

Special Meeting
UNI UNIVERSITY FACULTY SENATE MEETING
04/29/13 (3:31 p.m. – 5:20 p.m.)
Mtg. #1735

SUMMARY MINUTES

Summary of main points

1. Courtesy Announcements

Faculty Senate Chair **Peters** called the meeting to order at 3:31 p.m.

No press were in attendance.

Provost **Gibson** offered thanks to many for a very successful year, including the Faculty Senate, its leadership members, and the UNI faculty. She expressed her hope that next year all can build on what has been accomplished this year.

Faculty Chair **Funderburk** asked to have appended to this transcript a letter he sent to faculty last week giving his perspective as Faculty Chair on where he believes faculty currently stand in relationship to the Board of Regents and to the UNI Administration. [see Addendum 1] He also noted that the Iowa Board of Regents were on campus last week and that he and several other faculty leaders [Senate Chair **Peters**, Senate Vice-Chair **Smith**, and UF President **Power**] all met with the Board's Executive Director, Robert **Donley**. No specific topics were discussed. It was just furthering the ongoing dialogue. They did learn, however, that the supposed 20% portion of Board funding coming to UNI is in fact closer to 16%, and, due to widespread agreement, the formula will be addressed in some way to give UNI more equitable funding. **Funderburk** also expressed a sincere hope that these open, informative, and generally positive dialogues will continue going forward.

Chair **Peters'** final remarks at this last meeting of his term included noting that the President and Cabinet approved the Policy on University Relations which now allows governance groups on campus, faculty, staff, and student government groups to release statements to the press and talk to members of the press without violating University Policy. He stated that he felt it had been a very successful year

with gains in shared governance and more open communication among all. He acknowledged that many people have done much work all across campus to help the progress made.

2. Summary Minutes/Full Transcript

None available. The Minutes/Transcripts for the final two meetings (April 22, 2013, and today's) will be circulated to Senators as usual and after a period of time will be posted and announced to all faculty as tentatively approved. Final approval will occur at the first Faculty Senate meeting in the Fall.

3. Docketed from the Calendar

No calendar items remaining.

4. New Business

None.

5. Consideration of Docketed Items [out of regular order to respect a guest's time]

1192 1088 Request for emeritus status-Richard Allen Hays, Jr. (regular order) (**Kirmani/Bruess**)

****Motion to endorse request (Terlip/Gallagher). Passed**

1191 1087 Creation of faculty committees and procedures to implement Master Agreement due process standards for dismissal of faculty (regular order) (**MacLin/Kidd**)

****Motion to move into quasi-Committee of the Whole (DeBerg/Walter). Passed.**

****Motion to rise from Committee of the Whole (Walter/East). Passed.**

- **Motion to divide the question between the Faculty Welfare Committee and the Panel on Faculty Conduct (**Terlip/DeBerg**). Passed.
- **Motion to accept proposed wording on the membership and charge of the Faculty Welfare Committee (**Terlip/Breitbach**). Passed.
- **Vote to create and charge the Panel on Faculty Conduct as stated in the proposal before them. Passed.
- **Motion to extend time 15 minutes (**Terlip/East**). Passed.

1183 1079 Recommendations of ad hoc Committee on Curriculum
Review—Final recommendations (regular order) (**MacLin/Kidd**)

- **Motion to approve proposed policy changes (Recommendation 4) with amendment (**Smith/Breitbach**).
- **Motion to extend 5 minutes (**Smith/Terlip**). Passed.
- **Motion to approve proposed policy changes (3 insertions into University Policy 2.04 Curricular Changes) with amendment (**Smith/DeBerg**). Passed.

5. Adjournment

Chair **Peters** declared the meeting adjourned, following 2 extensions, at 5:20 p.m.

Next meeting:

August 26, 2013
University Room, Maucker Union
3:30 p.m.

Full Transcript follows of 93 pages, including 12 Addenda.

Regular Meeting
**FULL TRANSCRIPT OF THE
UNI UNIVERSITY FACULTY SENATE MEETING
April 29, 2013
Mtg. 1735**

PRESENT: Melinda **Boyd**, Karen **Breitbach**, Jennifer **Cooley**, Betty **DeBerg**, Forrest **Dolgener**, Philip **East**, Chris **Edginton**, Blake **Findley**, Jeffrey **Funderburk**, Deborah **Gallagher**, Gloria **Gibson**, David **Hakes**, Tim **Kidd**, Michael **Licari**, Rob **Hitlan** (alternate for Kim **MacLin**), Chris **Neuhaus**, Scott **Peters**, Jerry **Smith**, Mitchell **Strauss**, Jesse **Swan**, Laura **Terlip**, Michael **Walter**,

Absent: Gregory **Bruess**, Melissa **Heston**, Syed **Kirmani**, Marilyn **Shaw**, Gary **Shontz**,

CALL TO ORDER (3:31 p.m.)

