

<p><b>CALIFORNIA STATE UNIVERSITY, STANISLAUS</b></p> <p>ACADEMIC SENATE MINUTES November 21, 2000</p> <p><b>PRESENT:</b> Akwabi-Ameyaw, Almy, Alvarez-Palma, Anderson, Buell, Burroughs, Carroll, Chu, Costa, Cross, Dunbar, Floyd, Gerstenfeld, Hilpert, Johnson, Kimyai, MacDonald, Mayer J., Mayer M., McLaughlin, Nagel, Nelson, Olivant, Oppenheim, Pandell, Peterson, Russ, Souza, Thompson, Zarlring</p> <p><b>PROXIES:</b> Demettrilias (Curry), Renner (Keymer) Souza (Clark)</p> <p><b>ABSENT:</b> Farrar, Finley, Gackowski, Hernandez, Kohlhaas, Sundar, Thomas, Yang</p> <p><b>GUESTS:</b> Klein, Jaasma, Towell, Sarraille</p> <p><b>Recording Secretary:</b> Diana Saugstad</p>	<p>20/AS/00/SEC--120 Semester Unit Requirement, APPROVED</p> <p>21/AS/00/FAC--Amendment to General Faculty Constitution, APPROVED</p> <p>Policies and Procedures for Post Tenure Review, DISCUSSED</p> <hr/> <p>Next Academic Senate Meeting: Tuesday, December 5, 2000 2:30-4:30 p.m., South Dining Room</p> <hr/> <p>Minutes submitted by:</p> <p>Christine Hamlow Souza, Clerk</p>
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Pandell called the Academic Senate meeting to order at 2:35 PM. The agenda was approved with the following change: Change Policies and Procedures for Post Tenure Review from a First Reading to a Discussion Item. The minutes of November 7, 2000 were approved as written.

## REPORTS AND ANNOUNCEMENTS

### a. Speaker/SEC (Pandell)

1. Student evaluations start next Monday, November 27 and end Friday, December 8th. The student evaluation packets need to be returned to D. Saugstad's office, DBH 109. Extended hours are 8 am to 9 pm M-TH and 8 am to 4 pm Fridays. On November 30th the office will not be open from 3-5:30 pm.

2. Three handouts were distributed: Revised 20/AS/00/SEC-Resolution on 120 Semester Unit Requirement; Post Tenure Review Proposal; MOU language related to post tenure review.

### b. University Educational Policies Committee (Thompson)

1. UEPC decided to move ahead with an Academic Technology Subcommittee of UEPC.

2. UEPC decided that the reporting format for program reviews should remain the same for this year, with continuing work on a revised format with revised criteria to be piloted probably next year.

3. Items to be discussed: Campus Accountability Goals, MAP II, and Challenge Examination fees.

**c. Faculty Affairs Committee (Anderson)**

Anderson advised that departments have asked about policies on periodic review of temporary faculty. Anderson requested information from anyone that has any polices in place on reviewing temporary faculty.

**d. Faculty Budget Advisory Committee (Oppenheim)**

Oppenheim reported that FBAC continues to meet and look at information from University Advancement. The committee is still waiting for information from Vice President Stephens.

Akwabi-Ameyaw questioned if FBAC was hopeful the committee would get the information previously requested. Oppenheim replied that the committee has received additional information that went along with the committee's request. Although it doesn't answer all questions, it is a beginning.

**e. Graduate Council (Dunbar)**

1. Graduate Council has approved five new courses for the Masters in Criminal Justice.

2. Discussed issues regarding the process for five-year program reviews.

3. Waiver of tuition for teaching assistants was discussed.

**f. Statewide Academic Senate (Hilpert/Thompson)**

No report.

**g. Foundation Board (Dunbar)**

No report.

**h. Associated Students (Alvarez-Palma/Cross)**

No report.

**i. Other**

1. Hilpert stated that the fact finding has been completed. The fact finder should have a report by December 4. If both parties agree to the fact finding, we may have a contract. If not, there are a number of options available.

