

Appalachian State University
Faculty Senate Minutes

September 10, 2007 (Approved)

The Faculty Senate meeting was called to order by Chair Marking at 3:21 pm in the William Strickland Conference Room in I.G. Greer on Monday, September 10, 2007. Senator Arnold (excused) and Senator Lambert were not in attendance.

I. Announcements:

- A. Chair Marking asked senators and visitors to introduce themselves. Visitors were Chancellor Kenneth Peacock, Ms. Cindy Wallace (Student Development), Ms. Susie Greene (Student Development), Dr. David Haney (Academic Affairs), Dr. Tim Burwell (Academic Affairs), Dr. Bobby Sharp (Institutional Research), Ms. Susan Pettyjohn (University Advancement), Mr. Greg Lovins (Business Affairs), Dr. Alan Hauser (Faculty Representative for Athletics), Dr. Ingrid Kraus (Counseling for Faculty and Staff), Dr. Kate Brinko (Hubbard Center), Dr. Sandy Gravett (Faculty Assembly Delegate), Mr. Charlie Cobb (Athletics), Ms. Jean Roberts (Learning Assistance), and Ms. Judy Haas (Student Development).
- B. Chair Marking reported that the North Carolina legislature passed a new policy regarding smoking in public buildings. (<http://www.ncga.state.nc.us/enactedlegislation/sessionlaws/pdf/2007-2008/sl2007-193.pdf>) Chair Marking stated that the university will be looking at this new policy and she will refer this item to the Faculty Welfare and Morale Committee.
- C. Chair Marking asked for a Faculty Senator to volunteer, preferably from the Campus Planning Committee, to attend the Council on the Safety of the University Community meetings scheduled for September 26, October 31, and November 28, 2007 from 8:30 am – 10:30 am in the Watauga River Room, Plemmons Student Union.
- D. Chair Marking provided information regarding the dates, times, and locations for the UNC Tomorrow Community Forums and she encouraged faculty to attend one of these sessions: October 3, 2007, 9:00 am in Charlotte and 4:00 pm in Hickory; October 4, 2007, 9:00 am in Asheville.
- E. Chair Marking mentioned that Mayor Clawson will be attending the next Faculty Senate meeting scheduled for October 8, 2007, which will focus on town and gown issues. Chair Marking asked Faculty Senators to email her questions that they would like addressed at this meeting.
- F. Chair Marking reported that the State Employees Combined Campaign Kick-Off “Sharing the Mountaintop” will be Tuesday, October 2, 2007.

- G. In his capacity as the Senate Elections Officer, Senator Marland announced that the following individuals have agreed to serve as election chairs for the 2008 faculty elections: Dr. James Ivory (A&S), Dr. Bonnie Guy (COB), Mr. John Abbott (Library), Ms. Elizabeth Frye (COE), Dr. Michael Kernodle (FAA), and Dr. Julia Pedigo (Music).
- H. Chair Marking asked for volunteers to serve on the Chair Evaluation Compensation Committee (preferably from the Budget Committee); the Town/Gown Committee (preferably from the Campus Planning Committee who lives within the town limits of Boone); and the University Bookstore Committee. Senator Price volunteered to serve on the Town/Gown Committee and Senator Fischer volunteered to serve on the Bookstore Committee.

II. Visitors Reports:

- A. Chancellor Peacock thanked the Senators for their involvement with faculty governance and he looks forward to working with the Faculty Senate this year. Chancellor Peacock briefly mentioned several items that are currently underway which included the university's strategic planning process, the University College model has been approved by the Board of Governors, collegiate reorganization, and campus safety. The Chancellor described his six goals and objectives for the 2007-2008 academic year: (1) Appointments to senior-level positions. The Chancellor will make a recommendation to the Board of Trustees to hire one of the three candidates for the Director of Human Resources position after receiving input from other senior administrators. The Chancellor plans to initiate the search process for the Vice Chancellor of Business Affairs this semester. (2) Chancellor Peacock spoke about the UNC Tomorrow initiative and encouraged faculty to attend one of the community listening forums. (3) Chancellor Peacock shared his interest in strengthening the university's relationship with our elected officers and with the members of the Board of Governors. Chancellor Peacock expressed his gratitude to Representative Tarleton and Senator Goss for their tremendous support of Appalachian State University. Chancellor Peacock informed the Senate that a Board of Visitors has been formed and charged with speaking to our elected officers on behalf of Appalachian. (4) Chancellor Peacock suggested ways the university may respond to growth within the UNC System. Dr. Peacock shared his interest in exploring a "branch campus" model for Hickory, indicating that President Bowles and Hickory residents are very receptive to this concept. (5) Chancellor Peacock stated that economic development initiatives targeted to meet the needs of citizens in this region are needed, in particular entrepreneurship and construction. (6) Chancellor Peacock stated that the time is right for a capital campaign in lieu of Appalachian's media attention. He is interested in getting funding for international programs, diversity, honors program, graduate education and new programs, to name a few.

