

UW SYSTEM TENURE POLICY TASK FORCE

1220 Linden Drive, 1820 Van Hise Hall
Madison, WI
Thursday, September 17, 2015
9:30 a.m.

Meeting Minutes

Present: Lopa Basu, John Behling, Dorothy Farrar Edwards, Katy Heyning, Sarah Mangelsdorf, Patricia McManus, Ken Menningen, Steve Meyer, Gary Miller, Regina Millner, Mittie Nimocks Den Herder, Christine Roth, James Schmidt, Bradley Seebach, Kristene Surerus, Dean Van Galen, Alan White, and Greg Wise.

Unable to Attend: Greg Diemer, Jonathan Shailor, and Robert Smith

I. Welcome and Logistics

Regent Vice President John Behling called the meeting to order.

II. Review of Discussion/Minutes from Last Meeting

John Behling asked for corrections to the minutes from the August 18 meeting. Ken Menningen and Sarah Mangelsdorf offered corrections which were accepted.

III. Topics and Questions to Guide Discussion

Christine Roth expressed some surprise by the order of the agenda and asked that Post Tenure Review be switched with Faculty Layoff in the topic order to better reflect what the task force was initially told we be the discussion. Her suggestion was accepted by the chair.

a. Board Policy language that was imported from State Statute

i. Are any changes necessary as the policies permanently move into Board Policy?

There was no discussion offered by members of the task force on this topic.

b. New Statutory language regarding faculty layoff due to budget or program decisions:

i. What procedures and timelines should be used by a UW System institution as they determine program changes that result in faculty layoffs?

Ken Menningen stressed the need for this new policy to include a role for faculty and shared governance to ensure that the decisions are reached in a responsible manner.

Patricia McManus raised a question about the discrepancy in provisions that would put a prohibition in place against hiring a similar staff to the ones laid off as a result of a programmatic change. One provision says 2 years and another provision says 3 years. System General Counsel Tom Stafford responded that it would likely be 3 years, as that would be the most current.

Dorothy Farrar Edwards informed the task force that UW-Madison has a draft policy that is working its way through the shared governance process. She then asked John Behling for an idea of what kind of timeline or process this task force would be taking in its work.

John Behling responded that he intends to have two more meetings and the board will use the recommendations moved forward from this task force to draft one system-wide policy that will cover all of the institutions within UW System.

Lopa Basu stated that the task force has been informed that no faculty have been laid off since 1974 and that should continue to be our goal. Christine Roth added that decisions should be campus based and should be developed through campus processes, leaving as much control as possible at the campus level.

John Behling responded that inclusion of faculty at the campus level is key to this process and that the legislature has made it clear they want faculty and chancellors to be involved heavily in these decisions.

Dean Van Galen stressed the fact that faculty engagement is critical and that it is important to seek out other positions for faculty who are laid off.

Mittie Nimocks Den Herder asked John Behling if we want an overarching policy or individual campus policies and John Behling responded by saying one overarching policy is our goal.

Ken Menningen commented that many faculty and members of the task force are impressed with Michigan's tenure policy and asked if AAUP had formally approved of Michigan's policy.

John Behling responded that UW System has asked AAUP to formally weigh in on Michigan's policy and introduced Julie Schmid from AAUP, who was in attendance, and Julie Schmid responded that AAUP is reviewing the Michigan policy.

Ken Menningen added that AAUP endorsement would be key for faculty.

Steve Meyer added that several campuses are working on draft policies and asked if these are only advisory to the board. John Behling responded that yes, draft policies should be shared with this task force because the Board has designated this task force as the key to this process.

Katy Hayning asked how a board policy on tenure layoff would differ from the statutory language in s. 36.22. Tom Stafford responded that language already exists on finding alternative employment for faculty. Criteria and standards for when and how a program is eliminated or changed are really what are missing.

Dorothy Farrar Edwards stated that faculty oversee programming and see programmatic changes all of the time. She asked how this would be different. Tom Stafford responded by saying that these changes could result in layoffs.

Dorothy Farrar Edwards added that prior tenure policy only allowed layoff for cause or program discontinuation. UW System must align its policies with Act 55 and UW-Madison is doing just that by separating out discontinuation and redirection of programs. These policies must be true to the law and protect faculty.

Christine Roth stated that AAUP guidelines don't support dismissal of faculty for program changes. Tom Stafford challenged that assertion and stated that there are differences of opinion on that fact.

Christine Roth expressed her concern that one of the criteria used to determine a programmatic change could be whether or not a comparable program is offered at another institution within UW System.

ii. What criteria should be used by a UW institution to determine budget or program changes that result in a faculty layoff?

Christine Roth stated that academic performance should be the guiding criterion. Ken Menningen countered by asking what happens when there is no student interest in an excellent program. Roth responded by stating that the decision should not be political or regional. It should be based on whether the program supports the mission of the university.

Greg Wise added that the financial situations need to be part of the discussion, with certain protections in place and Roth responded by saying fiscal issues should really be the only trigger.

Greg Wise followed that by stating the need to constantly review programming, something that is already done on campuses.

Sarah Mangelsdorf reiterated that UW-Madison already changes and eliminates programs based on interest and other reasons.

Greg Wise cautioned that the policy must reflect the need for some small programs that serve small audiences but still produce a loss.

Gary Miller added that he hoped the Board would provide guiding principles rather than strict criteria. That would acknowledge the differences in each campus. Ken Menningen asked whether the task force will be involved in drafting the principles. John Behling responded that System staff will do the drafting.