MacDonald asked what the other options were. Hilpert responded that after the fact finding, the contract will be up for a vote for ratification. If the contract is approved by CFA members, but the Chancellor does not agree, he could move to imposition.

2. Anderson stated that he has previously reported that the International Faculty Partnership Conference is to be held June 24-29 in Baden-Wuttemberg, Germany. Germany is supporting conference costs including housing and meals. Our campus has committed \$1,000 to go toward travel. Application deadline is December 1. If you are interested, please contact Anderson.

## **ACTION ITEMS**

### **a. 20/AS/00/SEC-120 Semester Unit Requirement**

Pandell explained a few minor changes that were made to the resolution to clarify the procedure as follows:

WHEREAS: The Board of Trustees of the California State University has mandated that the minimum number of semester units required for award of the Baccalaureate degree is 120, and

WHEREAS: The faculty of California State University, Stanislaus have primary responsibility for academic programs and policies; therefore be it

RESOLVED: That upon approval by the Academic Senate and the President of California State University, Stanislaus, these changes in minimum unit requirements take effect in fall semester 2000, for graduation in spring 2001 and later; and be it further

RESOLVED: That students who have met all graduation requirements except the accumulation of 124 units and who have accumulated at least 120 units be permitted to graduate Academic Year 2000-2001; and be it further

RESOLVED: That all other graduation requirements, including units beyond 120 required by any campus degree program and including any required electives in degree programs, remain in effect; and be it further

RESOLVED: That the application deadline for Spring 2001/Summer 2001 should be extended without penalty to January 31, 2001 to allow students to apply for graduation this academic year; and be it further

RESOLVED: That the University Bulletin and all student advising information reflect such changes.

Pandell pointed out that in the 6th resolve there are specific dates for graduation application. Johnson recommended that the word 'graduation' be included in the 6th resolve after Spring 2001/Summer 2001 for clarity. It would read "That the application deadline for Spring 2001/Summer 2001 graduation should be extended....." Both Hilpert and Thompson agreed to the friendly amendment.

Mayer asked if we should be advising students regarding the 120 unit graduation requirement. Pandell responded that the Board of Trustees passed this requirement and various academic senates across the system have passed similar resolutions. Further, the Statewide Academic Senate passed a resolution asking that local Senates pass this type of resolution. All this changes is the minimum number of units to graduate . It does not change program requirements. Title V also requires justification if a student has to take more than 120 units. That issue is before the UEPC and will be coming to the Senate. But, that is a separate issue.

Russ called the question. There was no objection. Vote on the resolution passed unanimously. This resolution will be sent to the President for action.

## **b. 21/AS/00/FAC–Amendment to General Faculty Constitution**

Anderson reported that the changes to the General Faculty Constitution were just language changes, changing 'schools' to 'colleges' and the other change is that the GC chair will represent the Academic Senate at GC meetings. If AS approves the changes then it will go to a faculty vote.

There being no further discussion, the question was called. There was no objection. Vote on the resolution passed unanimously.

The amendments to the General Faculty Constitution will be sent to a faculty vote.

## **DISCUSSION ITEM**

### **a. Policies and Procedures for Post Tenure Review**

Anderson introduced the members of the FAC committee that were present, Chair Elect, Janet Towell and Randy Brown.

Anderson reviewed the key points in the proposed policy.

Brown presented four principles that went into developing the document:

1. Ease of preparation going through the review;
2. Ease of the review process. The contract dictates the committee structure piece. FAC did not want the committee to have to write lengthy reports on what was discussed.
3. Reasonable accountability. Tenured faculty need to be accountable to do their jobs. FAC felt it might be useful to have a differential process. If people are doing well then maybe we can have a pass/no pass option. That would protect faculty that are doing their job. If someone is deficient, then faculty have to do a more elaborate preparation of materials (professional development plan).
4. Professional Development. The plan would help these faculty improve.

Towell advised that FAC tried to make this as positive and painless as possible.

