member should refer to the Academic Freedom Ethics and Grievance Committee (AFEGC) any allegations of violation that would fall within that committee's jurisdiction.
3. The faculty member must notify the Chairperson of the FRC in writing of an intention to appeal within 5 business days of receipt of the disciplinary recommendation or notice.
4. The Chairperson of the FRC will respond to the faculty member within 5 business days following the receipt of a written intent to appeal, and will notify the Provost and the recommending CFSC, if applicable, of a faculty member's intent to appeal. The FRC shall initiate consideration of an appeal as expeditiously as possible.
5. The faculty member, within 5 business days of submitting an intent to appeal, must submit to the FRC a written statement of appeal as defined in XII.D.1, including information or documentation supporting the request. To prepare an appeal, the faculty member may request appropriate information regarding the case. This information shall include any official document used to support a decision regarding the case. A copy of the faculty member's appeal will be provided to the CFSC and the party initiating the disciplinary action (DFSC / SFSC or Provost).
6. In order to effect a just and efficient appeal, the FRC shall be provided any documents used in the process of the disciplinary review and recommendations. The FRC may request the involved parties to appear in person. The FRC may deny an appeal where there is no evidence that a substantial basis for an appeal exists. If the FRC believes that the basis of the appeal is an academic freedom or ethics violation question, then the FRC may suspend its proceedings until it receives a report from the AFEGC.
7. Upon completion of the AFEGC hearings, if any, reports of the AFEGC, in addition to being processed as outlined in the procedures of the AFEGC, shall also immediately be forwarded to the FRC and shall become a permanent part of the FRC report. If, in the judgment of the AFEGC, a violation of academic freedom or ethics has occurred, the FRC must decide whether the violation significantly contributed to the recommendation to initiate and/or recommend the disciplinary action. The FRC shall then complete its deliberations.
8. An FRC recommendation shall be based on a majority vote of the members of the committee. The FRC shall report the recommendation to the faculty member, the recommending DFSC/SFSC or CFSC, and the Provost.

Comment [DD1]: Note: These will be moved to the ASPT Article on Appeals Policies & Procedures.

Comment [DD2]: Note: We will need to change sections in ASPT III. "Faculty Review Committee" to reflect this new responsibility.

Comment [DD3]: Question: Do parameters need to be established for the FRC appeal review so that reviews are completed within a specified timeframe, such as they are for AFEGC complaints?

ARTICLE XIV: DISMISSALS

Draft for consideration & work groups' use, based on versions proposed by URC 2015, Faculty Caucus 2016, and the ongoing work of the URC 2017

A. General Provisions

1. All parties involved in considering disciplinary dismissal of a probationary or tenured faculty member shall refer to the definitions, conditions, and faculty rights set forth in Article XI (General Considerations) in addition to this Article XIV.
2. A disciplinary dismissal of a faculty member may be considered for adequate causes such as:
 - a. A next step in the progressive disciplinary process, when other recourses of disciplinary action have been exhausted without effect;
 - b. Upon notification from a law enforcement or judiciary body or other entity external to the University of a substantiated finding of malfeasance;
 - c. Upon notification of a substantiated finding of a repeated, extraordinary or egregious violation imposed on a faculty member by an office or entity external to the ASPT system; or
 - d. In an extraordinary or egregious circumstance involving harm or credible threat of imminent harm to the University including students, university employees, or university property.
3. A faculty member shall be afforded due process in the dismissal proceedings. This right is balanced against the responsibility of the University to prevent harm to students, other employees, and the institution.
 - a. In circumstances involving progressive disciplinary action, or where there is no harm or credible threat thereof, a dismissal shall be effected only after all appeals are exhausted.
 - b. In circumstances involving harm or credible threat thereof, or when necessitated by compliance with pending criminal/legal investigations, proceedings or determinations, a dismissal may be effected prior to the start of appeal proceedings.
4. The standard for disciplinary dismissal of a 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 why the faculty member should be retained). Evaluation records may be admissible but may be rebutted as to accuracy.
5. Except for such simple announcements as may be required, public statements about the case should be avoided by the faculty member; the initiating, reviewing or adjudicating bodies; and other university employees. University statements about the case, whether during proceedings or after a final decision has been made, may only be made through the President's Office.

B. Procedural Considerations Related to Dismissal

Disciplinary dismissal proceedings may be initiated by the DFSC / SFSC or the Provost.

1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated. However, the DFSC / SFSC, CFSC, or Provost may extend these deadlines for good reason, and involved parties may request consideration for doing so. The DFSC / SFSC, CFSC, or Provost will communicate any timeline extensions in writing to all involved parties.
2. Dismissal Proceedings Initiated by the DFSC / SFSC.

The DFSC / SFSC may initiate dismissal proceedings as the next step in a progressive disciplinary process when there is evidence of adequate cause, such as: continued behavior or performance problems or issues in the faculty member's responsibilities that have not been ameliorated through sanctions or suspension(s); failure to perform assigned duties in a manner consonant with professional standards; repeated violation of University policies; repeated violation of laws pertinent to the faculty member's responsibilities; or lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher.

Dismissal proceedings initiated by the DFSC / SFSC are directed to and reviewed by the CFSC.

- a. The DFSC / SFSC will first request in writing to meet with the faculty member to discuss the alleged misconduct and the potential for dismissal. Such consultation will include a review of relevant documentation / information. The purpose of such consultation is to reconcile disputes and to develop a mutually agreeable solution. The faculty member's right to seek counsel must be honored and facilitated through reasonable scheduling of the meeting.
- b. When appropriate, the Dean, Provost or administrative designee with information pertinent to the matter (such as the University Ethics Officer) may also be present. Ordinarily, an attorney for the University will not be present.
- c. When appropriate, the DFSC / SFSC may also meet with any person having information or relevant documentation pertinent to the matter. Any such individuals consulted and the resultant information or documentation shall be made known to the faculty member.
- d. If a mutually agreeable solution is found, it shall be documented in writing and signed by the DFSC / SFSC and faculty member within 5 business days of the meeting. However, this five-day period may be extended if both parties agree that additional time for deliberation would lead to a mutually agreeable solution. The DFSC will communicate any timeline extensions to the faculty member in writing within 5 business days of the initial meeting. The details of the timeline extension must be stated.
- e. If a mutually agreeable solution does not result, then the DFSC/SFSC will notify the faculty member in writing that the matter is being referred to the CFSC. This notification will be made within 5 business days of the initial meeting, if there is no timeline extension; or within 5 business days of the expiration of any extension. The notification will include: the alleged misconduct, the evidence supporting the charges, relevant documentation / information, and the reasons why disciplinary dismissal may be warranted. The notification will also include: a statement regarding the outcome of the

preliminary meeting with the faculty member, and information regarding the faculty member's procedural rights. The DFSC/SFSC will also direct this information to the CFSC, with a request for its review and recommendation, with a copy submitted to the Provost.

- f. Formal proceedings as described in XIV.B.4 will then commence.

3. Dismissal Proceedings Initiated by the Provost.

The Provost, in consultation with the Dean, may initiate dismissal proceedings in extraordinary or egregious circumstances when there is evidence of adequate cause, such as: of a substantiated finding of malfeasance by a law enforcement or judiciary body or other entity external to the University; a substantiated finding of a repeated, extraordinary or egregious violation imposed on a faculty member by an office or entity external to the ASPT system (such as those described in Article ####); or an extraordinary or egregious circumstance involving harm or credible threat of imminent harm to the University including students, university employees, or university property.

- a. In circumstances where there is no threat of imminent harm to the University, dismissal proceedings initiated by the Provost are directed to and reviewed by the CFSC.
 - i. The Provost, in consultation with the Dean, reviews the alleged misconduct, the evidence supporting the charges, relevant documentation / information, and the rationale for why a disciplinary dismissal may be warranted.
 - ii. The Provost will notify the faculty member in writing that dismissal proceedings are being initiated. This notification will be made within 5 business days of the Provost's consultation with the Dean and will include: the alleged misconduct, the substantiated findings of violation supporting the charges, the office or entity issuing the findings, relevant documentation / information, and the reasons why disciplinary dismissal may be warranted. The notification will also include information regarding the faculty member's procedural rights. The Provost will also direct this information to the CFSC, with a request for its review and recommendation, with a copy submitted to the DFSC/SFSC.
 - iii. Formal proceedings as described in XIV.B.4 will then commence.
- b. In circumstances where there is harm or credible threat of imminent harm to the University, including students, University employees or University property; or where necessitated by compliance with pending criminal investigation, legal proceedings or determinations, dismissal proceedings initiated by the Provost also will be reviewed by the Provost. The process is intended to quickly mitigate or eliminate the possibility of further harm.
 - i. An immediate suspension may be imposed according to the procedures set forth in Article XIII.##.
 - ii. The Provost, in consultation with the Dean, reviews the alleged misconduct, the evidence supporting the charges, relevant documentation / information, and the rationale for why an immediate dismissal may be warranted. The Provost may

Comment [DD1]: In the 04.25 meeting, we realized that a process for dismissals originating from the Provost and reviewed through CFSC was needed. We did not have one in our resultant working flow chart.

Comment [DD2]: In our 04.25 meeting, we discussed whether we need or want a process for dismissals that originates from the Provost and is reviewed and decided there in an expedited way, without a faculty panel review.

We realized that even in the worst-case scenarios, where an individual truly needs to be quickly gone from campus; the University would want to suspend the individual first and then move forward with dismissal proceedings that incorporate a review and hearing opportunity.

For now, both are left in the template. We will look forward to your thoughts.

review any other obtainable relevant information and/or interview any other person who may have relevant information.

- iii. The Provost, after the aforementioned consultation and review, will make a decision regarding whether the faculty member should be dismissed. If the decision results in a dismissal, the Provost will notify the faculty member in writing with a copy submitted to the CFSC and DFSC/SFSC. The notification will clearly state the grounds for dismissal, including: the charges of misconduct, the substantiated findings of violation supporting the charges, the office or entity issuing the findings, and relevant documentation / information. The notification will also include the effective date of dismissal and information regarding the faculty member's procedural rights.
- iv. A faculty member dismissed under the rationale of harm / imminent harm, or criminal / legal compliance retains the right to academic due process. S/he may file a grievance with the Academic Freedom, Ethics and Grievance Committee (AFEGC) if s/he believes his or her academic freedom has been violated or if the code of ethics has been violated, and may appeal the decision to the Faculty Review Committee (FRC) following the provisions in (Article #####). Dismissals will remain in effect while any grievance or appeal is adjudicated.

Comment [DD3]: URC may want to add a similar statement to the suspensions article.

Comment [DD4]: What about details for provisions such as returning keys, vacating offices and labs, etc?

Comment [DD5]: Do we need to state a timeline for this action? N days within what event/step?

4. Commencement of Formal Proceedings by the CFSC

- a. The formal proceedings will commence with a written notification from the CFSC addressed to the faculty member within 5 business days of the CFSC's receipt of the referral from the DFSC/SFSC. The notice will acknowledge receipt of the disciplinary referral, inform the faculty member of his or her procedural rights, and inform the faculty member that a hearing will be conducted by the CFSC at a specified time and place to determine whether s/he should be removed from the faculty position on the grounds stated unless s/he wishes to waive the hearing. The hearing date should be set at least 10 but not more than 20 business days from the date of the notification, to allow sufficient time to permit the faculty member to prepare a defense
- b. No later than 5 business days before the date set for the hearing, the faculty member must state in a written reply whether or not s/he wishes a hearing.
- c. If a hearing is requested, the faculty member will provide a written response to the charges and submit this document to the CFSC no later than 5 business days before the date set for the hearing. Hearings will then follow the procedures described in XIV.B.5
- d. If no hearing is requested, the faculty member will have an opportunity to provide a written response to the charges to be considered in the CFSC's deliberations. The faculty member's written statement shall be submitted to the CFSC no later than 5 business days before the date that was set for the hearing.
- e. In absence of a hearing, the CFSC will review each allegation in the referral; the evidence, documentation and information regarding the allegation(s); the rationale for why disciplinary dismissal may be warranted; and the DFSC/SFSC's statement regarding the outcomes of the preliminary proceedings (if applicable). The CFSC will also review the faculty member's written response to the charges (if submitted). The CFSC will have

the authority to review any other obtainable relevant information, and to interview any other person who may have relevant information.