Chair **Peters**: Ok. Well, we do have a quorum. We've got a little bit of a light turnout today, but we do have a quorum, so let's go ahead and come to order. [many voices continue with joking about needing a gavel] The sooner we come to order, the sooner we'll be done with our last meeting of the year. Yeah, we don't have a gavel.

COURTESY ANNOUNCEMENTS

CALL FOR PRESS IDENTIFICATION

Peters: I see no present in the room.

COMMENTS FROM PROVOST GLORIA GIBSON

Peters: Provost **Gibson**, do you have any comments for us?

Strauss: Do we have a quorum?

Peters: We do, a bare one. We've got 12 voting members here, if I counted correctly, and we need 11. And it looks like we've got even others filing in here.

Gibson: I would just like to, for the record, thank the Senate for its work this year. I think we—you—have accomplished quite a bit this year. I'd also like to thank Scott [**Peters**] and Jerry [**Smith**], Jeff [**Funderburk**], Chris [**Edginton**] for their leadership. So I hope that we can with next year build on what we've accomplished this year, better communication. So I'd just like to thank you, the Senate. I'd like to thank the faculty for the work that they have also accomplished this year.

Peters: Thank you, Provost **Gibson**.

COMMENTS FROM FACULTY CHAIR JEFFREY FUNDERBURK

Peters: Chair **Funderburk**.

Funderburk: Last week I forwarded a message to the faculty. In that letter, I gave my perspective as Faculty Chair on where I believe we currently stand as a faculty in relationship to the Board of Regents and our administration. I would ask that that message be attached to the minutes of this meeting.

Peters: Is there any objection to that? [none heard] [see Addendum 1]

Funderburk: As you likely know, last week the Iowa Board of Regents were on our campus having their meeting. We were able to have a couple of meetings with the Board's Executive Director, Robert **Donley**, that also included Senate Chair **Peters**, Vice-Chair **Smith**, and UF President Dan **Power**. We weren't meeting on specific topics, but rather just to further our ongoing dialogue.

For example, during our conversations, we learned that that 20% mentioned as the portion of Board Funding that UNI received, that was also mentioned in the letter, is actually an inaccurate figure. In truth, we receive something closer to 16% of the Board's funding. Luckily, there seems to be widespread agreement that the formula needs to be addressed in some way so that UNI can receive more equitable funding.

I believe that everybody that was involved with the discussions with Mr. Donley will agree that the conversation was interesting, open, informative, and generally very positive. It's my sincere hope that going forward the faculty leadership at UNI will be able to continue and expand this dialogue begun this year with the Board.

Peters: Thanks, Chair **Funderburk?**

COMMENTS FROM FACULTY SENATE CHAIR SCOTT PETERS

Peters: I have a few remarks. First, I do want to make sure that everyone knows that the President did approve, the President and the Cabinet approved the change to the Policy on University Relations that we kind of informally asked for after that new Policy was circulated. So we're very thankful that they did that and saved us the time and the effort of having to pass resolutions and things like that, so that was kind of nice. So the Policy does now indicate that governance groups on campus, faculty, staff, and student governments groups on campus may release statements to the press, may talk to members of the press, without violating University policy.

A few kind of end of the year thoughts here, it is—as you all know, it's our last meeting of the academic year, and it's has been a very busy and, I think, a very successful year for shared governance at UNI. Faculty, staff, students, administrators, and even members of the Board, we've all worked together to address various areas of concern and to plan for UNI's future. And while there is still work to be done even on some of the things we're talking about today—there will still be work to be done on those things—I believe that the system of shared governance and the faculty's role within that system are substantially stronger than any time within the past several years.

We've all just finished our Faculty Activity Reports, so it seems very natural to start making lists, but I'm going to avoid that temptation and instead think a little bit differently about this, because I think what I'd like to stress is the collaborative nature of the decision-making within our shared governance system. We sit on the University Faculty Senate, and I think we have a tendency to look at accomplishments as our accomplishments, but in fact we are just one piece in a larger system of shared governance. And that system includes many other faculty

committees. It includes student and staff governance structures. It includes university administrators, and it includes the Board of Regents. And the shared governance process doesn't work unless we can all communicate effectively with one another and unless we can work with one another to address the university's challenges.