Thompson asked about the process for approval. Since this is a discussion item, will it come back to the Senate in resolution form or as part of a resolution the Senate can amend. Pandell replied it will come to the Senate in a form that can be amended. Thompson asked if FAC discussed information about the local need for this policy? Anderson replied that the three criteria to be addressed were teaching effectiveness, scholarship and university service. We have needs in all of these areas. This document provides for faculty development and mentoring for faculty that have needs in those areas. Further, we can't force anyone to improve themselves, but we can make recommendations to get resources available. Anderson further stated that we need to get more of a monetary commitment from administration for faculty who need assistance. Recommendations with resources might help some faculty. Jaasma responded that FAC didn't really see a specific need for the development piece for most faculty, and thought it would be used very sparingly.

Zarling applauded the FAC for developing a reasonable document. He then questioned when this would take effect? Anderson stated that the original proposal made the start date Spring 2001 but that is

unreasonable. The committee is now looking at Fall 2001 to begin the process. Zarling stated that at that time the faculty would have four FAR reports submitted. Anderson reminded faculty that the first FAR review included three years, so there will be at least five reports for the file. Zarling suggested that language be included to reflect that. The second point Zarling made was that it should be made clear that this procedure would not have anything to do with RPT and there would be no possibility of dismissal. Anderson replied that he understands that PTR and RPT are separate. The goal was to make the PTR developmental. Any other conclusion than that would have to come from both the peer review committee and the dean. Then the faculty member could appeal. The appeal committee is drawn by lot from a pool of the faculty member's College tenured full professors. That should be enough protection for the faculty member. Further, the dean is expected to concur with the peer review committee, except for rare and compelling reasons.

Oppenheim stated that his impression was that no one wants post tenure review. He further stated that we can't do anything to lousy faculty anyway. So why develop this kind of policy. It really is a waste of our time, except it is required by the MOU. We might be going about this in the wrong way, he stated. Oppenheim proposed that we do nothing and let the administration come up with a proposal. If we don't like it, we can propose something at that time.

Hilpert noted in 5.1.3, the last sentence "At the end of two years, if the progress reports reflect that the faculty member has achieved the goals or outcomes specified in said plan, he/she shall return to the normal five-year review cycle." What happens if the faculty member does not achieve his/her goals? Secondly, under 5.2, the last two lines "Once constituted, the committee shall consult the peer committee chair, the dean, and the faculty member under review before coming to a final decision." What is the meaning of 'a final decision?' It is difficult to fire a faculty member under Title V. The faculty member must be found to be incompetent in order to fire him/her. Anderson replied that regarding 'a final decision,' FAC meant the final recommendation if the faculty member needs to participate in a professional development plan. Under 5.1.3, he replied that we can spell it out, but we would continue to mentor and help the faculty member.

Brown stated that we could possibly find a faculty member to be incompetent, and we could build in language to handle such an issue. Further, it is true you can't force a faculty member to do their job, but it might be that the process could shine a light on a faculty member, and it could act as a motivator.

Akwabi-Ameyaw inquired if our rationale for developing this policy is to preempt the administration from imposing something on us and Anderson replied that we have to have a post tenure review policy per the MOU, and we are assuming if we don't develop one, the administration will. Akwabi-Ameyaw suggested we develop something if the need arises. Until then, we see what happens. In that, we can see our options. We should be very careful about presenting our options and strategies before we have to. Secondly, related to 3.2, 5.0 and 5.1, what provisions are built in if the department chair is up for review? Anderson replied that could be worked out.

Hilpert stated that in regard to the worse case scenario, let's say members of a department do not like a particular person, and may be working with their dean, and want to remove that faculty member. Is there a safeguard in this policy to protect the faculty member? Anderson stated that it should be taken care of in the appeal process. Hilpert recommended that a statement be included in the document safeguarding the faculty member for representation in regard to the employment process. Maybe a statement such as "The review and appeal process in no way abrogates the rights of faculty for procedural protection regarding the terms and conditions of employment."

Brown replied that FAC thought the appeals process was the best way to go.

