

## 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"><b>Proposed by Faculty Caucus</b> September 2016</p>		<p align="center"><b>Proposed by URC</b> August 2015</p>
	<p align="center"><b>Oral reprimand, written reprimand, recorded reprimand, restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period</b></p>	<p align="center"><b>Suspension for a stated period without prejudice</b></p>	
<p><b>Who may initiate the action?</b></p>	<p><b>Chairperson/Director</b></p> <p>Through a proposal presented to the DFSC/SFSC under the following circumstances.</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>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.</li> </ol> <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><b>Chairperson/Director</b></p> <p>Through a proposal presented to the DFSC/SFSC under the following circumstances.</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>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.</li> </ol> <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><b>Dean or Provost</b></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><b>DFSC/SFSC</b></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><b>What parties are involved in review of the matter?</b></p>	<p><b>Chairperson/Director, DFSC/SFSC</b></p> <p><b>CFSC,</b></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><b>Chairperson/Director, DFSC/SFSC</b></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 <b>Dean</b> and <b>Provost</b></p> <p>If either DFSC/SFSC or the Provost determines that formal proceedings are necessary, the Provost directs the <b>Faculty Caucus</b> to organize an <b>Independent Review Committee</b> (IRC).</p> <p>IRC must hold a hearing if requested by the faculty member.</p> <p>IRC makes recommendations to the Provost</p> <p><b>President</b></p>	<p>If the action is initiated by the <b>Dean</b> or <b>Provost</b>, <b>DFSC/SFSC</b> 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><b>Who makes the final decision whether to impose the disciplinary action?</b></p>	<p><b>DFSC/SFSC</b></p> <p><b>CFSC,</b></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><b>President</b></p>	<p><b>Provost</b> in consultation with the dean</p>

**DISCIPLINARY ACTIONS PROPOSALS: SANCTIONS**

<p><b>Who issues the notification of the action to the faculty member?</b></p>	<p><b>Chairperson/Director</b> If DFSC/SFSC makes the final decision  [It is unclear in the case of CFSC involvement]</p>	<p><b>President</b></p>	<p><b>Provost</b></p>
<p><b>To what party or parties may the faculty member appeal?</b></p>	<p>Same as for performance evaluations ...  To <b>CFSC</b>, with provisions for appeal to <b>AFEGC</b> initiated by the CFSC or the faculty member</p>	<p>To the <b>Faculty Review Committee</b> regarding the IRC report  To <b>AFEGC</b> in matters related to academic freedom</p>	<p>[not specified]</p>
<p><b>NOTES</b></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

	<b>Proposed by Faculty Caucus September 2016</b>	<b>Proposed by URC August 2015</b>
<b>Who may initiate the action?</b>	[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 ...  <b>Chairperson/Director</b> initiates the formal process.
<b>What parties are involved in review of the matter?</b>	<b>Chairperson/Director, Dean, Provost</b>  <b>AFEGC</b> must hold a hearing and must provide a written recommendation.  <b>President</b>	The <b>Chairperson/Director</b> consults <b>DFSC/SFSC</b> . <b>DFSC/SFSC</b> may make a non-binding advisory recommendation to the Chairperson/Director.  The Chairperson/Director shall consult with the <b>Dean</b> and <b>Provost</b> .
<b>Who makes the final decision whether to impose the disciplinary action?</b>	<b>President</b>	It is not entirely clear...  Chairperson/Director in consultation with the Dean and Provost?
<b>Who issues the notification of the action to the faculty member?</b>	[unclear]	<b>Chairperson/Director</b>
<b>To what party or parties may the faculty member appeal?</b>	To <b>AFEGC</b>  ("through the ordinary AFEGC process, which includes appeal to the <b>President</b> as a final step"); appeals may be based on substantive or procedural grounds	<b>President</b>  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.