- B. Dr. Ingrid Kraus, Interim Director of Counseling for Faculty and Staff, distributed her business cards and bookmarks that provided pertinent information about the confidential services and free programs that are available to faculty and staff and their immediate families. Counseling and workshops are available for stress management, anxiety, depression, family problems, parenting, anger management, work related issues, alcoholism, and drug abuse. A new program “Critical Incidence Stress Debriefing” is available onsite when an employee has experienced trauma which affects themselves and their work unit. Dr. Kraus distributed a sign-up sheet for an upcoming stress management workshop. Dr. Kraus invited individuals to visit their new website at www.cfs.appstate.edu.
- C. Dr. Alan Hauser (faculty representative on Athletics Council), Ms. Jean Roberts (Learning Assistance Program), and Mr. Charlie Cobb (Athletics) shared information about the academic success of our student athletes. They reported that all twenty athletic teams scored above the 925 benchmark, the academic and retention/graduation standard score set by the NCAA. The handouts they distributed during the meeting indicated that “The average cumulative GPA for student athletes at the end of spring 2007 was 2.864.”
- D. Ms. Cindy Wallace shared information about the newly formed UNC system taskforce on campus safety. One of the subcommittees that she attends focuses on student, staff, and faculty behavior. Topics for discussion by this subcommittee include: risk management, risk assessment, safety and crime on campus, student code of conduct, privacy issues related to FERPA, safe housing, drugs and weapons on campus, and mutual aid agreements with medical facilities and local psychologists and psychiatrists. The subcommittee is reviewing campus practices and examining ways to improve these protocols and open lines of communication. Mr. Gunther Doerr reminded the Senate of the website addresses for campus police (www.police.appstate.edu) and emergency preparedness (www.emergency.appstate.edu). These webpages were displayed on the projection screen. Mr. Doerr mentioned that his office distributes crime alerts via campus email and publishes a daily crime log online. He noted several important items and activities that have occurred over the last few months. These included: reviewing protocols for emergency response, attending training with the sheriff’s office on active shooter protocol, finalizing the details of an emergency notification system that utilizes cell phone text messaging, upgrading the steam plant chime system to include a siren and voice broadcasting capabilities, and downloading emergency contact information into the Banner system. Ms. Susie Greene spoke about three inter-related items concerning the welfare of students. (1) Culture of concern: Ms. Greene recommended that faculty talk with a student first whenever they have observed odd or questionable behavior since they serve on the “front-lines.” (2) Ms. Greene briefly discussed two committees that deal with campus safety—the Risk Management Committee and the Council on the Safety of the University Community-- and the safety walks program, that was initiated by the SGA, where individuals walk the campus to assess potential

dangerous or unsafe areas due to poor lighting or location. (3) Ms. Greene distributed booklets entitled “Responding to Disruptive or Inappropriate Student Behaviors” mentioning that new faculty receive these booklets during orientation. Dr. David Haney mentioned that the university is thinking about establishing a non-disciplinary student intervention team. This team would be contacted when a level of concern about a student reaches a point where intervention is warranted.

- E. On behalf of the Faculty Assembly Executive Committee, Dr. Sandy Gravett highlighted several recommendations that the committee has drafted in response to the Nielson’s Report’s proposed revisions to the UNC Codes 603 and 604. In November 2006, Senior Vice President Harold Martin charged the Code 603/604 Review Committee to review sections of the code that deal with various faculty and EPA discharge and appeal processes. This review committee produced the document “The Nielson’s Report” which outlines their recommendations. The Faculty Assembly Executive Committee has a counter-proposal which they intend to submit to the Faculty Senate for review at a later date. Dr. Gravett welcomes any feedback from faculty prior to the next Faculty Assembly meeting. Please refer to Appendix A: Final Report Code 603/604 Review Committee dated June 22, 2007, and Appendix B: Summary of Code 600 Committee Recommendations, and Appendix C: Proposed Changes to Post-Tenure Review Policy.