Peterson voiced concern about how small departments would be able to use this policy. For instance, her chair would be the first to be reviewed under this policy, and he is the only one qualified to serve on the peer review committee. How would you form the peer review committee? There needs to be provisions made for this type of issue. Anderson replied that under 3.2.1 it states that the peer review committee is comprised of either three members from the department or drawn from outside the department in the event that insufficient faculty of the appropriate rank are unavailable within the department. Anderson stated that FAC didn't specify how one would do it.

Oppenheim commented that in the MOU, Article 15.29 and 15.30, there is a term "Appropriate Administrator." Oppenheim asked if the committee assumed that that would be the dean. Anderson stated yes. Further, Anderson stated that he is not positive it is the dean, but he consulted with Associate Vice President Bowers and although the issue was not debated, we felt it was the logical conclusion. Oppenheim questioned under 3.4 'except for rare and compelling reasons, the Dean's Summary Report shall reflect the views of the Peer Review committee as expressed in the committee's report.' What happens if the dean's summary report does not reflect the view of the peer review committee? Anderson replied the appeal process would take care of that.

Nelson voiced support of Hilpert's concern about the appeal process. We need more clarification, he stated. Further, what kind of weight is given by the appeals committee regarding opinions about the faculty member's productivity? What protects the faculty member? Brown stated that this would be rare. Nelson replied that there is an assumption that the appeals committee will take an independent look at the faculty and not talk to the dean and the peer review committee. Anderson stated that is why it is important to put Hilpert's language in. Brown stated that what we are hearing is something like we want to guard a (type 1 error) meaning we want to ensure that a individual satisfactorily performing their job would not be rated as 'unsatisfactory'. By setting such a high probability, we would be willing to accept a (type 2 error). Nelson stated that the appeals committee should be objective based solely on the record of the faculty member, and not be swayed by the dean or peer review committee. Brown stated that it makes sense the appeals committee should be made up of no one from the faculty member's department.

Pandell stated that he is opposed to anything that erodes tenure. In general, he is opposed to any post tenure review, but given we have it in the MOU, we should do the minimum. Section 5 goes way beyond what the contract requires, he stated. The Chancellor's Office would love this kind of review. We should not approve a policy based on the present faculty and administration. We have to live with this in the future. Further, section 5 can be used as a form of harassment to faculty. It puts the spotlight on faculty. This is not the way to get back at faculty that you don't think should have gotten tenure. Once a department decides to tenure someone, you can't get rid of them, so we should be careful when we review faculty for tenure. A department should know within 6 years if the faculty member warrants tenure.

Thompson asked why we want to provide funding for the bad faculty. Why don't we want development funding for the good faculty. The document looks at deficiencies instead of a positive view of people. Maybe this issue should be addressed before bringing this back to the Senate.

Sarraille stated he is sympathetic to having a process for faculty not doing their job, but he is unsure how to handle it. Section 5 is not a way to address the issue.

Jaasma responded to Thompson's comment of money going to 'bad' faculty. FAC discussed how to support the people who are doing good. The committee talked about giving money to the mentors rather than the mentees. Also there was one document that included a development plan for all faculty and it was brushed aside.

Oppenheim read a proposed substitute resolution as follows:

WHEREAS, Clauses 15.29-15.31 of the MOU requires Post Tenure review; therefore be it

RESOLVED, that every five years tenured professors who have not been reviewed for at least five years be reviewed; and be it further

RESOLVED, that each academic unit will decide how to evaluate its faculty and then submit a report to the appropriate administrator on the faculty member who has been reviewed; and be it further

RESOLVED, that if the appropriate administrator disagrees with the department's recommendation, s/he can discuss her concerns with the department; and be it further

RESOLVED, that in the case the department and the appropriate administrator cannot agree, the decision of the department will stand; and be it further

RESOLVED, that the reports of the department and the appropriate administrator be placed in the PAF.

Oppenheim stated that if we don't feel comfortable with post tenure review, let departments decide how to review their faculty.

Hilpert wanted to correct the point that tenured faculty can be gotten rid of. Title 5 provisions for dismissal: Incompetence, Felony, Immoral behavior, insubordination, and member of the communist party.