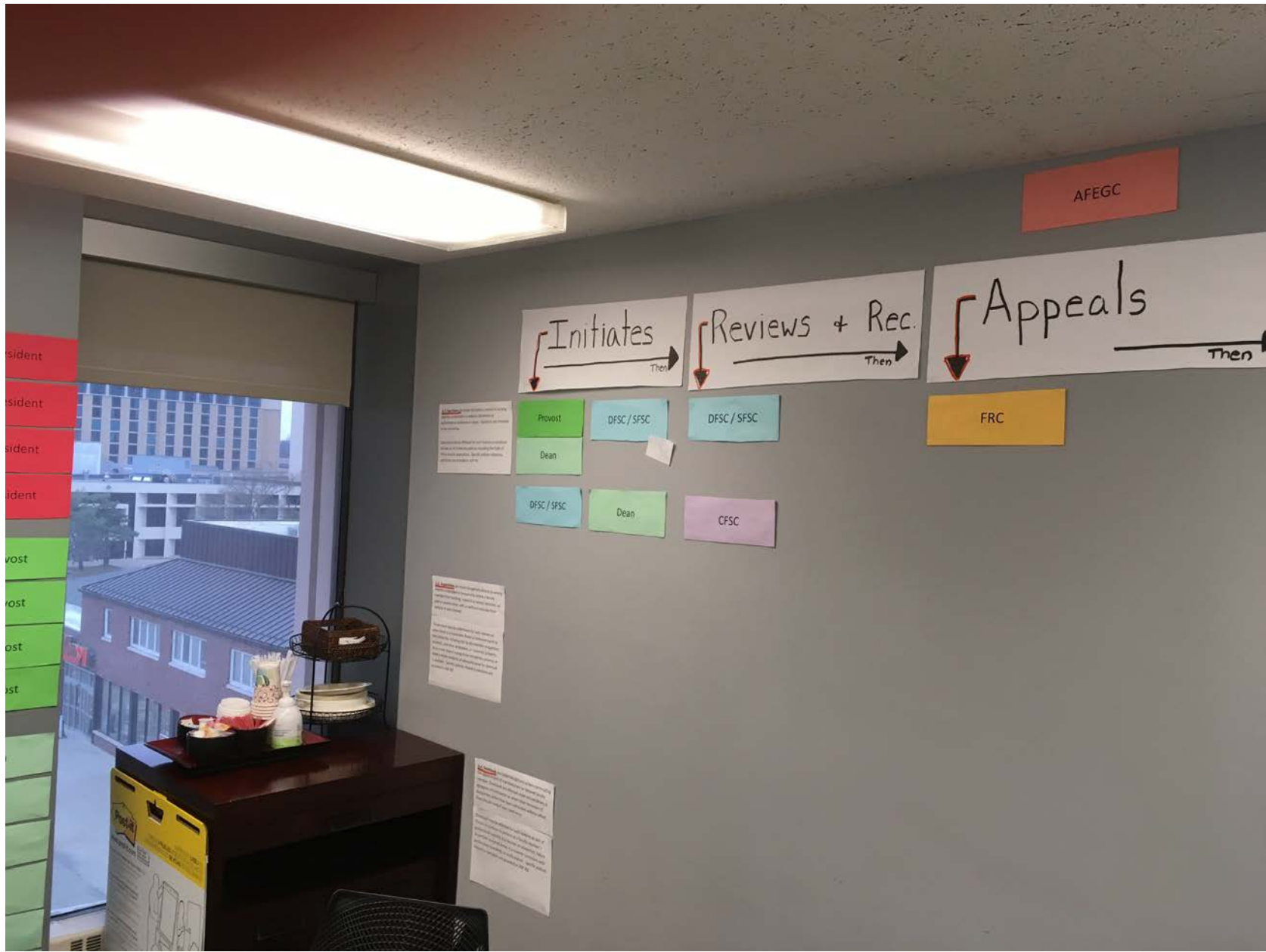
**DISCIPLINARY ACTIONS PROPOSALS: DISMISSAL**

	<b>Proposed by Faculty Caucus September 2016 Excludes non-reappointment of a probationary faculty member</b>	<b>Proposed by URC August 2015</b>	
		<b>Probationary Faculty Termination for adequate causes only; Excludes non-reappointment prior to a tenure decision</b>	<b>Tenured Faculty</b>
<b>Who may initiate the action?</b>	[unclear]  [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.]	[unclear]	DFSC/SFSC  OR  <b>University Administration</b> when it becomes aware of adequate cause
<b>What parties are involved in review of the matter?</b>	<b>Chairperson/Director, DFSC/SFSC</b>  DFSC/SFSC shall be charged with inquiring into the situation to determine whether formal proceedings should be initiated; DFSC/SFSC reports to the <b>Dean</b> and <b>Provost</b> .  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).  IRC must hold a hearing if requested by the faculty member.  IRC makes recommendations to the Provost.  <b>President</b>	<b>Chairperson/Director, Dean, Provost</b>  [unclear; the Chairperson/Director, Dean, and Provost are involved; presumably <b>DFSC/SFSC</b> makes a recommendation to the Dean and Provost]	<b>DFSC/SFSC, University Administration</b>  “If the recommendation to initiate dismissal proceedings comes from the Department, School, or <b>College</b> , then the DFSC/SFSC (per V.C.3) or <b>Dean</b> of the College ...” notifies the <b>Provost</b> .  If <b>University Administration</b> initiates the action, the Provost informs the Dean and DFSC/SFSC. DFSC/SFSC may communicate a non-binding advisory recommendation to the Provost.  The Provost directs the <b>Faculty Caucus</b> to select an <b>Initial Review Committee</b> . IRC makes a recommendation to the Provost.  If IRC or the Provost determines that proceedings should commence, the <b>Faculty Review Committee</b> reviews the matter and makes a recommendation to the Provost. FRC holds a hearing if requested by the faculty member.  <b>President</b>

**DISCIPLINARY ACTIONS PROPOSALS: DISMISSAL**

<b>Who makes the final decision whether to impose the disciplinary action?</b>	<b>President</b>	[unclear; presumably the <b>Provost</b> makes the decision]	<b>Provost</b>
<b>Who issues the notification of the action to the faculty member?</b>	<b>President</b>	<b>Provost</b> after consultation with Dean and Chair/director	<b>Provost</b>
<b>To what party or parties may the faculty member appeal?</b>	To the <b>Faculty Review Committee</b> regarding the IRC report  To <b>AFEGC</b> in matters related to academic freedom	<b>President</b>	<b>President</b>
<b>NOTES</b>	<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

views + Rec.  
Then →

↓ Appeals  
Then →

FRC

↓ Decision  
Then →

Provost

↓ Notificati  
Then →

Provost