- f. The CFSC will then deliberate and recommend whether the faculty member should be dismissed. The CFSC's recommendation will clearly state the basis on which it finds grounds or no grounds for dismissal. The CFSC may recommend other disciplinary or corrective actions in lieu of dismissal. A CFSC recommendation shall be based on a majority vote of the members of the committee. The CFSC will report its recommendation in writing to the faculty member, DFSC/SFSC, and the Provost within 10 business days of the date that was set for the hearing.
- g. The faculty member may file a grievance with the AFEGC if s/he believes her or his academic freedom has been violated or if the code of ethics has been violated. AFEGC shall communicate its findings and recommendations to the faculty member with copies to the Provost, CFSC, and DFSC/CFSC.
- h. The faculty member may appeal the CFSC's recommendation to the FRC, following the provisions in (###).

5. Hearings by the CFSC

- a. If the faculty member has requested a hearing, the CFSC shall hold a hearing. The CFSC, in consultation with the faculty member, will decide whether the hearing is public or private. Ordinarily ASPT matters, including dismissal proceedings are conducted confidentially and in private, but the CFSC may exercise its discretion on this matter.
- b. The faculty member shall have the option of assistance from counsel or an advisor, whose role shall be limited to providing advice to the faculty member rather than presenting or actively engaging in the proceedings. The faculty member's right to seek counsel must be honored and facilitated through reasonable scheduling of the hearing.
- c. The Provost or a designee will attend the hearing (Ordinarily, the Provost's designee will not be an attorney for the University, through there may be exceptions). Members of the DFSC/SFSC or a designee will attend the hearing. A member of the Faculty Caucus, elected by the Faculty Caucus, will attend the hearing as an observer. Members of the Faculty Caucus from the faculty member's department may not serve as the elected observer.
- d. The CFSC will determine the order of proof, conduct the questioning of witnesses, and secure the presentation of evidence important to the case. The proceedings will be audio or video recorded at the expense of the University, and a copy provided to the faculty member at no cost. The CFSC may have the proceedings transcribed; if so, a copy shall be provided to the faculty member at no cost.
- e. The faculty member and the referring party (DFSC/SFSC, Provost, or attending designee) may be asked to present information salient to the determination. The CFSC may request written briefs from both parties. The CFSC may question both parties.
- f. If facts are in dispute, testimony of witnesses should be taken and/or other evidence received. Appropriate procedures for the participation of witnesses will be determined by

Comment [DD6]: NOTE: This provision for an "observer" was added by FC. Keep?

the CFSC. The faculty member shall have the assistance of the CFSC in securing the participation of witnesses of his or her choosing.

- g. The CFSC may reschedule the hearing if both it and the faculty member agree that additional time is needed for the collection of information or evidence, the coordination of witnesses, or the faculty member's preparation to respond. However, because the CFSC cannot compel the participation of a witness, ordinarily the proceedings shall not be delayed by the unavailability of a witness. The CFSC will communicate any timeline extensions to the faculty member in writing within five (5) business days of the initial hearing. The details of the timeline extension must be stated.
- h. The faculty member, referring party or designee, and the CFSC shall have the right within reasonable limits to question all witnesses who testify orally. When witnesses cannot appear or decline to appear, written testimony may be submitted. Copies of any written testimony and the identity of the authoring witness shall be provided to the faculty member.
- i. The faculty member and referring party or designee will have an opportunity to respond to the testimony of witnesses. The CFSC may exercise its discretion in allowing a reasonable amount of time for each party's response. The CFSC may, at its discretion, grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- j. The CFSC will permit a closing statement by the faculty member and the referring party or designee. The CFSC may exercise its discretion in allowing a reasonable amount of time for each statement.
- k. The CFSC will then deliberate and recommend whether the faculty member should be dismissed. The CFSC's recommendation will include a full written report of the hearing and will clearly state the basis on which it finds grounds or no grounds for dismissal. The CFSC may recommend other disciplinary or corrective actions in lieu of dismissal. A CFSC recommendation shall be based on a majority vote of the members of the committee. The CFSC shall report its recommendation in writing to the faculty member, DFSC / SFSC, and the Provost within 20 business days of the conclusion of the hearing.
- l. The faculty member may file a grievance with the AFEGC if s/he believes her or his academic freedom has been violated or if the code of ethics has been violated. AFEGC shall communicate its findings and recommendations to the faculty member with copies to the Provost, CFSC, and DFSC / SFSC.
- m. The faculty member may appeal the CFSC's recommendation to the FRC, following the provisions in (###).

6. Provost's Consideration of CFSC's Recommendation

The Provost will review the disciplinary recommendations made by the CFSC, the full written report of any hearing, any appeal recommendations made by the FRC, and all supporting materials, and make a decision regarding the disciplinary action. The Provost will notify the faculty member, DFSC and CFSC of the decision in writing within 10 business days of receipt of the CFSC's recommendation, if there is no appeal; or within 5 business days of the receipt of the

Comment [DD7]: NOTE: The URC originally said both parties could only question witnesses through presenting their written questions to the CFSC. The FC's revisions allowed for active, verbal questioning.

Should the procedures call for verbal or written questioning?

Comment [DD8]: Should the details of the adjournment be stated in writing, as for timeline extensions?

Comment [DD9]: Provision of the FC. Keep?

FRC's recommendation, if there is an appeal. If the decision results in a dismissal, the notification will clearly state the grounds for dismissal and the effective date.

7. An overview of the dismissal process is found in Appendix #

Comment [DD10]: What about details for provisions such as returning keys, vacating offices and labs, etc?

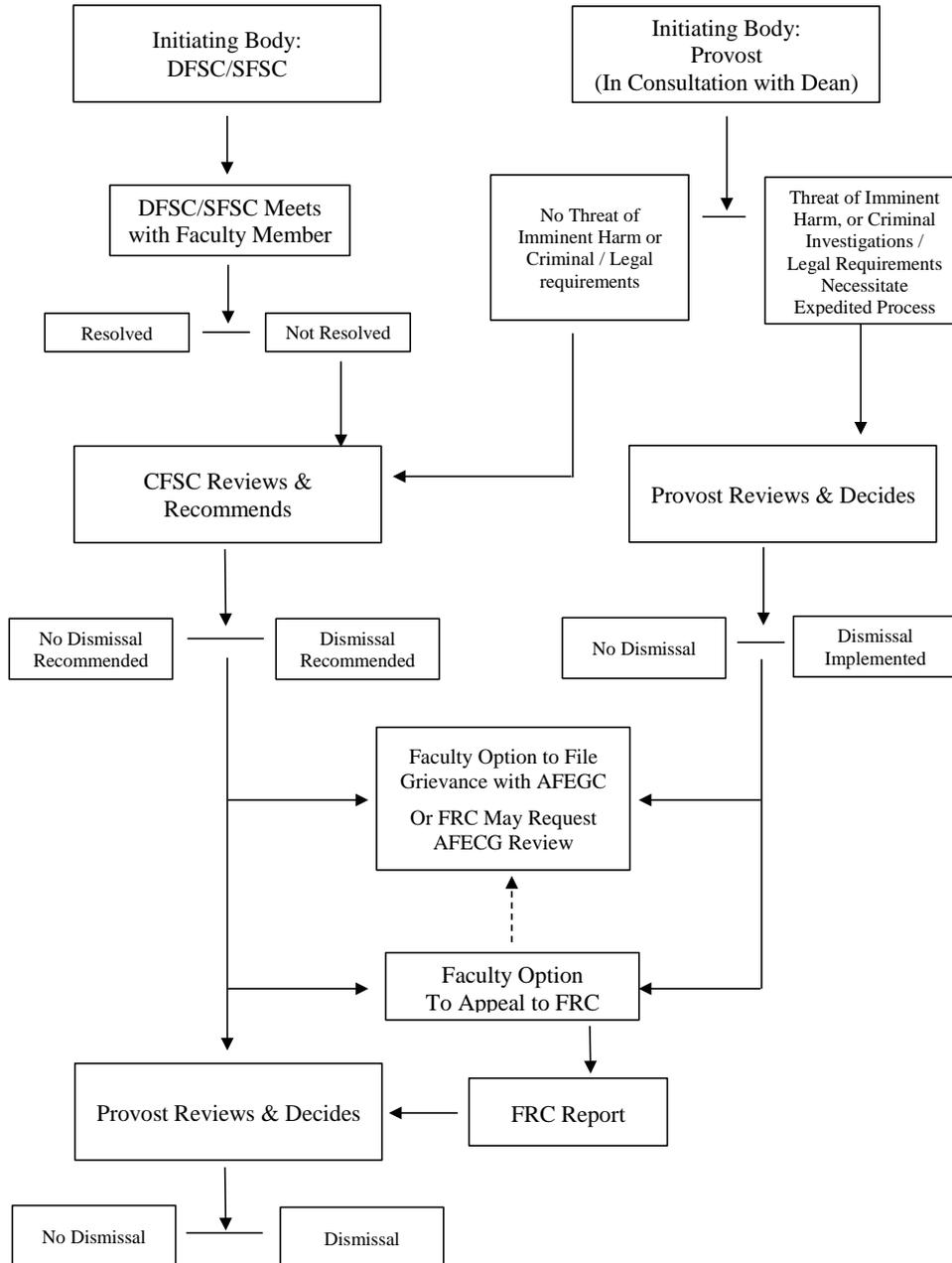
Comment [DD11]: What about if the decision does NOT result in dismissal?

What about alternate disciplinary or corrective actions that may have been proposed by the CFSC?

Comment [DD12]: NOTE: The FC had included "If disciplinary dismissal is effected, the faculty member will receive one year of notice or severance salary, unless the grounds for dismissal legally prohibit such a provision." Keep?

APPENDIX ##

Overview of the Dismissal Process



UNIVERSITY REVIEW COMMITTEE

Thursday, May 11, 2017
1 p.m., Hovey 102

MINUTES

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

Members not present: Rick Boser, Doris Houston

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, “URC” refers to the University Review Committee at Illinois State University; “Caucus” refers to the Faculty Caucus of the Academic Senate at Illinois State University; “ASPT document” refers to *Faculty Appointment, Salary, Promotion, and Tenure Policies*, Illinois State University, effective January 1, 2017; “FRC” refers to the Faculty Review Committee at Illinois State University; “CFSC” refers to college faculty status committee; “DFSC” refers to department faculty status committee; “SFSC” refers to school faculty status committee; “Mennonite” refers to Mennonite College of Nursing at Illinois State University; and “Milner” refers to Milner Library at Illinois State University.

I. Call to order

Chairperson Diane Dean called the meeting to order at 1:07 p.m. A quorum was present.

II. Status of the disciplinary articles review process and the next steps toward its completion

Dean reviewed work of the committee this academic year. She noted that while the committee has spent more time reviewing the disciplinary articles than she had anticipated at the beginning of the academic year, she feels the amount of time spent on the articles has been appropriate given their serious nature. Dean said committee members should be proud of their work on the disciplinary articles this year. She noted the difference between revising long-standing policies and creating policies anew; the latter, she said, is especially challenging and time consuming. Dean said she believes that the disciplinary policies as redrafted by the committee thus far provide clearer guidance to parties in disciplinary proceedings while protecting faculty members and the institution. Dean noted that having disciplinary policies may be unsettling for some members of the university community, but such policies are needed to address disciplinary issues should they arise.

Dean concluded her end-of-year review by noting that committee work on the disciplinary articles will not be done by the end of the academic year, as she had hoped. She turned to Sam Catanzaro for his thoughts regarding how and when the committee might finish its work on the articles. Catanzaro first thanked committee members for their contributions throughout the year. He then proposed that the committee organize a writing group to complete revisions of the disciplinary articles during the summer term. He reported having consulted Provost Jan Murphy about this possibility, and she has agreed to offer small stipends to committee members able and willing to participate in such an effort. Catanzaro said an option to working on the articles this summer would be for the committee to refer its unfinished work to the 2017-2018 URC. A potential advantage of doing so, Catanzaro said, would be the fresh perspectives new URC members might bring to the discussions. A disadvantage, he said, would be the delay in completing the article revisions, noting that the articles have already been under review for about three years. Dean asked Catanzaro how long it might take a writing group to complete the articles during the summer term. Catanzaro said the group will likely need to meet for more than a month, adding that some work could be completed via email. Dean noted that whatever decision URC makes regarding Catanzaro’s proposal, the committee needs to confirm or, in some cases, decide several key points in the disciplinary articles before the end of this meeting. The decisions the committee makes today, Dean said, will either guide the work of a writing group this summer or the 2017-2018 URC.