Zarling doesn't see this document as playing into the hands of administration. He feels that the majority of faculty will pass through this process without any problems. Section 5 is a mentoring proposal.

Dunbar supports Zarling. Part of the problem is that we are being told to do this. Further, a formal university proposal would be better than a department policy. The faculty member would be more protected with a university process. No one wants to punish anyone, she stated.

Pandell stated that under 5.1.3 "...the faculty member shall be re-evaluated at the end of each academic year..." it is not clear what will happen at the end of each year.

Zarling replied that if this is an honest attempt to share knowledge, one year is not too much to check in. If it is punitive, then it could be seen as a form of harassment each year.

Nagel suggested that the document be interpretation proof without assumptions. It argues for a great deal of safeguards.

Oppenheim stated that he feels that PTR should stay at the department level because the department knows what's best for their members. He feels that we should do something that is minimal that meets the contract

language.

Anderson requested a straw poll to see how the Senate feels about Section 5. FAC wants to know if the faculty wants a development plan or not.

Straw vote: Do not feel comfortable with what is proposed in Section 5? **20**  
Feel comfortable with what is proposed in Section 5? **2**

Oppenheim stated that if the Senate goes with his proposal, each department could decide. If you are worried about departments being punitive, we can build language into the document.

Russ voiced concern that senior faculty could set up junior faculty.

Zarling stated that without Section 5, then we are just filing reports and there could be resentment. Anderson responded that if Section 5 was excluded, then the process would end with the recommendations made in the summary report.

Thompson said you could have a positive development plan. Further, what is the role of a faculty member in reviewing what the plan would be?

Sarraille asked what if this provision was not in the MOU? What would we be doing? The MOU can change. We should be doing what is best, not what is in the MOU.

Brown stated that the FAC discussed whether to include a development plan or not. FAC felt as faculty we could manage our own house and hold faculty accountable or battle between Long Beach and us. It is a tough call. A lot of things are coming from Long Beach that are not in our best interests. This concept is based on post tenure review being used to help our faculty to develop if they need help.

Pandell responded that he feels tenure should be left alone. We should not go further than what we have to do. Over the years, we will have different presidents, vice presidents, deans, but the process should be consistent.

Anderson stated that the committee was divided in regards to the development plan. FAC wanted to present an option because of differences in opinion. Anderson distributed a second proposal that deletes section 5. The review stops with recommendations made to the faculty. The calendar would be shorter.

Zarling voiced that he doesn't see PTR as an erosion of tenure. Zarling thinks he is a better faculty member after tenure. Tenure is the protection to develop in your own way as a faculty member. Pandell stated that he sees this type of document as having the potential of harming faculty members. Pandell sees this as an opportunity to harass faculty and that erodes tenure. We could have a few bad teachers, but we should not jeopardize all faculty because of one or two bad teachers we want to get.

Peterson questioned 5.1.3 "...reasonable resources that can be made available..." What are the resources? Is there money available? Anderson stated that that is a good question. Anderson tried to contact Bowers to see what resources would be available. In an unofficial question, Bowers stated that he would support making resources available, but there is nothing official.

Peterson questioned bad teachers getting resources. Anderson agreed.

Oppenheim gave an example that a department might come down hard on a faculty member about their low student evaluations. It might be that the faculty member might just be a tough grader and that is why the evaluations are low. But, it could put pressure on the faculty member to give higher grades to their students. It would be interesting to track faculty's previous student evaluations.

Lee stated that it's hard to mandate self-improvement. The idea of mentoring the positive part would be better.

Almy stated that if we approve this type of document, then it is our commitment but there is an assumption that the campus will support development. We cannot assume that development funds will be available.

Pandell asked Senators if they are interested in writing a new positive development plan to please send it to FAC.

Russ suggested that Senators take the proposals back to their departments and get departmental feedback.

Hilpert summarized that we have three different proposals to work with.

Pandell requested that Oppenheim send his proposal out over FACNET for feedback.

Saugstad will send out the three different proposals over FACNET to get feedback.

Adjourned at 4:20 PM.