Dorothy Farrar Edwards told the task force that her department took a 10% cut and that through value-based budgeting and their existing review process, they eliminated a program and laid off 18 academic staff.

Greg Wise stated that institutional policies should reflect broader System policies that protect academic freedom.

Dean Van Galen pointed out that the Michigan policy includes criteria that are logical questions a board should ask before laying off tenured faculty. UW System board policy should approach this the same way.

Greg Wise added that court rulings on this subject should be considered and John Behling directed the Task Force to review the memo on that topic from Tom Stafford.

Gary Miller added that the memo does inform of the Board's decision making process and Tom Stafford agreed. Gary Miller also asked that the task force review the UW-Madison proposal, which was also distributed.

Bradley Seebach added that program reviews are evidence based and campus criteria on program closures should rely on that.

Patricia McManus stated there needs to be room for a discontinued program to return, which prompted John Behling to ask if UW-Madison had seen a program eliminated then return. Bradley Seebach responded that UW-La Crosse had closed a clinical program that came back three years later in a slightly different form. He added that they are also considering bringing back a co-op nursing program they eliminated a few years ago.

Gary Miller said that this discussion is another reason we need to avoid system-wide criteria.

Mittie Nimocks Den Herder stated that her campus uses shelving to pause a program for periods of time. She added that we need to discern between a

program, a major, and a department, to which Patricia McManus pointed to AAUP guidance on that topic. Gary Miller added that collaboration between campuses and departments is the key.

Katy Heyning pointed out that getting input from community partners is critical, especially when considering changes to small enrollment programs that serve a specific role in the community. Christine Roth added that new programs and degrees are created in response to regional stakeholders needs right now.

Regina Millner responded that termination of a program is different than creating a new program or justifying an existing one. Katy Heyning stated that the intention is not the issue, the impact of the policy is the key.

James Schmidt stated the need for a policy that assures programs should stay and build from there. Katy Hayning stated that the Michigan policy has this backwards.

c. Post Tenure Review:

- i. What kind of procedures, timelines and standards should a system-wide policy on post tenure review include?**
- ii. What kind of procedures and standards should be in place to determine when a faculty member is eligible for merit pay?**

Regina Millner asked that the task force consider issues broader than academic issues when considering post-tenure review (PTR).

Dorothy Farrar Edwards stated that UW-Madison has a policy, not a procedure on post-tenure review. Post-tenure review is being done in 57 different ways on campus.

Greg Wise said that post-tenure review may be an execution problem, not a policy problem. UW-Extension takes a number of things into consideration in their policy.

Ken Menningen stated that a lack of incentives makes it difficult to engage in post-tenure review, but faculty are already working hard. Mittie Nimocks Den Herder added that a lack of consequences and incentives are problems.

Bradley Seebach said that La Crosse built their post-tenure review around merit pay, so it is currently a broken contract. Sarah Mangelsdorf agreed that it must include incentives.

Katy Heyning said having the Dean and Provost weight in beyond the department head can help.

Patricia McManus asked why post-tenure review became a topic of discussion and asked if it was related to a proliferation of full professors. Regina Millner responded that the board needs to demonstrate to the public and the legislature that tenure is not simply a job for life. John Behling responded that legislators have raised questions about tenure and that the board must demonstrate that the process has accountability.

Alan White stressed the importance and effectiveness of post-tenure review policies in forcing ineffective faculty into retirement. He called it a good exercise that UW-Colleges follows diligently with uniform procedures in place. Annual activity reports and interaction with the Dean and department chair can help provide improvement when necessary. He added that there is some effort to reward good professors outside of merit pay as well.

Gary Miller said that part of post-tenure review is about providing resources to faculty who want to develop their careers. If you draw a salary you should stand for review.

Sarah Mangelsdorf stated that the process should be thorough but no laborious and Christine Roth added that it should not focus on the punitive while Dorothy Farrar Edwards cautioned against designing a process around what are perceived as problem people.

Ken Menningen asked if the goal was to demonstrate that bad faculty is removed. John Behling responded that having a stronger system wide policy is our goal.

Katy Heyning stressed that any discussion about accountability should include the difficult process of getting tenure. Christine Roth added that the weeding out process occurs before tenure is granted and Kristene Surerus added that a sudden surge in post-tenure review will cause morale problems. John Behling agreed that there is a need to educate both the legislature and faculty about what the Board is doing.

Alan White stated that getting tenure is like becoming a partner in a law firm and Steve Meyer added that post-tenure review is about accountability to your colleagues, your institution and your department.

Patricia McManus pointed out the need for feedback in any review, positive or negative, while Christine Roth asked if there were reasons it was done in different intervals throughout system.

Regina Millner responded that board needs to update this policy and prescribe more consistency and detail on post-tenure review. Tom Stafford added that the board only provides guidelines that are not prescriptive at all.

Bradely Seebach expressed concern that the charge of the task force stated that merit pay not be common. He added that he believes this language creates a divisive atmosphere on campus.

Katy Heyning asked for a summary of merit pay policies from around system for the task force to review.

Ken Menningen mentioned that UW-Stevens Pont provides everyone some sort of merit and that is a preferable system to the star system used in some places. Alan White encouraged the task force to distinguish between salary increases and merit pay. Patricia McManus cautioned that salary disparity is becoming an issue on her campus.

IV. Meeting Summary

John Behling thanked task force members for their input and participation.

V. Goals and Plans for Upcoming Meeting(s)

John Behling stated that System staff will formulate themes from the discussion and bring them back to the group at the next meeting on October 22.

VI. Adjourn