Committee members expressed support for continuing work on the articles during the upcoming summer term, noting that the project is nearly complete and that being able to meet longer than one hour at a time should help expedite the remaining work. Several committee members expressed appreciation for the stipend offer, noting that it might otherwise be inappropriate to ask faculty members to continue their work after expiration of their annual contract. Dean asked committee members to let her know if they are interested and able to participate in the summer project. It was consensus of committee members expressing interest in the writing group that work of the group would need to be completed by the end of June; some interested committee members indicated they would only be available to work on the articles through May. Dean said she would create a Doodle scheduling poll to organize the summer meetings.

III. Items needing reaffirmation and/or decision

Dean then directed committee members to an annotated list (see attached) of issues needed to be confirmed or decided by the full committee to guide work of the summer writing group. She explained that she compiled the list by reviewing URC meeting minutes.

Item A.1: Definition of suspension

Christopher Horvath spoke in favor of defining suspension as relief from all teaching, research, and service assignments; anything less, he said, should more appropriately be considered a sanction. Horvath pointed out that defining relief from some but not all assignments as a sanction rather than de facto suspension is contrary to AAUP guidelines, adding that URC will need to be prepared to explain its divergence from AAUP guidelines in this matter. Joe Goodman, Sarah Smelser, Nerida Ellerton, and Dean agreed with Horvath. Dean said she would rather be told she is sanctioned than suspended if she is relieved from just one of her faculty assignments. Angela Bonnell pointed to the possibility of a faculty member being relieved from teaching or research but being allowed to continue service; if that service were to include participation on the DFSC, Bonnell said, it would be potentially awkward. Bonnell asked for clarification regarding the type of service activities from which a faculty member could be relieved in a suspension. She said she has assumed that those activities could not include work by a faculty member with entities external to the University. Dean said that is her understanding as well.

Goodman said he wants to make sure that whatever the committee decides regarding the definition of suspension is consistent with the Provost's view of the matter. Catanzaro explained that ASPT policies are ultimately approved by the President. Collective wisdom is an important part of the process, Catanzaro added, as the President relies on guidance from the Caucus, the Provost, and legal counsel. Dean pointed out that she, Angela Bonnell, and Doris Houston attended Caucus meetings in 2015-2016 when URC recommendations regarding ASPT document revisions were discussed. Dean said URC representatives at the Caucus meetings explained the rationale for URC recommendations and answered questions from Caucus members. Dean noted that one or more URC representatives will likewise need to attend Caucus meetings next academic year when the disciplinary articles are discussed.

Item A.2: Maximum length of suspension

Dean said that when URC members discussed suspensions earlier in the semester, she sensed that members favored defining the length of suspensions in months rather than semesters to provide greater flexibility in defining suspension periods. Committee members present agreed with Dean's sense of the matter.

Discussion then turned to the maximum allowable length of a suspension. Dean said her notes from prior URC meetings document concern on the part of some committee members that parties charged with defining suspension terms may have the propensity to impose the maximum allowable suspension period. For that reason, Dean said, committee members tentatively decided to set the maximum allowable suspension period at six months. Horvath said he agrees with the six-month limit but is not comfortable with qualifying the limit with the word "ordinarily" in Section XIII.A.5. He proposed that suspension periods be limited to six months in all cases but that renewal of suspensions should be allowed. Catanzaro asked Horvath if he is proposing that suspension proceedings be restarted to determine whether a suspension should be renewed. Horvath responded that the Provost should be allowed to decide whether the suspension should be renewed without restarting

suspension proceedings. Goodman questioned why the Provost should be permitted to impose an extension unilaterally. Horvath responded that more time may be needed at the end of the six-month period to resolve outstanding issues before the faculty member is reinstated. But, he added, the Provost would need a really good reason for imposing an extension.

Ellerton cautioned that, whatever the committee decides regarding the maximum allowable suspension period, disciplinary policies should provide for clarity and flexibility. She suggested rewording Section XIII.A.5 to provide for a six-month limit with the possibility for extensions. Bonnell asked if a decision by the Provost whether to extend a suspension period should be based on procedural issues. Ellerton responded in the affirmative, stating that imposition of an extension cannot be arbitrary. Ellerton suggested asking the writing group to consider wording of the section. There were no objections to her suggestion.

Item B.1: Faculty performance as a cause for disciplinary action

Dean framed the question before the committee as whether the disciplinary articles should cite faculty performance concerns as a potential trigger for disciplinary proceedings in addition to concerns related to faculty behavior. She said the committee has decided that dismissal proceedings may be triggered by behavioral issues but not by performance issues but has not yet decided whether sanctions or suspensions may be imposed in cases involving performance issues in addition to behavioral issues. Horvath said he strongly believes performance issues should be handled differently than behavior issues. He noted that, in the case of dismissal, the ASPT document already includes provisions for dismissing a faculty member due to performance deficiencies, in connection with cumulative post-tenure review.

Sheryl Jenkins asked about the source of the term “behavior problems.” Goodman said the term is used in AAUP documents. Dean said she is neutral whether performance problems should be cited in the disciplinary articles as grounds for initiating disciplinary proceedings. She pointed out that it may not be clear when an issue should be characterized as performance-related and when it should be characterized as behavior-related. She said she believes that, ultimately, a disciplinary matter could be considered either.

Bonnell recalled Horvath noting that the disciplinary articles could be published as a separate volume of the ASPT document. Bonnell said she likes the idea, suggesting that behavioral concerns could be addressed through policies and procedures set forth in a volume of disciplinary articles while performance concerns could be handled by processes set forth in a volume regarding appointment, salary, promotion, and tenure.

Dean concluded the discussion by stating that she perceives the consensus among committee members is to remove all references to performance from the disciplinary articles. Dean said if that is done, sanctions and suspensions could not be imposed in cases involving performance concerns. All committee members present concurred.

Item B.2: CFSC’s role in dismissal cases

Dean said she has discovered that the ASPT document charges DFSC/SFSC with making recommendations in dismissal cases. She reminded committee members that the dismissal article as thus far drafted by URC charges CFSC with recommending dismissal. She asked if URC should reconsider its position regarding this matter. Horvath said the ASPT document provides for a recommendation by DFSC regarding dismissal in cases involving performance concerns. He said he views dismissal in situations involving behavioral issues differently. He said he believes URC is right to distance department faculty from those who decide dismissal for behavioral issues by providing that CFSC consider such dismissals rather than DFSC. Dean and Smelser agreed. Catanzaro said he likes the distinction, noting that if dismissal is considered because of performance concerns, it would be initiated by DFSC as provided for in the ASPT document. All committee members present concurred. Dean noted that URC will need to be prepared to explain the distinction to Caucus members.

Item B.3: Expedited dismissal process for extraordinary egregious events

Dean asked if URC should provide for expedited dismissal without prior CFSC review in cases involving extraordinary egregious events. She noted that URC has provided for expedited suspension in cases involving imminent harm. Catanzaro said, while expedited suspension in circumstances involving the potential for imminent harm is appropriate, he believes that revoking tenure should always require prior faculty review. Committee members present agreed.

Reminding committee members of their questions at prior meetings regarding the appropriateness of using the terms “egregious” and “extraordinary” in the disciplinary articles, Goodman said he decided to investigate how those terms came to be included in the draft articles. He reported that the terms are used in court cases cited by AAUP but not in AAUP guidelines.

Noting the passing of the two o'clock hour, Dean asked if committee members preferred to adjourn or to proceed with the discussion. Committee members agreed to continue.

Item C: Unique provisions for Mennonite College of Nursing and Milner Library

Goodman suggested providing Mennonite and Milner a timeline for each to revise provisions of the disciplinary articles that are not workable given the unique administrative structure of the college. Horvath reminded committee members that any exceptions to ASPT policies must be approved by URC. He suggested stating that policy in the ASPT document. Goodman pointed out that provisions for exceptions to policies for Mennonite and Milner are already included near the beginning of the ASPT document. He suggested providing for exceptions to disciplinary policies there as well. There were no objections from committee members present.

IV. Summary of principles that have guided URC in its revisions of the disciplinary articles

Dean next asked for feedback from committee members regarding a draft list of principles that have guided URC in its review and revision of the disciplinary articles in 2016-2017 (see attached). Dean suggested that URC present the principles to the Caucus along with the revised articles, to provide rationale for changes made by the committee. Horvath said that while he agrees with the last point (“The body to which a faculty member may appeal should always be a faculty body rather than a body whose members are all or part administrators”), in fact the final appeal is to the President. Catanzaro agreed, suggesting that the principle be reworded. Ellerton recommended adding as a new point the committee’s aspiration for clarity of process. Catanzaro suggested adding the word “logic” to Ellerton’s recommendation. Horvath recommended adding a principle regarding discipline as a progressive and corrective process rather than a retributive process. Bonnell suggested noting the hope that disciplinary actions will be needed only in extraordinary circumstances. Dean agreed. She suggested adding the hope that attempts will be made to address and resolve disciplinary issues so disciplinary actions will not be necessary.

V. Other business

Bruce Stoffel reminded committee members that several documents have been posted to the committee Sharepoint site for members’ review: the CFSC annual report submitted by each college, the FRC annual report, and minutes from four committee meetings. Stoffel suggested that the committee consider approving those documents via email. He suggested that if no changes to a document are requested by the end of Monday, May 15, 2017, that document would be considered accepted by URC. He further suggested that if any committee member suggests a change to a document, all committee members would be apprised of the suggestion and given an opportunity to agree or disagree. There were no objections among committee members present to Stoffel’s suggestions.

Profuse and heartfelt thanks were expressed all around for the work done this academic year by committee members, especially for the many hours committee members have devoted to thoughtful consideration and discussion of the ASPT disciplinary articles. Thanks were especially addressed to Dean for her service as 2016-2017 chairperson, to Joe for his service as 2016-2017 secretary, and to committee members whose term on the committee is expiring this spring: Rick Boser, Dean, Ellerton, and Goodman.

Horvath announced that he will not likely be returning to URC in fall 2017 to complete the third and last year of his term, because his participation on the DFSC in his department is needed by the department. Committee members expressed gratitude to Horvath for his many valuable contributions to URC discussions over the last two years.

VI. Adjournment

Horvath moved to adjourn the meeting. Goodman seconded the motion. The motion passed on voice vote, all voting in the affirmative. Dean adjourned the meeting at 2:15 p.m.

Respectfully submitted,
Joe Goodman, Secretary

Bruce Stoffel, Recorder

ATTACHMENTS:

Items Needing Confirmation and/or Decision, University Review Committee, Thursday, May 11, 2017, compiled by URC Chairperson Diane Dean, 5-10-17

Principles guiding the University Review Committee in its 2016-2017 review and revision of proposed ASPT disciplinary articles

UNIVERSITY REVIEW COMMITTEE

Thursday, May 11, 2017

Items Needing Confirmation and/or Decision

Compiled by URC Chairperson Diane Dean, 5-10-17

Several of the following items were discussed with a resultant emergent consensus, but no clear or final decision on record. They need a confirmation and/or decision.

Other items are new questions that have risen as an outgrowth of other decisions or discussions. They need clarification and/or decision.

A. Suspensions – Items needing confirmation/decision:

1. Definition of suspension – We discussed whether suspensions are 1) full/complete relief from all teaching, research and service; or 2) whether “partial” suspensions are possible (removal from part – but not all - of a faculty member’s responsibilities).

- Meeting notes indicate that consensus leaned towards suspensions 1) being defined as full/complete relief only; and that 2) “partials” constitute a form of reassignment (a sanction).
- The current draft articles reflect that emergent consensus, but no clear decision was recorded. We need to confirm or amend.

Current drafts:

General Considerations - XI.A.4. “Suspensions are major disciplinary actions of varying degrees undertaken to temporarily relieve a faculty member from all academic duties (teaching, research, and service); on paid or unpaid status; with exclusion from campus or parts thereof.” ...

Sanctions - XII.B.4. “Reassignments may be used as a disciplinary action that modifies a faculty member’s teaching, research or service activities or administrative assignments for a stated period of time no longer than one full academic year, without completely relieving a faculty member of his or her duties.”

Suspensions - XIII.B.1. “Suspensions are temporary relief from all academic duties (teaching, research, and service), with or without exclusion from all or parts of campus and privileges thereof.”

2. Maximum length of suspensions - We discussed what should be the maximum length for suspensions, and whether the duration should be expressed in months or semesters.