III. Minutes:

- A. Chair Marking asked for a motion to approve April 30, 2007 First Session Faculty Senate minutes. Senator Malloy moved and Senator McBride seconded. Motion was passed. (See Vote #1).
- B. Chair Marking asked for a motion to approve April 30, 2007 Second Session Faculty Senate minutes. Senator Malloy moved and Senator McBride seconded. Motion was passed. (See Vote #2).

IV. Provost’s Report:

- A. Dr. Aeschleman stated that he will report on the budget at the next Faculty Senate meeting. Faculty received a 7% raise which included 1.13% system based raise and 1% from various sources. Equity funds were distributed to bring associate and assistant professors to the 70th percentile and full professors to the 60th percentile. The Provost will report on the pending motions related to emeriti professors during the October 8 meeting. In reference to the motion asking for an “advisor” to be present for faculty meetings with chairs, Chair Marking mentioned that it was recommended that an “observer” from the Equity, Diversity, and Compliance Office serve in this role and chairs are requesting that they receive prior notification (four business days of said meeting) that an observer will be present. The motion asking that faculty receive notification whenever something is submitted to their personnel file, was defeated. Dr.

Calamai, Council of Chairs, noted that this would be an undue burden and onerous task for staff and department chairs. Dr. Calamai added that faculty should know that they have the legal right to review their personnel file at any time.

V. Committee Reports

Chair Marking distributed lists of faculty concerns via email to each respective committee and asked each committee to elect a chair. Committee Chairs' names are indicated in capital letters.

A. Academic Policies (ARNOLD, Butts, LAMBERT, Stallworth)

No Report.

B. Agenda Committee (MARKING, Marland, Scherlen, Butts)

No Report.

C. Budget Committee (STRAZICICH, Malloy, McBride, Price, Werts)

No Report.

D. Campus Planning Committee (W. WILLIAMS, Mitchem, Rardin, Tiller)

No Report.

E. Committee on Committees (MAMLIN, Marland, Ramey, B. Williams)

No Report.

F. Faculty Handbook Committee (MARKING, Arnold, Marland, G. Weitz)

No Report.

G. Faculty Welfare and Morale Committee (DAVISON, Carpenter, Fischer, Grube, Scherlen)

No Report.

H. Welfare of Students Committee (ULMER, McKinney, Mines, Winn)

No Report.

VI. Unfinished Business

- A. Chair Marking stated that **Motion FS 04-05/01-01** was approved in 2004 by the Faculty Senate and the Provost had not approved this motion. Dr. Aeschleman stated that he would like the record to reflect that he had tabled his decision about this motion. His decision is pending until he receives a report from the Taskforce on Faculty Evaluation and Development's review of the annual report process.

VII. New Business

- A. Chair Marking reminded the committee chairs of the deadlines for submitting agenda items: September 21, October 26, November 21, 2007 and January 4, January 25, February 15, March 28, and April 18, 2008.
- B. Chair Marking noted that two standing committee chairs and five or six senators must attend the Chancellor Advisory Committee meetings per the *Faculty Handbook*.
- C. Senator Butts moved and Senator Malloy seconded to approve the following replacements for the AP&P Committee and the Core Curriculum Committee. Motion passed. (See Vote #3).

Approval of AP&P Replacements:

- Allen Bryant (CI) replaces Julie Horton (CI) for one-year term expiring 2008.
- John Boyd (LIB) three-year term expiring 2010.
- Jon Beebe (MUS) three-year term expiring 2010.

Approval of Core Curriculum Committee Replacement:

- Tim Harris (LRE) replaces Heather Clark (LRE) for one semester.

- D. Chair Marking mentioned that the SGA is asking for senators to attend the monthly Town/Gown meetings. Chair Marking would like to see a senator from the Campus Planning Committee at these meetings.
- E. Chair Marking stated that she formed a new Chair Evaluation and Compensation Committee and asked for two volunteers. Senator Malloy volunteered. This committee will be charged with looking at workload issues and compensation for chairs and how chairs are evaluated. Dr. Calamai requested that the *Faculty Handbook* provide more descriptive information regarding department chairs other than dismissal procedures.
- F. Chair Marking reported that she established an Ad Hoc Administrative Review Committee in response to General Administration's request for copies of instruments the university utilizes to review administrators. Chair Marking

remarked that we do not have a uniform procedure for reviewing administrators. Chair Marking reported that she appointed Senator Wayne Williams as chair of this ad hoc committee.

