

UW SYSTEM TENURE POLICY TASK FORCE

1220 Linden Drive, 1820 Van Hise Hall
Madison, WI
Wednesday, December 23, 2015
2:00 PM

Meeting Minutes

Present: Lopa Basu, John Behling, Greg Diemer (by phone), Dorothy Farrar Edwards, Katy Heyning, Sarah Mangelsdorf (by phone), Patricia McManus, Ken Menningen, Steve Meyer, Gary Miller (by phone), Regina Millner, Mittie Nimocks Den Herder, Christine Roth, James Schmidt (by phone), Bradley Seebach, Jonathan Shailor, Robert Smith, Dean Van Galen, Alan White, and Greg Wise (by phone).

Unable to Attend: Kristene Surerus

I. Welcome and Logistics

John Behling welcomed and thanked the group. John Behling indicated that participation in the process has exceeded expectations, as evident in the two robust draft policies.

II. Review of Minutes from Last Meeting

No corrections were suggested.

III. Discussion of Draft Policies

1. Draft Policy on Faculty Layoff

John Behling asked Tom Stafford to walk through the issues that were brought to the attention of staff prior to the meeting. Tom Stafford indicated that staff received a letter from ASPRO requesting to add academic staff to section II.5 and other appropriate places. Tom Stafford also mentioned the need to add a timeline for when campuses must present their FPP to the board.

Lopa Basu suggested early 2017 and the group agreed.

Greg Wise asked for a modification of the definition of “program” to reflect non-credit bearing programming offered at UW-Extension. John Behling responded that staff will look into refining the definition.

Christine Roth expressed concern that redirection, modification and curtailment could still result in layoffs because of the changes to statute passed last year. John Behling and Tom Stafford stated that the board policy and each campus implementation plan will supersede.

Christine Roth also raised a question about inconsistencies in how educational considerations are considered and whether the description of educational considerations, which is now in various places in the draft policy, should be consolidated. John Behling responded that “educational considerations” is not defined in state statute but that staff will look into that.

Bradley Seebach expressed concern that educational considerations are lumped in with financial emergency. Lopa Basu also expressed a desire to separate the two.

Dorothy Farrar Edwards stated that the financial factors and comparative cost analysis listed in section II.4 would be covered under the phrase “strategic considerations”. Jonathan Shailor agreed and added that the language about strategic considerations in section II makes financial the dominant term for educational considerations.

Jonathan Shailor asked what the definition of “societal needs” is and Christine Roth asked who would make that decision. Tom Stafford responded that this language came from the UW System’s current program review policy.

Lopa Basu asked if faculty who are laid off can be reinstated. Tom Stafford indicated that process is laid out clearly in statutory language that is referenced.

Steve Meyer expressed concern that the language “other relevant factors” is too vague and asked that academic or educational be added. Ken Mennigen agreed.

Katy Heyning suggested that language be added to section II.6 to have the Chancellor provide written explanations when the Chancellor’s decision differ from that of the faculty committee and the faculty senate. Christine Roth agreed. Christine Roth also suggested that the language “shall offer to consult” in that section should simply be “shall consult” to avoid the Chancellor bringing the proposal to the faculty at the last minute.

Lopa Basu asked that the policy more clearly express that retraining and reassignment will be a priority before layoff, and doing so would calm anxieties. Tom Stafford stated that those processes are covered in statute and section II.10 also references the statute that covers retraining and reassignment. Tom Stafford added that he does not want the policy to restate all that is already contained in statute, but he will try to find a place to add that language.

Patricia McManus asked that the policy more explicitly state that curtailment, modification or redirection cannot result in layoffs.

Jonathan Shailor stated that at UW-Parkside a program was dissolved and two faculty members were reassigned and given some additional support in making that transition. He offered this as example of how faculty are often reassigned due to programmatic changes.

Katy Heyning expressed concern about the short timeline for how a financial exigency is managed. Dorothy Farrar Edwards, Robert Smith, and Bradley Seebach agreed that a slightly longer timeline be adopted.

Bradley Seebach expressed concern about the lack of a formal process for how laid off faculty can appeal or question that decision in the cases of redirection, modification and curtailment for fiscal emergency. Tom Stafford pointed out that this process was laid out in statute.

Alan White raised a question about whether this policy adds to the definition of fiscal emergency. Tom Stafford stated that it is two separate processes.

Ken Menningen asked that the phrase “terminate through layoff” be replaced to keep layoff and termination separate. Tom Stafford responded that the phrase is taken from statute, but will look into stating it differently.

Dean Van Galen asked whether there was a need for more strict criteria on how students would be protected in these programmatic changes. Ken Menningen stated he appreciated the flexibility and Tom Stafford stated that it was drafted to give flexibility.

The group agreed to remove the definitions of redirection, modification and curtailment to avoid confusion.