- Meeting notes indicate that – although we stated reassignments might last up to a year - consensus leaned towards establishing 6 months as a general limit for suspensions; omitting reference to potentially longer periods because of the adverse impact it could have on benefits. Meeting notes also indicate that consensus leaned towards using calendar months as opposed to semesters, for greatest flexibility.
- The current draft articles reflect that emergent consensus, but no clear decision was recorded. We need to confirm or amend.

Current drafts:

Suspensions - XIII.A.5. “A faculty member may be suspended only for a specified period of time, ordinarily no longer than six calendar months.” ...

B. Dismissals – Items needing resolution / decision:

1. Faculty performance as a cause for disciplinary action – We removed references to “performance problems” as a cause for DFSC-originated dismissals (XIII.B.2), narrowing the causation down to simply “continued problems that have not been ameliorated...”

- A new question has arisen: did the URC intend for the removal of reference to “performance” as a causation to apply only to dismissals? Or was the intention for this change to be carried across other articles as well?
- The current draft articles removed all references to “performance” as a causation, but no clear decision was recorded. We need to reaffirm the intent or restore/amend.

Current draft - Decided:

Dismissals – XIV.B.2. “The DFSC/SFSC may initiate dismissal proceedings as the next step in a progressive disciplinary process when there is evidence of adequate cause, such as: ~~continued behavior or performance~~ problems ~~or issues in the faculty member’s responsibilities~~ that have not been ameliorated through sanctions or suspension(s); ~~failure to perform assigned duties in a manner consonant with professional standards; repeated violation of University policies; repeated violation of laws pertinent to the faculty member’s responsibilities, or lack of fitness to continue to perform in the faculty member’s professional capacity as a teacher or researcher.~~”

Current drafts – Were these changes also intended?

General Considerations - XI.A.3. “Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral ~~or performance~~ problems or issues. Sanctions are intended to be corrective.”

Sanctions - XII.C.1. “The DFSC/SFSC may initiate sanction proceedings when there is evidence of cause, such as: behavior ~~or performance~~ problems or issues in the faculty member’s responsibilities; violation of university policies; or a violation of laws pertinent to the faculty member’s responsibilities.”

Suspensions - XIII.C.2. “The DFSC/ SFSC may initiate suspension proceedings as the next step in a progressive disciplinary process when there is evidence of cause, such as: continued behavior ~~or performance~~ problems or issues in the faculty member’s responsibilities that have not been ameliorated through sanctions; repeated or egregious violation of University policies; or repeated or egregious violation of laws pertinent to the faculty member’s responsibilities.”

2. CFSC’s role in dismissal cases – Consistent across our draft processes, the CFSC has the role of “review and recommend” in dismissals, suspensions and sanctions; except in cases involving credible threat of imminent harm.

- A question has arisen. The current ASPT document (V.C.3) gives the DFSC/SFSC responsibility for dismissal recommendations. How do we want to handle this? Maintain our draft process for a consistent CFSC role in all disciplinary processes? Change the dismissal process to reflect that D/SFSC currently has this role? *Whatever we decide, we will need to articulate our rationale for D/S/C/SC & FRC roles as part of the “general principles” document for Academic Senate.*

Current ASPT Document:

Dismissals – V.C.3. “The DFSC/SFSC shall be responsible for making recommendations regarding faculty contracts and appointments, for reappointment and non-reappointment, for performance evaluation, for salary adjustments and for promotion, tenure and dismissal.”

3. Expedited dismissal process for extraordinary egregious events – Our current dismissal draft has 3 procedural streams for dismissals: i) a D/SFSC-originated or a ii) Provost-originated process, both of which are reviewed by the CFSC; and iii) a Provost-expedited process for extraordinary/egregious events.

- A question has arisen. Would we ever need or want an expedited dismissal without a CFSC review? We have allowed for such provisions in an expedited suspension, if there is a credible threat of imminent harm.

However, would we ever need to have an expedited dismissal, particularly given that we could immediately and temporarily remove an individual through an expedited suspension; while still allowing for full-process dismissal proceedings?

Current draft

Suspensions - XIII.A.3. “A faculty member may be suspended during dismissal proceedings, if the imminent harm standard also applies, or if necessitated by pending criminal investigation or legal proceedings.”

C. General – Items needing confirmation / decision:

4. Unique provisions for Mennonite College of Nursing and Milner Library – We have recognized that several of our desires and aims are in tension with MCN and ML organizational structures.

Namely, we have endeavored to i) use existing University bodies; ii) keep disciplinary proceedings as locally controlled as possible, with the review and recommendation function occurring within the College; iii) use a multi-step process that separates the initiating body (often D/SFSC) from the reviewing and recommending body (CFSC); and iv) use University-level bodies for appeals (FRC) and grievances (AFEGC).

While this process works for a majority of colleges, some of the rationale for our choices (e.g. keep the “review and recommend” function local within the college; but not intensely local within the department) are contradicted with MCN & ML structures.

- Meeting notes indicate that consensus leaned towards writing a provision that MCN and ML may determine an alternate process, but no clear decision was recorded, and it was not clear whether we invite them to rewrite all of the processes, or to only find a substitute for the CFSC’s role if they choose. We need to clarify and confirm our intent, with language to be used in the final drafts (e.g. perhaps in the General Provisions section).

Principles guiding the University Review Committee in its 2016-2017 review and revision of proposed ASPT disciplinary articles

- Committees already existing should be used in disciplinary processes rather than newly created committees, if possible.
- Committees already playing roles in the ASPT system should be used in disciplinary process rather than involve existing committees that are external to the ASPT system, if possible.
- AAUP guidelines should be considered and, when deemed appropriate, incorporated into the disciplinary articles text, but they should not be explicitly referenced in the disciplinary articles.
- The body that recommends disciplinary actions should not be the same body that decides whether disciplinary actions should be formally considered.
- The body to which a faculty member may appeal should always be a faculty body rather than a body whose members are all or part administrators.

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ADDENDUM TO MINUTES FILE
ADDENDUM 1 OF 2
UNIVERSITY REVIEW COMMITTEE, 2016-2017

At its May 11, 2017 meeting, the last committee meeting of academic year 2016-2017, the University Review Committee decided to review and approval several documents via email rather than defer their consideration to academic year 2017-2018. Accordingly, the University Review Committee unanimously approved the following documents via email on May 15, 2017. The documents follow this cover sheet.

Minutes of the April 11, 2017 University Review Committee meeting

Minutes of the April 18, 2017 University Review Committee meeting

Minutes of the April 25, 2017 University Review Committee meeting

Minutes of the May 4, 2017 University Review Committee meeting

CFSC Annual Reports

CFSC Annual Report 2016-2017 College of Applied Science and Technology

CFSC Annual Report 2016-2017 College of Arts and Sciences

CFSC Annual Report 2016-2017 College of Business

CFSC Annual Report 2016-2017 College of Education

CFSC Annual Report 2016-2017 College of Fine Arts

CFSC Annual Report 2016-2017 Mennonite College of Nursing

CFSC Annual Report 2016-2017 Milner Library

Report to the University Review Committee regarding appeals received and considered by the Faculty Review Committee in Academic Year 2016-2017 (redacted version)

The University Review Committee also decided to approve minutes of its last meeting of academic year 2016-2017, held on May 11, 2017, via email in June 2017 rather than wait until academic year 2017-2018 to do so. Accordingly, the University Review Committee unanimously approved the following document via email on June 9, 2017. The document follows this cover sheet.

Minutes of the May 11, 2017 University Review Committee meeting

ADDENDUM TO MINUTES FILE
ADDENDUM 2 OF 2
UNIVERSITY REVIEW COMMITTEE, 2016-2017

At its last meeting of academic year 2016-2017, on May 11, 2017, the University Review Committee formed a writing group to work during summer 2017 to finish reviewing and revising the four proposed ASPT disciplinary articles reviewed by the University Review Committee throughout academic year 2016-2017. The University Review Committee set a goal of having the writing group recommend a final set of articles to the full 2016-2017 committee membership and having URC recommend a final set of articles to the Faculty Caucus of the Academic Senate before the start of the fall 2017 semester.

The University Review Committee writing group subsequently met six times: May 16, May 17, May 23, May 24, May 30, and August 10 (2017). Committee members participating in the group included Angela Bonnell, Sam Catanzaro, Diane Dean, Nerida Ellerton, Christopher Horvath, Joe Goodman, and Sarah Smelser. At the August 10, 2017 writing group meeting, the writing group unanimously recommended the attached version of the disciplinary articles to the full committee for its approval. Attending the August 10, 2017 writing group meeting were Angela Bonnell, Sam Catanzaro, Diane Dean, Nerida Ellerton, Christopher Horvath, and Sarah Smelser.

The full 2016-2017 University Review Committee subsequently approved the attached version of the ASPT disciplinary articles (i.e., the version recommended to the full committee by the writing group on August 10, 2017) via email, for recommendation to the Faculty Caucus of the Academic Senate. The approval was effective August 25, 2017.

Diane Dean, Chairperson of the 2016-2017 University Review Committee, forwarded the disciplinary articles as approved by the committee (and as attached) to the Academic Senate office on September 8, 2017.

ASPT DISCIPLINARY ARTICLES WITH SUPPLEMENTAL DOCUMENTS

Approved by the University Review Committee, Illinois State University, on August 25, 2017
for Recommendation to the Faculty Caucus of the Academic Senate, Illinois State University

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ASPT document table of contents with the proposed disciplinary articles added

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Principles Guiding the University Review Committee in its 2016-2017 Revision
of Proposed ASPT Disciplinary Articles

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Faculty Appointment, Salary, Promotion, and Tenure Policies

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ARTICLE XII: GENERAL CONSIDERATIONS

A. Types of Disciplinary Actions

1. Faculty may be subject to discipline of varying levels. Disciplinary actions include sanctions, suspensions, or dismissals. The University normally uses progressive discipline to address misconduct. Progressive discipline is intended to be remedial, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension or dismissal may be appropriate.
2. A faculty member's duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed.
3. Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral problems or issues. Sanctions are intended to be remedial.

Sanctions may be effected for such reasons as violations of laws or of University policies, including the Code of Ethics. Specific policies related to sanctions are provided in Article XIII.

4. Suspensions are major disciplinary actions of varying degrees undertaken to relieve a faculty member temporarily from all academic duties (teaching, research, and service), with exclusion from all or parts of campus, and may include the temporary loss of University Login Identification (ULID) access or other privileges. Suspensions may be either with or without pay. Suspensions may be effected for such reasons as credible threat of imminent harm to the University, including the faculty member in question, other employees, students, or University property; or as a next step in a progressive disciplinary process; or when credible evidence of adequate cause for dismissal is available. Specific policies related to suspensions are provided in Article XIV.
5. Dismissals are major disciplinary actions terminating the appointment of a probationary or tenured faculty member. Dismissals are effected under extraordinary or egregious circumstances or when other recourses of disciplinary action have been exhausted without effect. They should rarely if ever occur.

Dismissals may be effected for such reasons as lack of fitness to continue to perform in a faculty member's professional capacity as a teacher or researcher, failure to perform assigned duties in a manner consonant with professional standards, or malfeasance. Specific policies related to dismissals are provided in Article XV.

When a dismissal is recommended due to continuing unsatisfactory performance, suggesting a lack of fitness to perform in a faculty member's professional capacity as a teacher or researcher, the policies and procedures provided in Article XV will apply, even if the reason is not viewed as discipline for misconduct *per se*.

6. Recommendations for non-reappointment of probationary faculty will follow the process outlined in Article XI.
7. Termination of a probationary or tenured faculty member's appointment due to demonstrable University financial exigency or program termination is not disciplinary in nature and will follow the process outlined in the Illinois State University Constitution (Article III, Section 4.B.2.), the Governing Document of the Board of Trustees (Section C), and all applicable policies.