And I think in a lot of ways the two items that are on our Agenda for today exemplify how shared governance should work. The first item deals with—the two major items, I should say, in addition to the emeritus item—the first item deals with due process rights for faculty. United Faculty, the Board, and the administration through the collective bargaining process agreed on a process to ensure faculty members' rights, and now, as part of the shared governance structure, the Senate has work to do to implement that agreement. So, once—even once United Faculty and the Board reached their agreement and we were charged with this task, in making the recommendations I'm making for us to consider today, I've consulted again with United Faculty and the AAUP Chapter here, with the Provost, and with all college senate chairs. So here our action today, whatever we decide, it culminates a truly collaborative process.

Similarly, with regard to the curriculum process and policies that we'll talk about a little later, the Senate initiated a review of these policies in light of last year's events. And we formed a committee. The Committee included people from across campus who had different experiences with regard to curriculum development. And that committee met frequently, and it made its recommendations, but now it's in the process of vetting these very thoroughly across campus with the College Senates, the Curriculum Committees, the Grad Council, and others. And again, depending upon the exact decisions we make here today, there will probably still be more consultation before this is all said and done.

So, these processes, we know, they can move slowly, and in order to make it through all these things, compromise is usually necessary, and this means, of course, that no one gets everything they want out of it. But these processes also encourage transparency and discussion, and they enhance legitimacy. And all of these things should be cornerstones of a university.

And the other thing I want to mention is that I think the Senate's experience this year stresses that, when necessary, even though shared governance is normally not

the speediest process in the world, we can expedite things. In relatively short order this year, the Committee on Committees and the college senates worked together to successfully implement our new constitutional amendment and senate bylaws revisions in order to expand the Senate. Our college senates acted quickly at our request to provide names for a research misconduct pool. And across campus, departments, colleges, university committees, the Grad Council and this Senate expedited curriculum changes for programs affected by last year's decisions. Now I don't want to minimize the fact that this took a lot of work. It certainly did. No one worked harder on these things than college senates, and those of you who have colleagues who serve in your college senates and have talked to them about it, you know they had extremely busy years, because all of this happened during what is normally their busiest time of year, their normal curriculum, but we were able to get all of this work done. And I want to express my thanks and the thanks of the Senate for all the work that faculty all across the university did on curriculum this year.

And finally, I'll just—I want to give some personal thanks to all of you. Many of you here who have given me private counsel throughout the year, we certainly had a few difficult issues crop up at points this year, and I very much appreciated the ability to speak candidly and get similarly frank advice from many of you in this room. We also get a lot of support from people who need to be thanked: Kyle **Hogan** and the various people who work with Joe **Marchesani** in the production house to record our meetings; Sherry **Nuss**, of course, who toils away on the minutes and keeps me in line and makes sure that we are going according to plan; Char **White**, who handles a lot of the routine administrative duties for the Senate; and also many of the administrative assistants in the Provost's Office, especially Pat **Woelber** who arranges an awful lot of meetings and answers countless questions.

So, again, I just want to say this has been a successful year for shared governance. I know that we'll continue to make progress next year as the Provost said. I know that Jerry [**Smith**] and Tim [**Kidd**] will be steadfast leaders on behalf of the faculty. But just as important I think is knowing that members of the Senate and faculty members across campus will continue to work on behalf of the university. So, thank you for indulging me in that little statement. I wanted to get that into the minutes.

Is there any other information during the comment period that anyone has to share?

Terlip: I'd like to thank you for the marvelous job that you did leading us this year, and I think it should go on record for the Senate [applause all around].

Peters: Thank you very much. It's—I mean, it's—you guys do most of the work. I just kind of steer the ship and keep things moving in the right direction. [voices disagreeing] So, I very much appreciate all of your work this year. Yes, Vice-Chair **Smith**.

Smith: You're not going to see the quality of leadership you had here. [laughter all around]

DeBerg: Jerry [**Smith**] is just lowering expectations.

Smith: I'm trying to lower the bar, but you won't see

Peters: Like someone before a presidential debate or something, right?