- G. Chair Marking updated the Senate on various activities that occurred during the summer. The Voting Rights Committee met during the summer, Senator McBride is working on the Senate Restructuring process, and Senators McBride, B. Williams and Chair Marking are working on the emeritus process. Furthermore, the Grievance Committee has submitted numerous drafts to the Provost and the University Attorney and will bring the final draft to the Senate.

Chair Marking asked for a motion to adjourn the meeting. Senator Malloy moved and Senator McBride seconded. Motion passed. (See Vote #4). The meeting was adjourned at 5:25 pm.

**Faculty Senate Meeting September 10, 2007
FACULTY PRESENT AND VOTING SHEET**

Y = Yes N = No A = Abstain

SENATORS	1	2	3	4
Arnold, Chip	Ex	cu	sed	
Butts, Jeff	Y	Y	Y	Y
Carpenter, Ellen	Y	Y	Y	Y
Davison, Beth	Y	Y	Y	
Fischer, Craig	Y	Y	Y	Y
Grube, Vicky	Y	Y		
Lambert, Monica	Ab	se	nt	
Malloy, Mark	Y	Y	Y	Y
Mamlin, Nancy	Y	Y		
Marland, Eric	Y	Y	Y	Y
McBride, Jeff	Y	Y	Y	Y
McKinney, Harold	Y	Y	Y	Y
Mines, Diane	Y	Y	Y	Y
Mitchem, Pam	Y	Y	Y	Y
Price, Jammie	Left	before	voting	
Ramey, Michael	Y	Y	Y	Y
Rardin, Patrick	Y	Y	Y	Y
Scherlen, Allan	Y	Y	Y	Y
Stallworth, Lynn	Y	Y	Y	Y
Strazicich, Mark	Y	Y	Y	Y
Tiller, Jeff	Y	Y	Y	Y
Ulmer, Connie	Y	Y	Y	Y
Werts, Margaret	Y	Y	Y	Y
Williams, Betsy	Y	Y	Y	Y
Williams, Wayne	Y	Y	Y	Y
Winn, Wendy	Y	Y	Y	Y

Vote #1: Motion to approve April 30, 2007 First Session Faculty Senate minutes.

Vote #2: Motion to approve April 30, 2007 Second Session Faculty Senate minutes.

Vote #3: Motion to approve replacements for the AP&P Committee and Core Curriculum Committee.

Vote #4: Motion to adjourn.

Appendix A:

Final Report

Code 603/604 Review Committee

June 22, 2007

Committee Charge: On November 10, 2006, Senior Vice President Harold Martin charged the committee to review sections of the UNC Code dealing with various faculty and EPA discharge and appeal processes, generally encompassing Chapter VI of the UNC Code. The committee's responsibility was to make recommendations regarding ways to strengthen and streamline these processes.

Committee Membership and Process: Our committee included 12 members representing General Administration (Harold Martin, Leslie Winner and Charles Waldrup), campus provosts (Charles Harrington, Pedro Martinez and Larry Nielsen), campus legal staff (David Broome, Mary Elizabeth Kurz and Wanda Jenkins), and campus faculty members (Paul Gates, Gene Hughes and Delacy Stith). Professor Hugh Hindman (ASU) was appointed to the committee originally, but could not continue because he was on scholarly leave; Paul Gates replaced him after the first meeting. Dr. Martin and Ms. Winner did not participate in regular meetings, but provided input as needed. Dr. Stith was prevented from participating actively by his teaching schedule.

Our committee met in person and via conference call on seven dates (February 12 and 20, March 6 and 20, and April 10 and 24, May 8), generally for two-hour periods. We discussed specific issues according to a tentative agenda (see attachment), with opportunities for committee members to add agenda items as they wished. All meetings were announced and open to the public. Minutes of each meeting are attached.

Following suggestions from Vice President Martin and General Administration legal staff, we expanded our consideration to include most sections of Chapter VI of the UNC Code (primarily sections 603, 604 and 609), the post-tenure review process, and related sections of the code and policies as needed.