B. Faculty Rights

1. Disciplinary actions or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. Faculty members shall retain their right to file a grievance at any time with the Academic Freedom, Ethics, and Grievance Committee (AFEGC) if they believe that their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. See the Illinois State University Constitution (Article III) and the Faculty Academic Freedom, Ethics and Grievance policy (University Policy 3.3.8).
2. In all disciplinary proceedings, faculty members have the right to due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. Faculty members also have the right to have an advisor or counsel present at discussions, hearings, and appeals. The role of the advisor or counsel is to offer advice to the faculty member only; the advisor or counsel may not otherwise participate in the discussions, hearings, or appeals related to disciplinary actions.
3. Probationary faculty who face disciplinary actions whether exonerated or not may request a one year "stop-the-clock" extension of their probationary period, as described in IX.B.3.
4. Records of the disciplinary process, including documentation of exoneration and/or completion of any required corrective actions, may be reviewed in the tenure and promotion process. The purpose of such review will be to ensure that only the documented facts of the individual's exoneration and/or required corrective actions are considered.
5. Uniformed police or security officers shall only be engaged in enforcing a suspension or dismissal when there are credible threats of harm to the University, including the faculty member in question, other employees, students, or University property; when required by law; or when necessitated by pending criminal investigation or legal proceedings.
6. A faculty member may not be denied access to electronic or physical materials, documents, or resources they might need to prepare for pending disciplinary actions or appeals. If access to such materials poses a risk to campus security, alternative arrangements may be made to provide the faculty member with access to materials.
7. Only confidential means of communication, whether electronic or physical, will be used to transmit communications and materials related to disciplinary actions, and all proceedings and records with regard to disciplinary actions will be kept confidential to the degree permitted by the law.
8. Final disciplinary determinations will not be made until all appeals processes are complete. The exception is suspension involving credible threat of imminent harm, criminal investigations, or legal proceedings. In such a circumstance, a suspension may be effected prior to the start of appeal proceedings (XIV.A.4).
9. When the outcome of a disciplinary process includes placing written documentation in a faculty member's official personnel files (see XVIII.A.1), the faculty member retains the right to place a written statement of their own in those same files (see University Policy 3.1.29).

ARTICLE XIII: SANCTIONS

A. General Provisions

1. All parties involved in considering the sanctioning of a faculty member shall refer to the definitions, conditions, and faculty rights set forth in Article XII in addition to this Article XIII.
2. Sanctions are intended to be progressive and remedial. Therefore, effort should be made to apply the most minor sanction likely to address the problem or issue. Past disciplinary actions related to the problem or issue, if any, should be taken into consideration when determining sanctions. Repeated cause for discipline may merit progressively increased sanctions.
3. No sanction may be implemented until all appeals are exhausted.

B. Types of Sanctions

Sanctions fall into four broad categories: reprimands, penalties, loss of prospective benefits, and temporary reassignments.

1. Reprimands include written notices of issues that do not result in overt disciplinary action but that require corrective action by the faculty member.
2. Penalties are disciplinary actions that do not impede a faculty member's duties. These may include the removal of honors, reimbursement, restitution or fine, or mandatory training.
3. Loss of prospective benefits are the withholding of rewards or support for a stated period. This may include the suspension of regular or merit pay increases, a temporary reduction in salary, or the temporary loss of/ineligibility for institutional support for academic or research activities. Loss of prospective benefits cannot be applied to pension, healthcare, or other benefits provided by the State of Illinois.
4. Temporary reassignments may be used as a disciplinary action that modifies a faculty member's teaching, research, or service activities or administrative assignments for a stated period of time no longer than one full academic year, without relieving a faculty member of his or her entire duties.

C. Procedural Considerations Related to Sanctions

Sanction proceedings may be initiated by the DFSC/SFSC or the Provost.

1. Sanction proceedings initiated by the DFSC/SFSC

The DFSC/SFSC may initiate sanction proceedings when there is evidence of cause, such as: behavior problems or issues in the faculty member's responsibilities; violation of University policies; or violation of laws pertinent to the faculty member's responsibilities. Sanction proceedings initiated by the DFSC/SFSC are directed to and reviewed by the CFSC.

- a. The DFSC/SFSC will first request to meet with the faculty member to discuss the alleged misconduct and the potential for discipline. The intent of such consultation is to reconcile disputes early and informally. The faculty member's right to seek advice or counsel must be honored and facilitated through reasonable scheduling of the meeting (see XII.B.2).
- b. If the issue is not resolved through informal consultation, then the DFSC/SFSC will notify the faculty member in writing within five (5) business days that the matter is being referred to the CFSC. The notification will include the alleged misconduct, a summary of the evidence supporting the charges, and the relevant University policy or law violated and/or basis for showing that the faculty member has

breached acceptable standards for responsible behavior. This information is directed to the CFSC with a request for its review and recommendation.

- c. The faculty member may provide a written response to the charges for consideration by the CFSC. The faculty member's written statement shall be submitted to the CFSC within five (5) business days of the written notification from the DFSC/SFSC that the matter has been referred to the CFSC.
- d. The CFSC will review the information regarding the allegation and the faculty member's response and will recommend to the Provost whether a sanction should be imposed and, if so, the nature of that sanction. A CFSC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost. The Dean is required to write a separate report when his or her recommendation differs from the CFSC recommendation.

A "minority report" is defined as a voluntary written statement submitted by a committee member(s) other than the Dean indicating reasons for dissenting from the recommendation made by the majority of the committee. Such a minority report may focus on the alternative conclusions the author wishes to propose and the evidence for such conclusions. The minority report must not breach the confidentiality of the disciplinary process by reporting the deliberations of the committee, by reporting the views or statements of individual members of the committee during deliberations, or by being communicated to anyone outside of the disciplinary process.

- e. The CFSC will submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, the DFSC/SFSC and the Provost, within 10 business days of receiving the case for review.
 - f. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matter that falls within the AFEGC's jurisdiction and shall consider the AFEGC's findings or recommendations in its review of the case.
 - g. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, such a grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations to the faculty member and the respondents in the case with a copy to the Provost.
 - h. The Provost will review sanctioning recommendations made by the CFSC including any minority reports, the Dean's report (if required), any appeal recommendations made by the FRC including any minority reports, any reports from the AFEGC, and all supporting materials, and make a decision regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC, and FRC of the decision in writing within 10 business days of receipt of the FRC and/or the AFEGC recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, and CFSC of the decision in writing within 10 business days of the receipt of the CFSC's recommendation. If the decision results in a sanction, the written decision will include the details of the sanction to be imposed and conditions thereof, and a timeline that identifies the start and end date. The written notification also will be copied to the official personnel files.
2. Sanction proceedings initiated by the Provost

The Provost may initiate sanction proceedings when there is a substantiated finding of a violation imposed on a faculty member by an office or entity external to the ASPT process after all applicable appeals are complete; such as:

Receipt from the University Ethics Officer of a substantiated finding of violation of the State Officials and Employees Ethics Act (5 ILCS 430/) and/or other relevant laws;

Receipt from the Office of Equal Opportunity and Access of a substantiated finding of violation of the Anti-Harassment and Non-Discrimination Policy (University Policy 1.2);

Receipt from the Office of Research Ethics and Compliance of a substantiated finding of violation of federal, state, and/or University policies regarding the conduct of ethical research, academic integrity, or financial practices in sponsored research;

Receipt from the Academic Freedom, Ethics and Grievance Committee (AFEGC) of a substantiated finding regarding violations of academic freedom (University Policy 3.3.13) or the Code of Ethics (University Policy 1.17 and appendices).

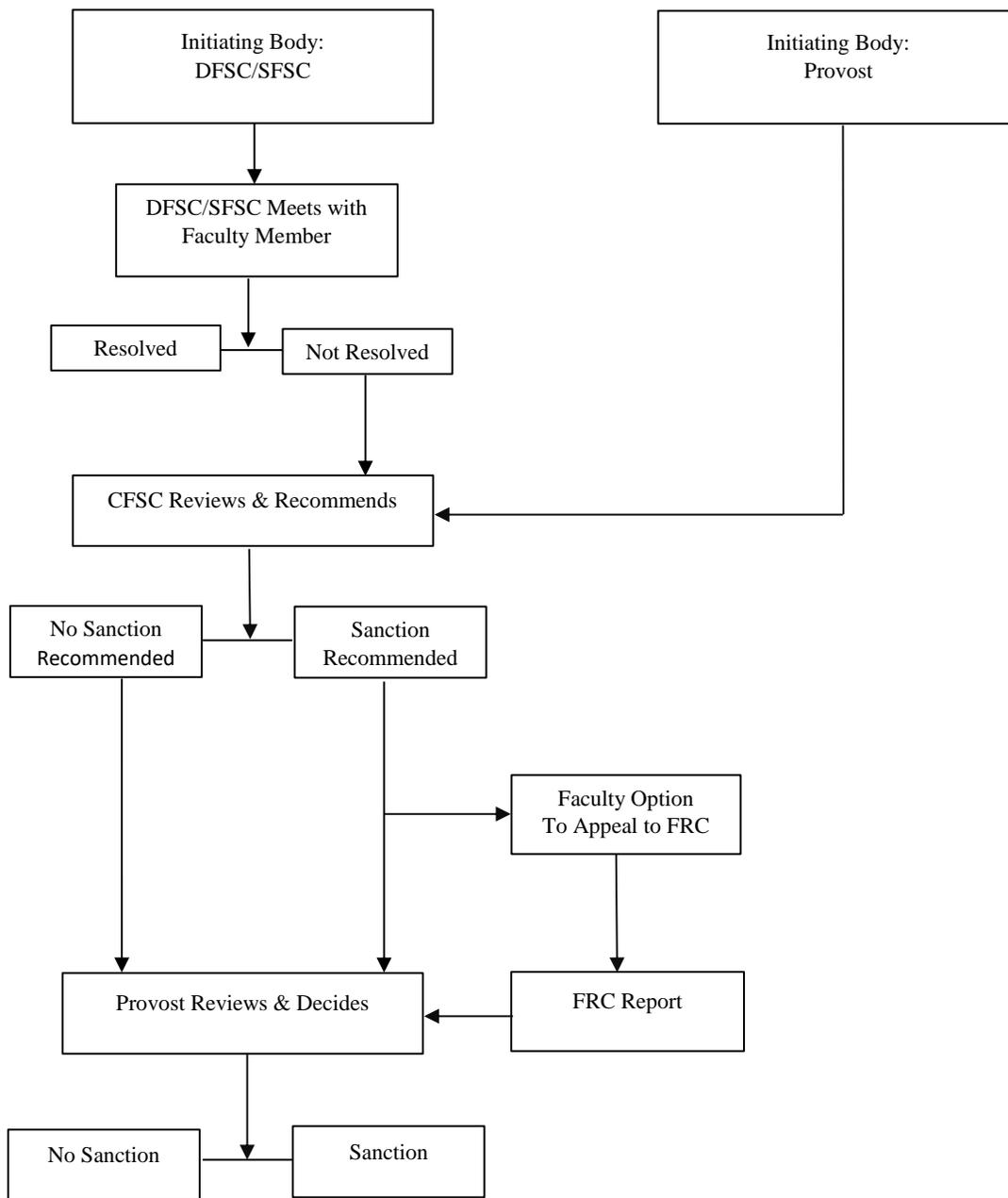
- a. The Provost will notify the faculty member in writing that sanction proceedings are being initiated. The notification will include the alleged misconduct, the substantiated findings of a violation, and the office or entity issuing the findings. The Provost will also direct this information to the CFSC, with a request for its review and recommendation. The Provost's written notification to the faculty member and referral to the CFSC will be submitted within five (5) business days of his or her receipt of the aforementioned substantiated and finalized violation.
- b. The faculty member will have an opportunity to provide a written response to the charges for consideration by the CFSC. The faculty member's written statement shall be submitted within five (5) business days of the written notification from the Provost that the matter has been referred to the CFSC.
- c. The CFSC will review the information regarding the allegation and the faculty member's response and will recommend to the Provost whether a sanction should be imposed. If the CFSC recommends imposing a sanction, the CFSC will also recommend the sanction(s) to be imposed. A CFSC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost (as defined in XIII.C.1.d). The Dean is required to write a separate report when his or her recommendation differs from the CFSC recommendation.
- d. The CFSC will submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, the DFSC/SFSC, and the Provost within 10 business days of receiving the case for review.
- e. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matters that fall within the AFEGC's jurisdiction, and shall consider the AFEGC's findings or recommendations within its review of the case.
- f. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, such a grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations to the faculty member with a copy to the Provost.
- g. The Provost will review sanctioning recommendations made by the CFSC including any minority reports, the Dean's report (if required), any appeal recommendations made by the FRC and/or the AFEGC, including any minority reports, and all supporting materials, and make a decision regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC, and FRC of the decision in writing within 10 business days of receipt of the CFSC recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, and CFSC of the decision in writing within 10 business days of the receipt of the CFSC's recommendation.

If the decision results in a sanction, the written decision will include the details of the sanction to be imposed and conditions thereof, and a timeline that identifies the start and end date. The written notification also will be copied to the official personnel files.