2. Draft Policy on Post-Tenure Review

Jonathan Shailor asked if the policy set criteria or standards for the annual review and the five-year cycle post-tenure review. John Behling and others responded that the institution will have the flexibility to set those standards.

Jonathan Shailor also asked about the three-month notice requirement given to faculty before their five-year cycle post-tenure review, as faculty typically receive a one-year notice for promotion review. Patricia McManus responded that at UW-Madison, the notice is given at the beginning of the semester. Others stated that the consistency of a five year cycle should serve to inform the faculty member.

Christine Roth asked for clarification about frequent and what frequent refers to. Tom Stafford clarified that frequent refers to the five-year cycle review.

Lopa Basu asked that it be clear that faculty peers are the ones of reviewing, as the draft policy uses “individual” (such as in 12.b. and 12.c). Dorothy Farrar Edwards added that Madison would prefer to have the faculty member being reviewed meet with the

department chair or the applicable administrator, not the reviewing body. Tom Stafford responded that the intent was to keep this vague to accommodate differences at UW institutions. Dean Van Galen added that at his institution, post-tenure review can be conducted by either the chair or a peer group, and would want to have this flexibility. John Behling stated that he will give this issue some thoughts.

Dorothy Farrar Edwards asked that the draft policy adds an option for a faculty who receives an unsatisfactory review to request a re-review before it goes up the remediation review process. Jonathan Shailor and Alan White agreed. Jonathan Shailor also added that he would advocate that the re-review be done by a different body. Christine Roth also agreed and stated that UW-Oshkosh has a 20-day grievance process by an independent faculty peer group.

Ken Menningen stated that the policy does provide for additional review at the dean level and John Behling added that there would be appeal at both the Dean and then the Chancellor/Provost level.

Dorothy Farrar Edwards expressed the need for a departmental level review before going to the Dean. Katy Heyning said her campus has only one or two person departments, which would make that unworkable on her campus.

Christine Roth stated that there needs to be a level of peer review at the point on an unsatisfactory review, or there must be a grievance process with a time limit.

Bradley Seebach stated that he has a real problem with the policy prohibiting the use of a grievance process when a negative post tenure review occurs.

Christine Roth asked that the second level of review following an unsatisfactory be an advisory peer review that would occur before the dean's review. It could be at the department level or at the college level depending on how the department is structured. Dorothy Farrar Edwards and others concurred that this would work.

Ken Menningen stated his support for not allowing a grievance for faculty, as stated in 12.h.6, after their peers have determined that the faculty needs remediation.

Lopa Basu stated that there needs to be some recourse since a poor review triggers a process that could result in dismissal.

Ken Menningen asked that chancellors be compelled to concur with faculty committee decision unless there is a compelling reason not to in both policies. Lopa Basu said that all committees are advisory to the Chancellor and that the Chancellor has executive authority.

Katy Heyning asked for clarification about whether the Chancellor is being asked to provide an additional review or simply look at the review that was done.

Patricia McManus raised the question about whether or not there should be two categories or three for post tenure review. She believes two is the best idea and Ken Menningen agreed, offering that the policy should be permissive.

Greg Wise agreed and stated the permissive language would work for extension's process.

John Behling agreed that including both and allowing institutions to choose which one to operate under may be the best approach.

Lopa Basu stated that the criteria for rating faculty performance must be tied to job description and contract.

Representatives from UW-Parkside, UW-Madison, and UW-Oshkosh stated that their campus faculty are all are strongly in favor of two categories.

Bradley Seebach asked again about whether or not additional funding is available at a System level or campus level to support merit pay. John Behling responded that he is committed to finding the resources necessary to support merit pay.

Katy Heyning asked that additional duties be included in the post tenure review to reflect the realities on campuses where faculty members are taking on administrative or other tasks.

Alan White expressed concern that 12-18 months might not be long enough for remediation. Lopa Basu agreed that there must be provisions to ensure consultation, etc.

Bradley Seebach said that if you take a faculty member who spends 70-80 % of their time teaching may need additional time to increase their research output because they are more focused on teaching. Christine Roth, Dorothy Farrar Edwards, and Bradley Seebach all offered support for a 3 year maximum timeline for remediation and for the inclusion of UW Madison's language on timeline for remediation.

Christine Roth mentioned the need to restate the importance of tenure in the post tenure review policy as it was done in the layoff policy.

III. Next Step in the Process

John Behling closed the meeting by thanking everyone for their input and sharing the process moving forward. He will issue a report on the work of the task force. The report will include a summary of the discussion and copies of all the minutes and formal communications received by the task force. It will also include draft policies that will be shared with campus faculty governance groups for their review. The Education Committee of the Board of Regents will consider action on two board policies at the February meeting and the full board is expected to take up the issue at the March meeting.