The active committee members are unanimous in their support of the recommendations that follow.

Recommendations:

The following recommendations comprise the narrative and other information regarding our proposed changes to Chapter VI of the UNC Code and related policies. Complete drafts of our recommended revision of the chapter itself and related policies is appended.

Section 600: No recommendations.

Section 601: No recommendations

Section 602:

Recommendation 1: Add a fourth reason for discharge of a faculty member, here and wherever appropriate, relating to unsatisfactory performance. Currently the reasons are incompetence, neglect of duty or misconduct; these reasons are generally considered in a narrow definition. Therefore, we recommend adding "unsatisfactory performance" to cover situations in which a faculty member has failed to perform his/her duties as expected for a substantial period of time.

Section 603:

The process for discharge or the imposition of serious sanctions requires substantial revision to make the process both efficient and effective. The current process allows 210 days for all steps to be concluded, not including two steps that carry no time limits (one of which is the conduct of the faculty panel appeal hearing). Our recommendations reduce the process by 75 days and set a reasonable limit for the faculty panel appeal hearing.

Recommendation 2: Combine the first two steps in the process (notification of intent to discharge or impose serious sanctions and specifications of reasons), saving 20 days.

Recommendation 3: Limit the time for conducting the faculty panel appeal hearing to 90 days, not counting days during summer or winter breaks. Although the time saved by this limit cannot be determined, we believe that the current practice of no limit often causes faculty panel hearings to drag on for many months.

Recommendation 4: Eliminate the possibility of an appeal to the campus Board of Trustees, saving 55 days. Beyond saving these days, this change would make the process consistent with other appeal processes in the UNC Code and would eliminate an awkward conflict-of-representation that occurs because campus legal staff cannot currently staff the Board of Trustees appeal after having staffed the chancellor's appeal and decision.

Recommendation 5: Eliminate the time limits currently specified for Board of Governors' actions on appeals, allowing the Board of Governors to remand the decision to additional review.

Recommendation 6: Revise the entire section to include mention of serious sanctions as an option in addition to discharge, to be consistent with the section title and obvious intention.

Recommendation 7: Add language, here and elsewhere, that establishes preponderance of evidence as the appropriate standard for judgment.

Post-tenure Review:

Although post-tenure review is not currently included in Chapter VI of the UNC Code, we believe that the process of post-tenure review should be considered in the same context as section 603 because 603 proceedings will emanate from post-tenure reviews if a faculty member is performing unsatisfactorily and has not been able to improve performance through the various post-tenure steps.

Furthermore, both faculty and administration feel that certain expectations of the current post-tenure review process cause an undue administrative burden on the university system with little real impact. Thus, for reasons of both efficiency and effectiveness, we recommend a substantial change in the post-tenure review process.

Our recommendations are embodied in a re-write of UNC Policy 400.3.3.1(G), "Guidelines on Performance Review of Tenured Faculty."

Recommendation 8: The PTR process should allow faculty members undergoing review to select either a peer or an administrative review. The administrative review should be conducted by the lowest appropriate administrative level (typically the department chair/head).

Recommendation 9: The dossier used for PTR review should be, at a minimum, a compilation of the previous five annual faculty reports plus a cover description of the faculty member's cumulative accomplishments and his/her goals and plans for the subsequent review period. This will accomplish the stated intention that previous annual reviews should be part of the PTR process.

Recommendation 10: If a PTR review is found to be unsatisfactory, the subsequent review must be a peer review. This assures that a peer review is conducted if the possibility of subsequent future negative actions exists.

Recommendation 11: Faculty should have an opportunity to respond to the assertions of unsatisfactory performance in post-tenure review, just as they are during the regular tenure and promotion process. The details of the response process should be formed at the institutional level, but might include a required review by the next higher level of administration if a finding of unsatisfactory performance is made, before which the faculty member could review and respond to the assertion.

Section 604:

Currently, section 604 is a mixture of matters relating to tenure-track faculty and non-tenure-track faculty. We recommend several steps to clarify the section.

Recommendation 12: Add appropriate language to all parts of section 604 to designate that the section covers tenure-track faculty only.

Recommendation 13: Add several process steps to section 604 D that define the appeal process to be consistent with appeal processes elsewhere in the UNC Code.