3. If the sanctions include corrective actions, the requirements of these corrective actions, including timeline and acceptable documentation of completion, will be described in the same written notification from the Provost. The faculty member may request, and shall receive, clarification of such requirements.
4. An overview of the sanctions process is found in Appendix 5.

APPENDIX 5

Overview of the Sanctions Process



NOTE:
A faculty member
may file a grievance
with the AFEGC
at any point
in this process.

ARTICLE XIV: SUSPENSIONS

A. General Provisions

1. All parties involved in considering suspension of a faculty member shall refer to the definitions, conditions, and faculty rights set forth in Article XII in addition to this Article XIV.
2. There are three circumstances in which suspension of a faculty member may be considered:
 - a. As a next step in the progressive disciplinary process;
 - b. In circumstances involving credible threat of imminent harm to the University, including the faculty member in question, other employees, students, or University property, or when necessitated by pending criminal investigations or legal proceedings;
 - c. In circumstances involving substantiated finding of a violation by a body external to the ASPT process (such as one of those listed in XIV.C.3.b) but not involving credible threat of imminent harm or a criminal investigation or legal proceedings.
3. A faculty member may be suspended during dismissal proceedings, if the imminent harm standard also applies, or if necessitated by pending criminal investigations or legal proceedings.
4. A faculty member will be afforded due process in the suspension proceedings. This right is balanced against the responsibility of the University to prevent harm to students, other employees, and the institution.
 - a. In circumstances involving progressive disciplinary action (XIV.A.2.a), a suspension shall be effected only after all appeals are exhausted.
 - b. In circumstances involving credible threat of imminent harm or when necessitated by pending criminal investigations or legal proceedings (XIV.A.2.b), a suspension may be effected prior to the start of any appeal proceedings.
5. A faculty member may be suspended only for a specified period of time, ordinarily no longer than six calendar months. Under unusual circumstances the Provost may extend the suspension for an additional specified amount of time. Suspensions must be followed by reinstatement, unless the faculty member has been dismissed following the process set forth in Article XV.

B. Types of Suspensions

1. Suspensions are temporary relief from all academic duties (teaching, research and service), with exclusion from all or parts of campus, and may include temporary loss of University Login Identification (ULID) access or other privileges.
2. Suspensions may be either with or without pay. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will ordinarily only occur after all appeals are complete.

C. Procedural Considerations Related to Suspensions

Suspension proceedings may be initiated by the DFSC/SFSC or the Provost.

1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated. However, the DFSC/SFSC or Provost may extend these deadlines for good reason, and involved parties may request consideration for doing so. The DFSC/SFSC or Provost will

communicate any timeline extensions in writing to all involved parties. Such extensions shall not constitute a procedural violation of this policy.

2. Suspension proceedings initiated by the DFSC/SFSC

The DFSC/SFSC may initiate suspension proceedings as the next step in a progressive disciplinary process when there is evidence of cause, such as: continued behavior problems or issues in the faculty member's responsibilities that have not been ameliorated through sanctions; repeated or egregious violation of University policies; or repeated or egregious violation of laws pertinent to the faculty member's responsibilities.

- a. The DFSC/SFSC will first request in writing to meet with the faculty member to discuss the alleged misconduct and the potential for suspension. Such consultation will include a review of relevant documentation/information. The intent of such consultation is to reconcile disputes and to develop a mutually agreeable solution that ensures safety for the University community and educational success of students. The faculty member's right to seek advice or counsel must be honored and facilitated through reasonable scheduling of the meeting (see XII.B.2).
- b. If a mutually agreeable solution is found, it shall be documented in writing and signed by the DFSC/SFSC and faculty member within five (5) business days of the meeting described in XIV.C.2.a. However, this period may be extended if both parties agree that additional time for deliberation would lead to a mutually agreeable solution. The DFSC/SFSC will communicate any timeline extensions to the faculty member in writing within five (5) business days of the initial meeting (XIV.C.2.a.). The length and details of the timeline extension must be stated.
- c. If the issue is not resolved through informal consultation, then the DFSC/SFSC will notify the faculty member in writing that the matter is being referred to the CFSC. This notification will be made within five (5) business days of the initial meeting, if there is no timeline extension as provided under XIV.C.2.b; or within five (5) business days of the expiration of any extension. The notification will include the alleged misconduct, the evidence supporting the charges, relevant documentation/information, and the reasons why suspension may be warranted. This information will be directed to the CFSC with a request for its review and recommendation.
- d. The faculty member will have an opportunity to provide a written response to the charges. The faculty member's written statement shall be submitted within five (5) business days of the written notification from the DFSC/SFSC that the matter has been referred to the CFSC.
- e. The CFSC will review the information regarding the allegation and the faculty member's response, and recommend to the Provost whether a suspension should be imposed. If the CFSC recommends imposing a suspension, the CFSC will also recommend the length and conditions of the suspension to be imposed. A CFSC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost. The Dean is also required to write a separate report when his or her recommendation differs from the CFSC recommendation.

A "minority report" is defined as a voluntary written statement submitted by a committee member(s) other than the Dean indicating reasons for dissenting from the recommendation made by the majority of the committee. Such a minority report may focus on the alternative conclusions the author wishes to propose, and the evidence for such conclusions. The minority report must not breach the confidentiality of the disciplinary process by reporting the deliberations of the committee, by reporting the views or statements of individual members of the committee during deliberations, or by being communicated to anyone outside of the disciplinary process.

- f. The CFSC will submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, the DFSC/SFSC, and the Provost within 10 business days of receiving the case for review.
 - g. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matter that falls within the AFEGC's jurisdiction and shall consider the AFEGC's findings or recommendations within its review of the case.
 - h. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, any such grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations in writing to the faculty member with a copy to the Provost.
 - i. The Provost will review suspension recommendations made by the CFSC including any minority reports, the Dean's report (if required), any appeal recommendations made by the FRC including any minority reports, any reports from the AFEGC, and all supporting materials, and make a decision regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC, and FRC of the decision in writing within 10 business days of receipt of the CFSC recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, and CFSC of the decision in writing within 10 business days of the receipt of the CFSC's recommendation. If the decision results in a suspension, the written decision will include the details of the conditions thereof, and a timeline that identifies the start and end date. The written notification will also be copied to the official personnel files.
3. Suspension proceedings initiated by the Provost
- a. Circumstances involving credible threat of imminent harm, criminal investigations, or legal proceedings

The Provost may initiate suspension proceedings in circumstances involving credible threat of imminent harm to the University, including the faculty member in question, other employees, students, or University property, or when necessitated by criminal investigations or legal proceedings. As such, the process is intended to mitigate or eliminate the possibility of harm or comply with legal requirements.

- i. The Provost will review the alleged misconduct, relevant documentation/information, and the rationale for why an immediate suspension may be warranted.
- ii. The Provost, after the aforementioned review, will make a decision regarding whether a suspension should be imposed. If a suspension is to be imposed, the Provost's decision will also include details of the type and length of suspension. The Provost will notify the faculty member, DFSC/SFSC, and Dean of the decision in writing. The suspension is effective immediately upon serving notice to the faculty member. The written notification also will be copied to the official personnel files.
- iii. A faculty member suspended under the rationale of imminent harm or the necessity of criminal investigations or legal proceedings retains the right to due process and may appeal the suspension to the FRC following the provisions in Article XVII. The FRC shall refer to the AFEGC any matters that fall within the AFEGC's jurisdiction and shall consider the AFEGC's findings or recommendations in its review of the case. Suspensions remain in effect while any appeal is adjudicated.

- iv. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, any such grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations in writing to the faculty member with a copy to the Provost. Suspensions will remain in effect while any grievance is adjudicated.
- b. Circumstances involving a substantiated finding of a violation by a body external to the ASPT process but not involving credible threat of imminent harm, criminal invitation, or legal proceedings

The Provost may also initiate suspension proceedings when there is a substantiated finding of a repeated or egregious violation imposed on a faculty member by an office or entity external to the ASPT process after all applicable appeals are complete, such as:

Receipt from the University Ethics Officer of a substantiated finding of repeated or egregious violation of the State Officials and Employees Ethics Act (5 ILCS 430/) and/or other relevant laws;

Receipt from the Office of Equal Opportunity and Access of a substantiated finding of repeated or egregious violation of the Anti-Harassment and Non-Discrimination Policy (University Policy 1.2);

Receipt from the Office of Research Ethics and Compliance of a substantiated finding of repeated or egregious violation of federal, state and/or University policies regarding the conduct of ethical research, academic integrity, or financial practices in sponsored research;

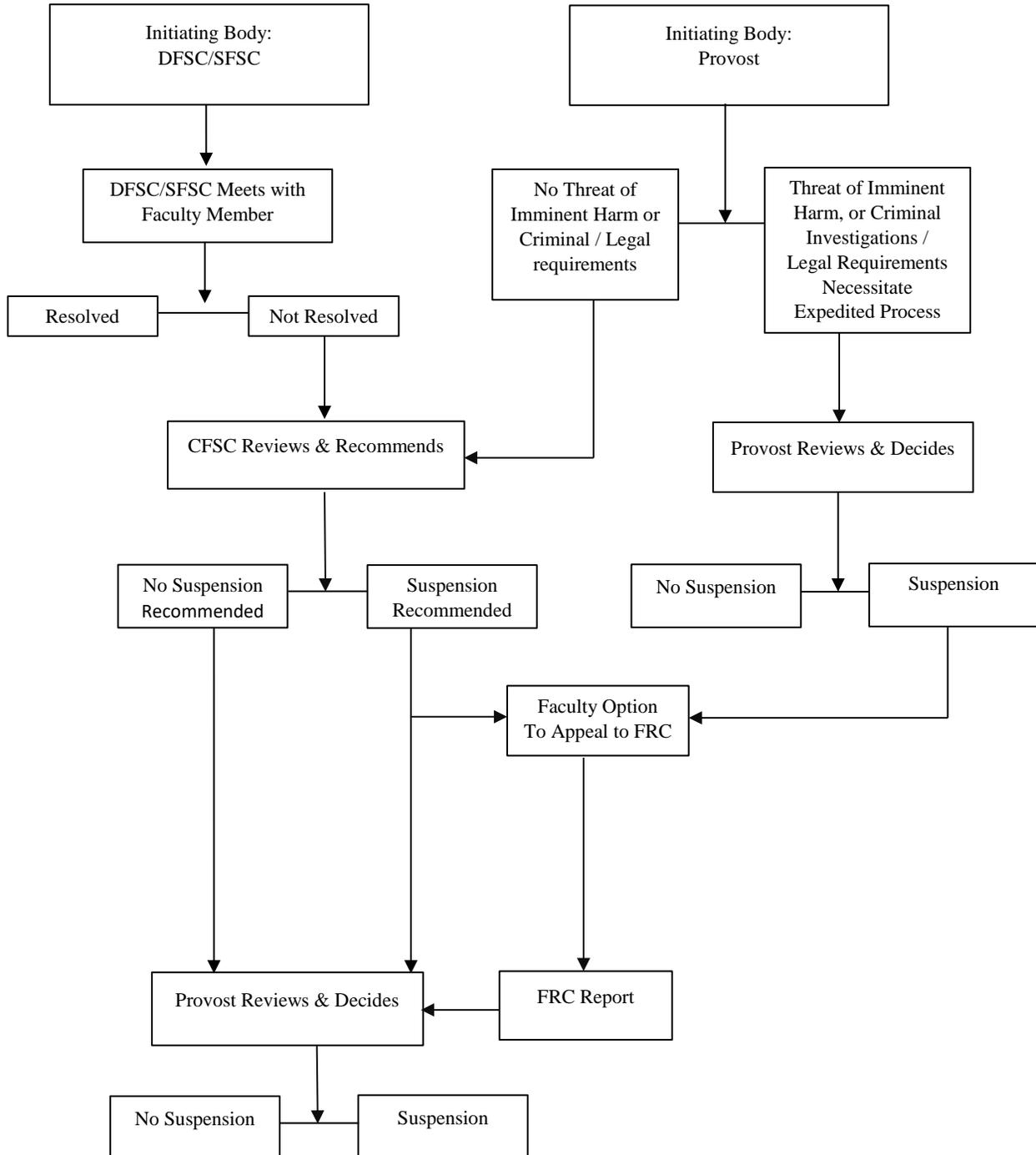
Receipt from the Academic Freedom, Ethics, and Grievance Committee (AFEGC) of a substantiated finding regarding repeated or egregious violations of academic freedom (University Policy 3.3.13) or the Code of Ethics (University Policy 1.17).