Smith: I'm just a bumbling idiot. [more laughter]

BUSINESS

MINUTES FOR APPROVAL

Peters: All right. Well, on to the Minutes for approval. We have none, but I do want to mention something about the last two meetings, that is, the last meeting and this meeting. In this day and age, I just don't think it makes any sense to keep people on campus waiting to read Minutes until the Fall. And so what I'd ask the Senate to do—we did this a couple times last year is that once a draft is circulated from Sherry [**Nuss**, transcriptionist], once she circulates a draft, Senators will have a week to review the Minutes and suggest any additions or corrections, and if there are none, then we will go ahead and publish those Minutes. If additions or corrections are circulated, we'll post that to the Senate list, and at that point people can object, say, "No, that's not in fact what happened," or whatever. And again, if

not, then we'll circulate those. Are there any objections to proceeding in that way with the Minutes? [none heard] Thank you.

I'd also like to ask your permission to attach to these Minutes the text of two emails that I'll be sending out within the next few days. One will be a short summary of last week's Board of Regents meeting, which will include some information about some business that the Senate has talked about this year, especially Smarter Balanced. And in the past I tried to keep you updated this year on Regent's business, but I recently had occasion to look at some past Minutes, and Senate Chairs used to talk a lot more about things that happened at the Regent's meetings, and I think it might be a good practice going forward that if the Chair emails Senators about things that go on in the Regents', maybe we should attach that to the Minutes. So I'd like to ask your permission to attach that to the Minutes, and then there will also be an email sent across campus that kind of is more of a kind of a list of things that the Senate accomplished this year, and I'll ask you to allow me to attach those to the Minutes as well. And once you see those emails, if any of you has objection to including those in the Minutes, then by all means let me know, and we'll go from there. Any questions about that? [see Addenda 2, 3, and 4]

Yes, Senator **Swan**.

Swan: So, this is the first I've heard about it. So, what's wrong with sending the Minutes that you're talking about to the faculty at large as draft Minutes that have basically been ok'd by us but not formally approved until the next first meeting. That sounds very good and wise to me, that we shouldn't [overlapping each other] approve things out of or—you know, out of order, out of meetings, but we can say in good faith we believe these are the Minutes that will be approved in a pro forma way at our first meeting.

Peters: Ok. Then we can do it that way, too. Does anyone object to doing it that way? [none heard] I mean, I think it will be practically the same result but more in line with procedure. Ok. Thank you, Senator **Swan**.

CONSIDERATION OF CALENDAR ITEMS FOR DOCKETING

Peters: Nothing for docketing.

NEW BUSINESS

Peters: Any new business? Please say, “No.” [laughter around] Ok. Good deal. All right.

CONSIDERATION OF DOCKETED ITEMS

DOCKET #1088, REQUEST FOR EMERITUS STATUS—RICHARD ALLEN **HAYS**, JR.,
REGULAR ORDER (**KIRMANI/BRUESS**)

Peters: And that leads to Consideration of Docketed Items. We do have a student here to speak on one item, so if there’s no objection, I’m going to ask the Senate to proceed out of regular order, and we’ll do the request for emeritus status for Al **Hays**, first, because the student is here to speak on that, and there’s no point in me making him wait for an hour and fifteen minutes to do that. Any objection to that? [none heard] Ok. Can I get a motion to endorse the emeritus status for Professor **Hays**?

Terlip: So move.

Peters: I saw Senator **Terlip**. And then second, I think I saw Senator **Gallagher’s** hand up. Jared **Parker** is the—are you done now with your term?

Parker: Yes.


Peters: Jared **Parker** is the past-Senate—no, past Speaker of the NISG Senate, and NISG Senate forwarded to me a resolution on behalf of Professor **Hays’** emeritus petition [see Addendum 5], so Jared, if you’d like to....

Parker: Thank you for having me today. At our last meeting, we did pass a resolution thanking Dr. **Hays** for his service as a professor. One of the things that, for example, the last time we wrote a resolution for this was for Dr. **Walker** in that we as students do appreciate good teaching in the classroom and that we want that to be recognized in an era where publications are a big deal and where getting your name out as an academic is important. We wanted to show our respect for

professors that we feel have made an impact at this University to us the students. It's something, a tradition I hope that continues in student government, but before you have this, and Dr. **Hays'** emeritus status is up to you, but thank you for having me.