Recommendation 14: Create a new section in Chapter VI that addresses the appointment, notice and appeal conditions for non-tenure-track faculty (i.e., special faculty). The current wording in section 604 C is an appropriate model for the new section.

Section 605: No recommendations

Section 606: No recommendations

Section 607: No recommendations

Section 608: No recommendations (note: Some committee members wondered why this material related to students is included in Chapter VI, but we agree that because the chapter deals with academic freedom as well as tenure, this is the appropriate location for this material.)

Section 609:

This section nominally describes the kinds of appeals, hearings and other reviews that the Board of Governors undertakes. However, it also includes a seemingly misplaced statement about non-faculty EPA employee appeal rights. This should be changed.

Recommendation 15: Remove part 609 C from section 609, and create a new section that prescribes the appeal rights of non-faculty EPA employees (note: Some committee members questioned why matters relating to non-faculty employees are covered in Chapter VI, but we could find nowhere else in the Code where such matters could be placed; if such a location were found, this material should be placed there.)

Other findings and recommendations:

As we reviewed Chapter VI, our committee identified other places in the UNC Code or policies that require clarification or change in order to be consistent or to allow the conduct of these processes efficiently and effectively.

Recommendation 16: Special faculty should be able to be appointed as at-will or term employees, at the discretion of the departmental administrator. This will allow non-paid adjunct faculty to be associated with the campus for as long as relevant and will allow discharge of an undesirable adjunct faculty member

without using the 603 process.

Recommendation 17: UNC policy 101.3.1 should be clarified so as not to duplicate proposed changes to Code 604, be consistent with Code 103, and improve other language (specifically related to veterans).

Recommendation 18: UNC policies 300.1.1 and 300.2.1 should be clarified so as not to duplicate and to be consistent with Code 607 and proposed Code 611.

Recommendation 19: Conduct a thorough reading and cross-referencing of Chapter VI so that formats are consistent, text is not redundant, language is clear and consistent (for example, the terms reappointment, discharge, and termination all have specific meanings such that the terms are not interchangeable).

Recommendation 20: The Faculty Assembly and Chief Academic Officers should review these proposed changes before the BOG adopts them. However, we believe that these changes are consistent with the principles and practices of shared governance and good management.

Draft Language:

We have appended draft language for the committee's recommendations. The team of university attorneys on the committee drafted the language in separate, additional meetings—a significant and daunting task.

Next Steps:

The Committee Chair, Larry Nielsen, will coordinate review of these recommendations by the Faculty Assembly and the Chief Academic Officers. Should these reviews raise significant objections or changes to the proposed revision, the chair will re-convene the committee to address those matters. Should these reviews result in minor changes (e.g., clarification of language) or recommendations that do not materially affect the principles underlying the proposed changes (e.g., extending the time for faculty review from 90 days to 100 days), the chair will make those changes without re-convening the committee.

The desired outcome is a recommendation for adoption of these changes to the Board of Governors for consideration at their September, 2007, meeting.

Final Matters:

On behalf of the committee, the chair wishes to acknowledge the conscientious and thoughtful work of the committee members. We also thank Lisa Adamson (UNC-GA) and Amy Jinnette (NC State) for their assistance in facilitating the work of our committee and Charles Waldrup for his additional service performing legal and peer research and drafting.

We believe that our recommendations for improving the processes in Chapter VI will make all the processes more fair, timely, efficient and effective. We appreciate the opportunity to serve the UNC System and our faculty and administrative colleagues on this committee.

Respectfully submitted

Larry Nielsen, Chair
David Broome
Paul Gates
Charles Harrington
Gene Hughes
Wanda Jenkins
Mary Beth Kurz
Harold Martin
Pedro Martinez
Delacy Stith
Charles Waldrup
Leslie Winner

Attachments:

1. Committee roster
2. Committee schedule
3. Committee minutes
4. Chart of current and proposed 603 discharge process
5. Recommended draft of UNC Code, Chapter VI
6. Recommend draft of Post-Tenure Review Policy
7. Recommended draft of related policies

Appendix B

SUMMARY OF CODE 600 COMMITTEE RECOMMENDATIONS

Code Section 602 [Tenure]

Changes are only proposed for sub-section (6), to bring it into conformity with proposed changes to Code 603. “Unsatisfactory performance” is added as a ground for discharge, and the grounds for suspension/demotion are revised to make clear those options are only available for lesser forms of misconduct.