- i. The Provost will notify the faculty member in writing that suspension proceedings are being initiated. The notification will include the alleged misconduct, the substantiated findings of a violation, and the office or entity issuing the findings. The Provost will also direct this information to the CFSC, with a request for its review and recommendation. The Provost's written notification to the faculty member and referral to the CFSC will be submitted within five (5) business days of his or her receipt of the aforementioned substantiated and finalized violation.
- ii. The faculty member will have an opportunity to provide a written response to the charges for consideration by the CFSC. The faculty member's written statement shall be submitted within five (5) business days of the written notification from the Provost that the matter has been referred to the CFSC.
- iii. The CFSC will review the information regarding the allegation and the faculty member's response and will recommend to the Provost whether a suspension should be imposed. If the CFSC recommends imposing a suspension, the CFSC will also recommend the length and conditions of the suspension to be imposed. A CFSC recommendation shall be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost (as defined in XIV.C.2.e). The Dean is also required to write a separate report when his or her recommendation differs from the CFSC recommendation.

- iv. The CFSC will submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member and the Provost within 10 business days of receiving the case for review.
 - v. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in XVII. The FRC shall refer to the AFEGC any matters that fall within the AFEGC's jurisdiction, and shall consider the AFEGC's findings or recommendations within its review of the case.
 - vi. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, any such grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations in writing to the faculty member with a copy to the Provost.
 - vii. The Provost will review suspension recommendations made by the CFSC including any minority reports, the Dean's report (if required), any appeal recommendations made by the FRC and/or the AFEGC including any minority reports, and all supporting materials, and make a decision regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC and FRC of the decision in writing within 10 business days of receipt of the CFSC recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, and the CFSC of the decision in writing within 10 business days of the receipt of the CFSC's recommendation. If the decision results in a suspension, the written decision will include details of the conditions thereof, and a timeline that identifies the start and end date. The written notification also will be copied to the official personnel files.
4. If the suspension includes corrective actions to be taken prior to reinstatement, the requirements of the corrective actions, including timeline and acceptable documentation, will be described in the same written notification from the Provost. The faculty member may request, and shall receive, clarification of any conditions of such requirements.
 5. If the reasons for suspension also constitute adequate cause for dismissal as described in Article XV, the written notice of suspension from the Provost shall so indicate, and then the dismissal procedures delineated in Article XV will commence.
 6. An overview of the suspensions process is found in Appendix 6.

APPENDIX 6

Overview of the Suspension Process



NOTE:
A faculty member may file a grievance with the AFEGC at any point in this process.

ARTICLE XV: DISMISSAL

A. General Provisions

1. All parties involved in considering disciplinary dismissal of a probationary or tenured faculty member shall refer to the definitions, conditions, and faculty rights set forth in Article XII in addition to this Article XV.
2. A disciplinary dismissal of a faculty member may be considered for adequate causes such as:
 - a. A next step in the progressive disciplinary process, when other recourses of disciplinary action have been exhausted without effect;
 - b. Upon notification from a law enforcement or judiciary body or other entity external to the University of a substantiated finding of malfeasance;
 - c. Upon notification of a substantiated finding of a repeated, extraordinary, or egregious violation imposed on a faculty member by an office or entity external to the ASPT process; or
 - d. In an extraordinary or egregious circumstance involving harm or credible threat of imminent harm to the University, including the faculty member in question, other employees, students, or University property.
3. Dismissal proceedings recommended for performance-related reasons (e.g., continuing unsatisfactory performance suggesting lack of fitness to perform in the faculty member's professional capacity as a teacher or researcher) will follow the procedures provided in this Article XV, even if the reasons are not viewed as disciplinary *per se*.
4. The standard for any dismissal of a 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 why the faculty member should be retained). Performance evaluation records may be admissible but may be rebutted as to accuracy.
5. A faculty member shall be afforded due process in the dismissal proceedings. A dismissal shall be effected only after all appeals are exhausted.
6. In general, public statements about the case should be avoided. University statements about the case, whether during proceedings or after a final decision has been made, may only be made through the Office of the President.

D. Procedural Considerations Related to Dismissal

Disciplinary dismissal proceedings may be initiated by the DFSC/SFSC or the Provost.

1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated. However, the DFSC/SFSC, CFSC, or Provost may extend these deadlines for good reason, and involved parties may request consideration for doing so. The DFSC/SFSC, CFSC, or Provost will communicate any timeline extensions in writing to all involved parties.
2. Dismissal Proceedings Initiated by the DFSC/SFSC

The DFSC/SFSC may initiate dismissal proceedings as the next step in a progressive disciplinary process when there is evidence of adequate cause, such as continued problems that have not been remediated through sanction(s) or suspension(s). The DFSC may also initiate dismissal proceedings in a case of continuing unsatisfactory performance, such as those that have not been remediated through the process of post-tenure review (Article X).

- a. The DFSC/SFSC will first request in writing to meet with the faculty member to discuss the alleged misconduct or continuing unsatisfactory performance, and the potential for dismissal. Such consultation will include a review of relevant documentation/information. The intent of such consultation is to reconcile disputes and to develop a mutually agreeable solution. The faculty member's right to seek advice or counsel must be honored and facilitated through reasonable scheduling of the meeting (see XII.B.2).
 - b. When appropriate, the Dean, Provost, or administrative designee with information pertinent to the matter (such as the University Ethics Officer) may also be present. Ordinarily, an attorney for the University will not be present.
 - c. When appropriate, the DFSC/SFSC may also meet with any persons having information or relevant documentation pertinent to the matter. Any such individuals consulted shall be made known to the faculty member, and the resultant information or documentation shall be provided.
 - d. If a mutually agreeable solution is found, it shall be documented in writing and signed by the DFSC/SFSC, faculty member, Dean, and Provost within five (5) business days of the meeting. However, this five-day period may be extended if all parties agree that additional time for deliberation would lead to a mutually agreeable solution. The DFSC/SFSC will communicate any timeline extensions to the faculty member in writing within five (5) business days of the initial meeting. The details of the timeline extension must be stated.
 - e. If a mutually agreeable solution does not result, then the DFSC/SFSC will notify the faculty member in writing that the matter is being referred to the CFSC. This notification will be made within five (5) business days of the initial meeting, if there is no timeline extension; or within five (5) business days of the expiration of any extension. The notification will include: a description of the alleged misconduct or continuing unsatisfactory performance, the evidence supporting the charges, relevant documentation information, and the reasons why disciplinary dismissal may be warranted. The notification will also include: a statement regarding the outcome of the preliminary meeting with the faculty member, and information regarding the faculty member's procedural rights. This information is directed to the CFSC with a request for its review and recommendation, with a copy submitted to the Provost.
 - f. Dismissal proceedings initiated by the DFSC/SFSC are directed to and reviewed by the CFSC. Formal proceedings as described in XV.B.4 will then commence.
3. Dismissal Proceedings Initiated by the Provost

The Provost may initiate dismissal proceedings in extraordinary or egregious circumstances when there is evidence of adequate cause (see XI.B.1 and XII.A.5) that originates external to the ASPT process.

- a. The Provost reviews the alleged misconduct, the evidence supporting the charges, relevant documentation/information, and the rationale for why a disciplinary dismissal may be warranted.
- b. As part of the review process, the Provost may consult with any persons having information or relevant documentation pertinent to the matter. Any such individuals consulted shall be made known to the faculty member, and the resultant information or documentation shall be provided.
- c. The Provost will notify the faculty member in writing that dismissal proceedings are being initiated. This notification will be made within five (5) business days from when the Provost completes the review and will include: the alleged misconduct, the substantiated finding of a violation, the office or entity issuing the findings, relevant documentation/information, and the reasons why disciplinary dismissal may be warranted. The notification will also include information regarding the faculty member's procedural rights. The Provost will also direct this information to the CFSC, with a request for its review and recommendation, with a copy submitted to the DFSC/SFSC.

- d. Dismissal proceedings initiated by the Provost are directed to and reviewed by the CFSC. Formal proceedings as described in XV.B.4 will then commence.

4. Commencement of Formal Proceedings by the CFSC

- a. The formal proceedings will commence with a written notification from the CFSC addressed to the faculty member within five (5) business days of the CFSC's receipt of the referral from the DFSC/SFSC or the Provost. The notice will acknowledge receipt of the disciplinary referral, inform the faculty member of his or her procedural rights, and inform the faculty member that a hearing will be conducted by the CFSC at a specified time and place. The hearing date should be set at least 10 business days from the date of the notification.
- b. The faculty member may provide a written response to the charges and submit this document to the CFSC no later than five (5) business days before the date set for the hearing. Hearings will then follow the procedures described in XV.B.5.
- c. The faculty member may waive the hearing by notifying the CFSC in writing no later than five (5) business days before the date set for the hearing.
- d. In absence of a hearing, the CFSC will review each allegation in the referral; the evidence, documentation and information regarding the allegation(s); the rationale for why disciplinary dismissal may be warranted; and the DFSC/SFSC's statement regarding the outcomes of the preliminary proceedings (if applicable). The CFSC will also review the faculty member's written response to the charges (if submitted). The CFSC will have the authority to review any other relevant information, and to interview any other persons who may have relevant information.
- e. The CFSC will then deliberate and recommend to the Provost whether the faculty member should be dismissed. The CFSC's recommendation will state the basis on which it finds grounds or no grounds for dismissal. The CFSC may recommend other disciplinary or corrective actions in lieu of dismissal. The CFSC's recommendation will be based on a majority vote of the members of the committee. In the event that the vote is not unanimous, minority reports may also be submitted to the Provost. The Dean is required to write a separate report when his or her recommendation differs from the CFSC recommendation.

A "minority report" is defined as a voluntary written statement submitted by a committee member(s) other than the Dean indicating reasons for dissenting from the recommendation made by the majority of the committee. Such a minority report may focus on the alternative conclusions the author wishes to propose, and the evidence for such conclusions. The minority report must not breach the confidentiality of the faculty disciplinary process by reporting the deliberations of the committee, by reporting the views or statements of individual members of the committee during deliberations, or by being communicated to anyone outside of the disciplinary process.

- f. The CFSC will report its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, DFSC/SFSC, and the Provost within 10 business days of the date that was set for the hearing.
- g. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matter that falls within the AFEGC's jurisdiction, and shall consider the AFEGC's findings or recommendations within its review of the case.
- h. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, such a

grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations to the faculty member with a copy to the Provost.

- i. The Provost will not make his or her recommendation until all appeals have been completed.

5. Hearings by the CFSC

- a. If the faculty member has not waived a hearing, the CFSC shall hold a hearing. As with all ASPT matters, dismissal proceedings are conducted confidentially and in private.
- b. The faculty member shall have the right to have an advisor or counsel present at the hearing. The role of the advisor or counsel is to offer advice or counsel to the faculty member only; the advisor or counsel may not otherwise participate in the hearing. The faculty member's right to seek advice or counsel must be honored and facilitated through reasonable scheduling of the hearing (see XII.B.2).
- c. The referring party (DFSC/SFSC or the Provost) will attend the hearing and be available to respond to questions and present information as needed.
- d. In the event the Provost is not the referring party, the Provost or designee(s) will attend the hearing as an observer. Ordinarily, the Provost's designee will not be an attorney for the University, although there may be exceptions.
- e. A member of the Faculty Caucus, elected by the Faculty Caucus, will attend the hearing as an observer. Members of the Faculty Caucus from the faculty member's college may not serve as the elected observer.
- f. The CFSC will determine the order of proof, conduct the questioning of witnesses, and secure the presentation of evidence important to the case. The proceedings will be audio or video recorded at the expense of the University and a copy provided to the faculty member at no cost. The CFSC may have the proceedings transcribed; if so, a copy shall be provided to the faculty member at no cost.
- g. The CFSC may ask questions of both the faculty member and the referring party (DFSC/SFSC or the Provost) based on their written statements.
- h. If facts are in dispute, testimony of witnesses should be taken and/or other evidence received. Appropriate procedures for the participation of witnesses will be determined by the CFSC.
- i. The faculty member shall have the right to call a reasonable number of witnesses. The CFSC shall assist in securing the participation of witnesses of the faculty member's choosing. The CFSC shall have the discretion to limit the number of witnesses.
- j. The CFSC may reschedule the hearing, or postpone its conclusion to a later date, if it determines that additional time is needed for the collection of information or evidence, the coordination of witnesses, or the faculty member's preparation to respond. However, because the CFSC cannot compel the participation of a witness, ordinarily the proceedings shall not be delayed by the unavailability of a witness. The CFSC will communicate any timeline extensions to the faculty member in writing. The length and rationale for the timeline extension must be stated.
- k. The CFSC shall have the right to ask questions of all witnesses who testify orally. The faculty member and the referring party(ies) may suggest questions to the CFSC, which shall retain the right to determine whether and how a question is asked. When witnesses cannot appear or decline to appear, written testimony may be submitted. Copies of any written testimony shall be provided to the faculty member. Anonymous testimony will not be permitted. The CFSC may, at its discretion, grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.