Peters: Thanks, and we'll just—we'll, if there's no objection, we'll just append that [resolution] to the Minutes. [see Addendum 5] And I do have a letter of support [see Addendum 6] as well from Donna **Hoffman**, who is the Department Head of Political Science. Professor **Hays**, as many of you probably know, he's in the Political Science Department, but he's also the Director of the Master's in Public Policy Program, and I'll just highlight a couple quick things about his career. He has been at the University since 1979. He has led the Graduate Program in Public Policy for the past 19 years, so that Program celebrated its 25th anniversary last year. I was at the—a ceremony commemorating the 25th anniversary of the Program, and when we saw all the returning alumni and the things they had gone on to do in the community, it was—it was quite impressive. Professor **Hoffman** notes Professor **Hays'** research in the area of federal housing policy, his book on the topic, his receipt of 2 major grants from the Department of Housing and Urban Development, and his Fulbright award a few years ago. And I'll just say on a personal note that I've been colleagues with Al for the past 10 years. As I said, he is in my Department, and Al has always been a very active faculty member, active in putting on events on campus, active in the community using his expertise in policy to help improve the community. Any further comments on Professor **Hays'** petition for emeritus status? [none heard] All in favor of endorsing this petition, please say, "Aye." [ayes heard all around] Opposed, "No?" [none heard] The motion carries. Thank you.

DOCKET 1087 CREATION OF FACULTY COMMITTEES AND PROCEDURES TO IMPLEMENT MASTER AGREEMENT DUE PROCESS STANDARDS FOR DISMISSAL OF FACULTY (REGULAR ORDER) (**MACLIN/KIDD**)

[see:  [summary_of_procedure_for_selecting_hearing_committee.docx](#)]
[see also Addendum 7]

Peters: Ok, so first up is the creation of faculty committees to implement Master Agreement due process standards before a faculty is to be dismissed. And I'll just say a couple words before we get started on this. I know this is a little bit unusual

situation. This kind of cropped up so late in the year after the language was finalized and finally approved by the Board, we couldn't really get started on it until it was officially approved by the Board, and so what I did was I met with Hans **Isakson**, who was sort of asked by Dan **Power**, United Faculty President, to be the liaison on this issue. I met with Provost **Gibson**. And we came up with—as a course of these meetings, we came up with different—several different options we had for creating these committees that are required under the new provision of the Master Agreement. And I think maybe the simplest thing to do, at least to start, might be to move into a quasi-Committee of the Whole to talk about this. And then when we see where people stand, we can get motions maybe for which options seem to have—seem to be most likely to prevail here. So, can I get a motion to move into quasi-Committee of the Whole?

DeBerg: I so move.

Peters: Senator **DeBerg**. Second?

Walter: Second.

Peters: Seconded by Senator **Walter**. Is there any discussion about that? All in favor of moving into quasi-Committee of the Whole, please say, "Aye." [ayes heard all around] Opposed, "No." [none heard] The motion carries. I summarized this process [projected] [see Addendum 7]. This process is—I'll just say that if I were to sit down and craft a due process system that we want faculty members to have to go through before being dismissed, this is probably not the process I would craft. But nonetheless, it's what we got, and it's what we've got to work with.

And so as you can see there's—the process refers to a Faculty Welfare Committee. We don't currently have a Faculty Welfare Committee. We used to. We got rid of it, because it hadn't been used in however many years. But now we are required by the Master Agreement. We are basically to have this committee. Its only purpose is to appoint a committee of 3 people, one of whom must be a member of the Faculty Welfare Committee, to act as an Inquiry Committee when requested by the Provost. If the Inquiry Committee recommends dismissal, or I should say recommends a hearing, or if the Provost wishes to proceed even outside of the Inquiry Committee's recommendation, then at that point the Provost sends formal

charges to the faculty member and informs the Senate Chair of the need to form this committee.

At that point, under the process that we're following—at that point everything falls into the lap of the Senate. Key decisions fall into the lap of the Senate. The Senate Chair must within 5 days select 25 names. The Provost within 5 days must select 25 names. The Senate then meets to narrow that list down. It could be as many as 50 people. There could be some overlap between the Provost's and the Senate Chair's lists, because they're actually forbidden from consulting with one another in naming those names. So, from a list of up to 50 people, the Senate, via secret ballot, then narrows that list to 25. Don't even ask me what that secret ballot would look like. That would be kind of a nightmare. Vote for the top 25. I don't know. Then the Provost and the faculty member who's been accused each get a certain number of peremptory challenges. They also get to indicate people that they would see as suitable to serve, and then it comes back to the Senate again, and the Senate chooses 5 people—ideally, 5 people who both the Provost and the faculty member have indicated are suitable, or at the very least 5 people who have not been rejected by either.

