

Faculty Handbook Revision Committee
August 26, 2015

Members Present: Nancy Tate, Randy Pembroke, David Sollars, Cynthia Waskowiak, Marc Fried, Pat Munzer, Laura Stephenson

Discussion:

Marc presented his draft of the termination procedures we've discussed. It doesn't list the tenure procedure yet; he added timelines for discussion, but those can be changed. One member expressed concern with timelines and what happens when they're missed. Marc said that he could add language about how to handle situations where a dean is away and need to handle by Skype or another method or when University breaks interfere.

The Committee discussed how to handle the termination of non-tenure track employees. We want the procedure to be straightforward and clear for faculty and for deans. Does VPAA approve or consult with the dean? It would be weird to fire someone and not talk with the VPAA. Also, this is a termination for cause situation, which means it's messy, so the VPAA should be involved in the decision. When would the VPAA meet with a dean, before or after a dean has a conversation with faculty? Someone asked about the need for the VPAA to be involved before the dean terminates a faculty member. It's to make sure the dean followed all processes and that the VPAA has a heads up before the faculty member goes to them with questions/concerns.

Someone wondered if it would taint the VPAA to hear about a situation and support a dean's decision then later hear the appeal and hear the faculty member's side. Randy presented a scenario where if he reconsiders and changes the firing decision, it doesn't feel right for him to override a dean. He'd rather have all the information then make the decision. But what if the dean just consults with Randy and the dean makes ultimate decision. If a dean has a more general conversation with the VPAA, it wouldn't be a conflict. Randy is okay with this as long as the conversation with a dean is limited to playing devil's advocate and making sure processes are followed. We should think about how this will play out in the future with different people, though as other VPAA's may not be able to maintain neutrality in that conversation.

Marc briefly discussed the legal counsel's role in termination. There's a concern with answering questions and then advising the dean and VPAA about a different decision, but the attorney should be advising on the process, not the decision. He also explained why we need an appeal process as part of the tenure termination, which is the chance to correct something we might have missed before an EEOC complaint. Also, courts like to see this as part of due process.

We decided that we want three different tenure termination processes, as we want to keep it short and simple for non-tenure-track faculty. We think of them differently than those on the tenure track. Marc will refine today's draft with three levels and add two more "for cause" categories. We also talked about when and how to present this draft so our intent is understood- to clear up confusion about the tenure termination process and to find the best way to deal with the "weak links" of a department.

Next, we discussed Performance Improvement Plan guidelines. Randy met with HR and drafted a brief model. For next time, think about how you would use this model and does it cover everything. Also think about what faculty agree to by signing, just receipt or something else. One suggestion is to add a comment section for faculty to write or allow them to submit something in writing to the VPAA about why they disagree with a PIP. Another suggestion is to note that a PIP exists as a condition for continued employment so that someone could not successfully complete a PIP, then later have poor performance that would require a new PIP under the same conditions. Also think about the appropriate length of time for a PIP and how we can use data.

Decisions:

- There should be three termination procedures for tenure, tenure-track, and non tenure-track
- For non tenure-track, the dean will decide whether to terminate after consulting with the VPAA; the VPAA will hear the appeal of a faculty member of the dean's decision
- Marc will update the draft procedures and add two categories to the "for cause" list
- We will discuss PIP guidelines at the next meeting

Next Meeting: September 9, noon, Shawnee Room