- l. The CFSC will permit closing statements by the faculty member and by the referring party or designee. The CFSC may exercise its discretion in allowing a reasonable amount of time for each statement.
 - m. The CFSC will then adjourn to deliberate and recommend to the Provost whether the faculty member should be dismissed. The CFSC's recommendation will include a full written report of the hearing and will state the basis on which it finds grounds or no grounds for dismissal. The CFSC may recommend other disciplinary or corrective actions in lieu of dismissal. A CFSC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may be submitted to the Provost (as defined in XV.B.4.e). The Dean is required to write a separate report when his or her recommendation differs from the CFSC recommendation.
 - n. The CFSC shall submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, DFSC/SFSC, and the Provost within 10 business days of the conclusion of the hearing.
 - o. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matters that fall within the AFEGC's jurisdiction, and shall consider the AFEGC's findings or recommendations within its review of the case.
 - p. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any policy under the AFEGC's jurisdiction has been violated. However, such a grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations to the faculty member with a copy to the Provost.
 - q. The Provost will not make his or her recommendation until after all appeals have been exhausted.
6. Provost's Consideration of CFSC's Recommendation

The Provost will review the disciplinary recommendations made by the CFSC including any minority reports and the Dean's report (if applicable), the full written report of any hearing, any appeal recommendations made by the FRC including any minority reports, any reports from the AFEGC, and all supporting materials, and make a recommendation to the President regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC and FRC of the recommendation in writing within 10 business days of receipt of the FRC and/or the AFEGC's recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC, and President within 10 business days of the receipt of the CFSC's recommendation.

7. The faculty member will have an opportunity to provide a written response to the Provost's recommendation to be considered in the President's deliberations. The faculty member will also submit copies of the written response to DFSC/SFSC, CFSC, the FRC and/or the AFEGC (if applicable), and the Provost. The faculty member's written response shall be submitted to the President within five (5) business days of the written recommendation received from the Provost.
8. President's Consideration of the Provost's Recommendation

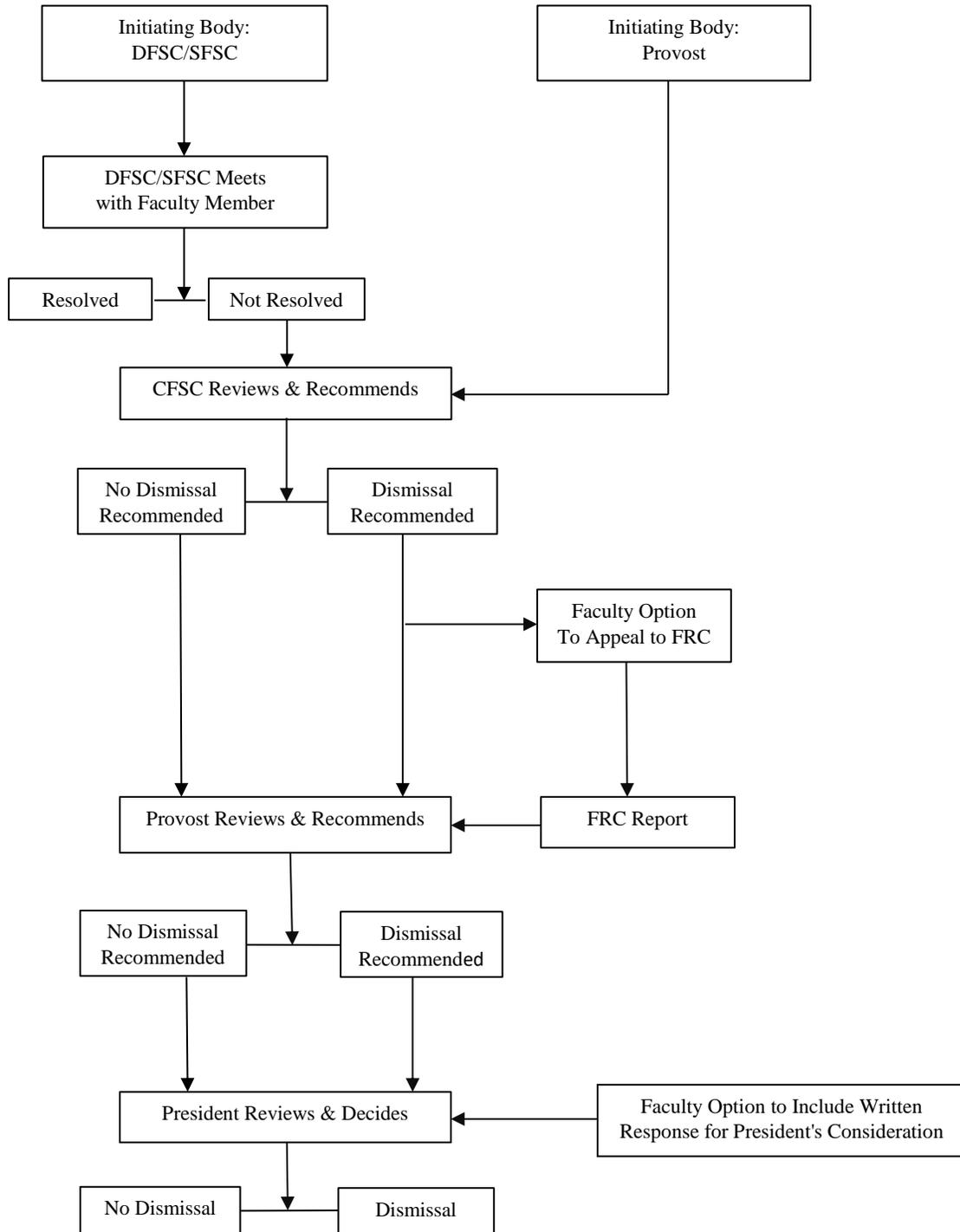
The President will review the recommendations made by the Provost and by the CFSC including any minority reports and the Dean's report (if applicable), the full written report of the hearing, any appeal recommendations made by the FRC and/or the AFEGC, any written response made by the faculty member, and all supporting materials. The President will make a decision regarding the dismissal action. The President will notify the faculty member, DFSC/SFSC, CFSC, the FRC and/or the AFEGC (if applicable), and Provost of the decision in writing within 10 business days of the receipt of the Provost's recommendation. If the decision results in a dismissal, the notification will state the grounds for the

dismissal, the effective date, and the procedures that were followed in its review and consideration. The written notification also will be copied to the official personnel files.

9. All communication regarding the final outcome of the case must be in accordance with XV.A.6.
10. An overview of the dismissal process is found in Appendix 7.

APPENDIX 7

Overview of the Dismissal Process



NOTE:
A faculty member may file a grievance with the AFEGC at any point in this process.

ARTICLE XVII: APPEALS POLICIES AND PROCEDURES

L. Initiation of a Disciplinary Action Appeal:

1. Upon receipt of a recommendation for sanction, suspension, or dismissal from the CFSC or a notice of suspension from the Provost (see XIV.C.3.a), the faculty member may appeal the recommendation or notice to the Faculty Review Committee (FRC).
2. Within five (5) business days of receipt of the disciplinary recommendation or notice of suspension, the faculty member must notify the Chairperson of the FRC in writing of an intent to appeal.
3. The Chairperson of the FRC will respond to the faculty member within five (5) business days following the receipt of a written intent to appeal and will notify the Provost, the CFSC, and the party initiating the disciplinary action (DFSC/SFSC or Provost). The FRC shall initiate consideration of an appeal as expeditiously as possible.
4. The faculty member, within five (5) business days of submitting an intent to appeal, must submit to the FRC a written statement of appeal as defined in XVII.C, including information or documentation supporting the request. To prepare an appeal, the faculty member may request appropriate information regarding the case. This information shall include any official documents used to support a decision regarding the case. A copy of the faculty member's appeal will be provided to the CFSC and to the party initiating the disciplinary action (DFSC/SFSC or Provost).
5. The FRC will review the notice of suspension from the Provost or the disciplinary recommendation made by the CFSC, including any minority reports, the Dean's report (if applicable), the written report of the hearing (if applicable), any written response made by the faculty member, and all supporting materials.
6. The FRC may request to meet with any persons having information or relevant documentation pertinent to the matter. The purpose of such a meeting is for clarification only and does not constitute a second hearing. The FRC shall determine who attends such a meeting and how that meeting proceeds. Any such individuals consulted shall be made known to the faculty member, and the resultant information or documentation shall be provided.
7. If the FRC believes that the basis of the appeal includes matters under the jurisdiction of the AFEGC, then the FRC may refer the matter to the AFEGC and suspend its proceedings until it receives a report from the AFEGC.
8. If the matter includes consideration by the AFEGC, its report shall be forwarded to the FRC upon completion of the AFEGC process. Any such AFEGC report shall become a permanent part of the FRC report. If the AFEGC rules that a violation under the AFEGC's jurisdiction has occurred, the FRC must decide whether the violation significantly contributed to the disciplinary proceedings or actions. The FRC shall then complete its deliberations.
9. An FRC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost.

A "minority report" is defined as a voluntary written statement submitted by a committee member(s) indicating reasons for dissenting from the recommendation made by the majority of the committee. Such a minority report may focus on the alternative conclusions the author wishes to propose and the evidence for such conclusions. The minority report must not breach the confidentiality of the faculty disciplinary process by reporting the deliberations of the committee, by reporting the views or statements of individual members of the committee during deliberations, or by being communicated to anyone outside of the disciplinary process. The FRC will report its recommendation (including any minority reports) in writing to the faculty member, the party initiating the disciplinary action (DFSC/SFSC or Provost), the CFSC, and the Provost.

FLOW CHART, ASPT DISCIPLINARY PROCESSES
UNIVERSITY REVIEW COMMITTEE, AUGUST 25, 2017



Principles Guiding the University Review Committee In its 2016-2017 Revision of Proposed ASPT Disciplinary Articles

- The focus of the disciplinary articles should be on behavior and not on performance. Non-reappointment of faculty members can occur for reasons other than behavior. Those instances are addressed elsewhere in the ASPT document.
- Disciplinary actions should be considered only in extreme circumstances. Issues should be promptly addressed to avoid consideration of disciplinary actions.
- Disciplinary processes should be corrective and progressive not retributive.
- Every attempt should be made to develop disciplinary processes that are clear and logical.
- Disciplinary actions and processes include sanctions, suspensions, and dismissal. Every attempt should be made to delineate clearly between them. Examples provided in each article should be illustrative rather than exhaustive.
- AAUP guidelines should be considered and, when deemed appropriate, incorporated into the disciplinary articles text, but they should not be explicitly referenced in the articles.
- Disciplinary processes should be faculty-controlled even in circumstances potentially involving imminent harm.
- Committees already existing should be used in disciplinary processes rather than newly-created committees, if possible. Doing so may necessitate changes to committee by-laws. The Faculty Caucus and committees should review and amend their by-laws as appropriate.
- Committees already playing roles in the ASPT process should be involved in disciplinary processes rather than involving committees external to the ASPT process, if possible.
- The body that recommends whether disciplinary actions should be imposed should not be the same body that decides whether disciplinary actions should be formally considered.
- The body to which a faculty member may appeal should always be a faculty body rather than a body whose members are all or part administrators.
- Every attempt should be made to protect the due process rights of both faculty and the University. Due process is not something earned by tenure rather it is the right of probationary faculty members and tenured faculty members.
- The highest level of confidentiality shall be maintained in disciplinary proceedings unless there are legal requirements to share information. The number of parties involved in and knowledgeable of a disciplinary case should be minimized. There may be instances in which individuals internal and external to Illinois State University are impacted (e.g., criminal investigations). The confidentiality of these individuals shall follow prescribed legal precedence.
- Modifications to some disciplinary processes set forth in the articles may be needed by Menonite College of Nursing and Milner Library in light of administrative structures and ASPT processes unique to those colleges. All such modifications shall be subject to prior review and approval by the University Review Committee.