So that's the process. So, our main job is: 1) we've got to create the Faculty Welfare Committee and charge it; and 2) we need to decide whether we want some, within the constraints of the policy, whether we want some more kind of orderly way for selecting those up to 50 people; at least 25 people from the Senate side of things. Senator **Strauss**.

Strauss: What happens after these people are selected? Is there a procedure, perhaps a hearing?

Peters: There is, and the Policy goes into quite a bit of detail about how that hearing takes place, but once the Committee is selected, then it's, you know, sort of out of the Senate's hands at that point. It's the Hearing Committee. There's a certain procedure that's followed. Senator **Terlip**.

Terlip: At what point does the faculty member know that he or she is going to have this process get started?

Peters: There is—early on there’s an informal phase to this that the document actually—the 1973 Policy actually refers to as “out of court settlement.” They actually use that phrase, and they put it in “scare quotes.” So they refer to this phrase as “out of course settlement,” and basically it encourages an informal resolution. And I suppose—my understanding at least would be that at that point I suppose the Provost would say, “Here’s what has happened. Here’s what you’re being accused of—of here’s why this is serious enough.”

Terlip: Oh, I guess my—I was just wondering in terms of timing, like would—is there any way the Senate could know before the faculty member would know, if I just want to bring it down? I mean, I think it would be very difficult if the Senate somehow knew the hearing was going to take place before the faculty member involved did.

Peters: I don’t think that’s poss—uh, well? No, I don’t think that’s possible. Now, is it possible for the Faculty Welfare Committee? I don’t think it is, because I think the Policy requires that you attempt an out-of-court settlement.

DeBerg: It requires an informal meeting.

Peters: Yeah.

Terlip: Ok, well, I just

Peters: So, I don’t think it’s possible that anyone would know before the

Terlip: want to make sure that they have information before all this kicks in.

Peters: Senator **Walter**.

Walter: Is there any point at which we would assume a grievance has been filed? Or is that completely a separate subject?

Peters: That would come afterwards. So this Hearing Committee—I believe formally what it does is make a recommendation to the Provost. And notice that this is limited to dismissal. This isn’t any—this doesn’t have to do with any discipline short of dismissal, ok? So it’s just for something serious enough that

it's—that there's a potential that someone could be dismissed from the University because of it, and so I think the way the process would play out is that it would go through this entire process. You'd have the hearing, and then if the Hearing Committee comes back and says, you know, dismissal, and if the Provost and President then agree to dismiss someone, then at that time, of course, there are certain protections under the Master Agreement, and someone would be able to file a grievance, right?

DeBerg: Yeah, there's

Peters: Senator **DeBerg**.

DeBerg: I'm sorry. I don't know. I practically have the Master Agreement memorized. Article Eleven is an Appeal of Dismissal, and there's also an appeal in Article Eleven for Discipline. And that happens after the fact. So, this due process set of procedures that we're looking at would happen before the fact so that there's peer review involved in any initial termination, action towards termination.

Peters: Other questions for the moment? Now, I—oh, go ahead, Senator **Hitlan**.

Hitlan: More of a clarification.

Peters: Yeah.

Hitlan: So, the first full paragraph looks like that procedure involves a Faculty Welfare Committee, on request of the Provost, appointing a small committee that serves—that would serve as an Inquiry Committee to decide whether a full-blown hearing is justified. So, I guess, just based on what I thought I heard you say earlier, can the Provost go against the recommendation of this Inquiry Committee? If they don't think that a full-blown hearing is justified but the Provost does, does that mean she could still require a full-blown hearing against the Inquiry Committee?

Peters: I believe so, and I'll—I'm looking for the language here. Yeah, of course the language is written in 1973 so the language all refers to "he." [light laughter around] Shoot, where is it? [projects the 1973 Faculty Dismissal BOR Process found at: http://www.uni.edu/senate/sites/default/files/petition/1973_faculty_dismissal_bor_process_1.pdf] [also found in Addendum 12 to these Minutes]

Ok, Section 2. here labeled Preliminary Investigation. Can you see that on the screen, or do I need to blow it up?

Hitlan: I can sort of make it out. Go ahead.

