

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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