Code Section 603 [Discharge and Sanctions]

Definitions of the grounds for discharge are proposed for Code 603. A new basis for discharge for unsatisfactory performance is added (to include unsatisfactory post-tenure reviews). The changes proposed in Code 602 are also proposed for 603. This section will explicitly address suspension/demotion in more detail than in the past. The burden of proof is explicitly placed on the university, and the standard of proof is stated as the preponderance of the evidence. Several changes will move the appeal process along much faster. A notice of intention to discharge a faculty member would include the specification of reasons. A fixed time limit of 90 days within which the faculty hearing should occur is proposed. Appeals would go from the chancellor directly to the Board of Governors, removing the Board of Trustees from the appeals since we are not aware of any university system in the country that has two different governing boards involved in reviewing employee appeals. The time limit for the Board of Governors’ decision is deleted, in part to allow the BOG to remand cases without concern about the time limit and to recognize that currently it takes approximately 45 days to establish the record on appeal and receive statements from the parties, often leaving the BOG a 30 to 45 day period in which to meet and decide the appeal. Since the BOG does not meet every month, this creates a need for a change. Authority to reassign a faculty member to other duties is added to the right to suspend with pay. Other changes generally seek to make the language consistent and parallel with other provisions.

Code Section 604 [Non-reappointment]

It is proposed that this section be revised to apply only to tenure track faculty. The sub-section on special faculty is moved to new Code Section 610. Minimum standards for the campus appeal/grievance process are set out, leaving opportunity for campus policies to contain differences (much like the discharge requirements in Code 603). More detail is set out concerning appeals to the Board of Governors.

Code Section 605 [Termination]

An erroneous restatement of a sentence at the end of the section is deleted.

Code Section 609 [Appellate Jurisdiction]

We propose that the section on non-faculty appeals be deleted from this section and placed in a new Code Section 611.

Code Section 610 [Special Faculty]

A new section for special faculty is proposed, containing the prior Code 604 language. Special faculty could be appointed on an at-will basis, not just for a fixed term. It is clarified that there is no expectation of a new appointment, and there are no grievance/appeal rights.

Code Section 611 [Non-Faculty Appeals]

Minimum standards for campus appeals/grievances are set out, leaving opportunity for campus policies to contain differences. The standard of proof and burden of proof are set out. Appeals from the campus end with the Board of Trustees. No new appeal rights are provided beyond what the Code/Policies presently permit.

Policy 101.3.1 [Non-reappointment]

Changes are proposed to make this section consistent with its companion Code Section 604 and to delete language about the appeal that was placed in Code 604.

Policy 300.1.1 [SAAO II]

Sub-section III. is amended to be consistent with the new Code 611 and to improve language and consistency of usage. Salary payment ends after the decision by the chancellor/president.

Policy 300.2.1 [EPA Non-Faculty]

Sub-sections III.- VI. are amended to be consistent with new Code 611 and to improve language and consistency of usage. Salary payment ends after the decision by the chancellor/president.

Policy 400.3.3 [Post-Tenure Review]

Material about the original study and historical information have generally been deleted. Additional purposes have been stated, including that these reviews be conducted on a regular basis; that an administrative review, rather than an original faculty peer review, may be substituted at the request of the faculty member, but subsequent to finding a deficiency, reviews must be by faculty; and faculty members will have an opportunity to respond to post-tenure reviews. Contents of the post-tenure review dossier are set out. More detail is provided concerning procedures subsequent to an unsatisfactory review, including creation of development plans and additional reviews.

In a discharge hearing, peer judgments by the faculty conducting the post-tenure review are to be given deference by the faculty hearing panel. The unsatisfactory findings of the post-tenure review committee are presumed to establish the grounds for discharge. The faculty member may offer evidence to rebut that presumption to show impermissible reasons for the unsatisfactory review (same as for non-reappointment) or material procedural flaw. The university may then offer evidence to rebut the faculty member's evidence. It is explicitly stated that the university has the burden of proof and that the standard of proof is preponderance of the evidence. The prior statement about not abrogating the criteria and process for discharge is deleted.

Appendix C: Proposed Changes to Post Tenure Review Policy 400.3.3: Performance Review of Tenured Faculty will be transmitted separately.