Peters: It says, "If an agreement can't be reached 'out of court,' the Provost should request the Faculty Welfare Committee to appoint a committee of three, at least one of whom is a member of the Faculty Welfare Committee, to inquire quickly and informally..." etc. etc. "If in reporting to the Provost this committee recommends such proceedings, or if the Provost, regardless of the committee's recommendations, wishes them, formal proceedings should begin."

Hitlan: So that Inquiry Committee really has no power to do anything. They just make a recommendation that ultimately can be ignored by the Provost.

Peters: Correct, and, I mean, I think even the Hearing Committee could make a recommendation to dismiss, and the Provost could say, "No, I don't want to dismiss." Or the Hearing Committee could say, "No, don't dismiss." And the Provost could say, "I think we should dismiss." Senator **DeBerg**.

DeBerg: There's a parallel process in the relatively new and problematic Academic Misconduct Policy. There's an initial committee who looks in a cursory way at the case and then says, "It's seriously—it's serious enough to proceed, although we're not making a determination on it." So this is a kind of—I think, a kind quick look at it to see if the charges even make sense. If they're not—if they're not, I think, patently ridiculous or false on the front end of things, then it seems to me likely to go forward. But I just wanted to point out the parallel in another policy that we have.

Peters: And if—if you assume, which it's probably a safe assumption, you know, at least three-quarters of the time if not more, that dismissal is probably going to lead to a grievance, then—then I would—I would assume that that is going to be evidenced during the course of that agreement—grievance. Now, you know, that doesn't necessarily guarantee that a grievance will be filed in the faculty member's behalf if the Inquiry Committee agreed with the faculty member, but I would assume it would be a relevant fact that can be taken into consideration. Senator **Swan**.

Swan: So, can you tell us a little more about what the Board and the leadership of United Faculty want to achieve with this new agreement in the Master Agreement?

Peters: Senator **DeBerg**, can you speak to that?

DeBerg: Yeah, I can. There was a mention to this document lost in Appendix F somewhere in the text. And what we did last time was to make all categories of faculty appointments subject to this agreement. We tried to get the—our—and this isn't secret. You can look—the initial proposals are public. Our initial proposal also incorporated AAUP principles for due process, but the Board's didn't. And since it's a permissive topic, we can't require negotiation on that issue. So, we felt like we did it as well as we could on that, given it's a permissive topic. By now having clinical term [appointments], all categories of faculty appointments at least governed by some pre-termination due process language. I also want to say that I suspect that the Board would, over time, be open to amending this procedure, but right now we're just trying to get to know it again. It has been dormant for so long.

Peters: And I can kind of tell you that—there's a little bit of inference here, but I did go back and review some old Minutes in trying to figure out where this all stood, because, in fact, we did used to have a Faculty Welfare Committee, and we used to have something called a Panel on Faculty Conduct. The purpose of the Panel on Faculty Conduct was because—was so that you had a standing panel of people who would be able to serve on a Hearing Committee, if necessary, so that the faculty—so that the Senate Chair wouldn't have to come up with 25 names, you know, in 5 days. And I found a couple different Minutes that referred to getting rid of those committees because there was a general feeling at the time that because they had not been used in some period of time, a long time, and that they had actually been supplanted by the Grievance Process, because—when was United Faculty formed? Was it 1976?

DeBerg: In the mid-70's.

Peters: Mid-70's, which is after this statement was originally crafted. So some thought that it had been supplanted by the Grievance Process, but I guess what I see the new agreement saying is that the notion of submitting judgments to peer review before you make that decision, to get a recommendation from the faculty

member's peers before you make a recommendation, is also a part of the process that we should rely upon. Senator **DeBerg**.

DeBerg: Just a follow-up. It wasn't a—it's an attempt to return peer review. Professionals need to function on a—always on model of peer review. And actually since I've been a—since I've been Grievance Officer for 2 years—we have had some cases where there's been terminations, so all of a sudden this kind of process is, you know, comes alive in certain periods of time if there are terminations during a term or of a tenured person. So, it's an—the Grievance Process in the Master Agreement doesn't have peer review in it. The person who's terminated files an appeal. The Provost then gives explicit reasons for the termination. There's a hearing, but the person only appeals again to the Provost, so there's no—it's an appeal, and so this is an attempt—this is an attempt to get peer review into this process before an appeal might be required.

Peters: So I guess, you know, from my standpoint, I think there's two—there's one thing the Senate absolutely has to do, and that is create a Faculty Welfare Committee. So, I guess, we can talk about that first.

I suggested 2 options to the Senate, if I can find the right document [for projection] [go to: [implementation of master agreement language on due process.docx](#) ; also see Addendum 8]

I suggested two options. The first option, which I prefer, for the record, this is my preference, would be that the Faculty Welfare Committee consists of the Chair of the Faculty and the Chair of each College Senate. And the reason I prefer that is that it's already difficult to get people to volunteer to be on committees, and if we have yet another committee that the College Senates and the Committee on Committees has to recruit people for, that's more work for them. And, yeah, I mean, maybe you can get someone to run on a committee that's highly unlikely will ever meet, but it's still work for the Col—for the Committee on Committees and the College Senates to even find those people. Now, what the Senate had decided years ago is, "Well, since the Faculty Welfare Committee almost never meets, we could just call it 'ad hoc' if necessary." The problem is: how do you do that? Ok? Under the procedure, as Chair of the Senate, it might be my job to oversee the creation of the Hearing Panel, right? Now, should I also be involved in picking the members of the Inquiry Committee? That doesn't seem right. So creating that committee ad hoc seems very unsatisfactory to me. I don't like that idea. So, I felt

like having it consistent, the Chair of the Faculty and the Chair of each College Senate, at least it's a recognizable, ready body of people who can be called to gather quickly, if needed, and their main job, their only job, is to create an Inquiry Committee. So they don't even look into the thing. They just create the committee that does the quick inquiry. Chair **Funderburk**.

Funderburk: I want to speak in favor of that option also because we just took the last 2 years trying to clean up committees that fall apart because they always have to be reconstituted. When they don't do work, they tend to fall apart. At least this one has a committed body of people who are elected, and it's always going to be there, if needed. Hopefully, it's never going to be needed.

Peters: I did email the College Senate Chairs. They were all supportive of this, but they did suggest that it be re—that it be amended slightly to indicate the “or their designees,” which I think is reasonable. So, thoughts on this. Senator **Swan**.

Swan: And that kind of thing worked especially well before the merger that created such a huge College and an imbalance of representation, and this huge College—there really are major differences between and amongst now the disciplines represented. And so with the business of designations, perhaps the College of Humanities, Arts, and Sciences [CHAS] should designate 2 people to the Committee that might create—I mean, with the under—and the College itself is trying to make sure to represent the vast differences encompassed in it, so if the—if we were to do something like that, I think that that College Senate would be able to provide that. And then maybe the Senate Chairs of the 3 smaller Colleges, that that works just fine. They are so small and homogenous and cogent, with the exception, I would think, of College of Ed., but I'll leave that to my College of Education colleagues. That seems to be a College of very different programs and practices, but, as I say, I'll leave that there.

Peters: I know at the moment the CHAS Senate, the Chair is from Chemistry, right? And the Vice-Chair is from Communications? Is that correct? [voice agreeing] Is it set up so that you'll always have a Chair and Vice-Chair from sort of opposite sides, so to speak? You know, one from CNS and CHAFA, to use the old—is it set up that way? [voices saying “no”] Ok. Ok. That's a point well taken. Senator **Terlip**.

Terlip: Well, as long as it says “the College’s designee,” it might be that the College themselves could create who the representative would be given a certain scenario. Like if somebody with Arts expertise was needed, then it would go to that? You understand what I’m saying?

Peters: Uh huh.

Terlip: I guess, I don’t have a problem with “designee,” except that the Chair is elected. The Chair could appoint someone who was not even elected to be on the Senate, so I think that the person who would be the Chair’s designee should come from an elected body somewhere. Senator **East**.

East: That Senate probably—would make sense that the—if they’re going to designate someone, other than the Faculty Chair, but from—if they’re going to designate someone, it seems like it should be from the Senate that they’re chairing, not just any member of that faculty.

Funderburk: What about the advice that the wording was that it was made up of the fac—of the College Senate Chair or Vice-Chair? Would that be enough to narrow it down? Or is that too narrowed down?

Peters: I honestly don’t know.

Terlip: You could say “or his or her designee from the College Senate” which is pretty short. Not as short, but...

Peters: Senator **Hakes**.

Hakes: Is there a rank requirement for this Committee? That is, will there be Senators within a College that may not be tenured and could be designated? I’m not sure—and maybe in one College but not in another College and so on. So I’m just wondering if there’s a

Peters: I know that in the language here for the Faculty Welfare Committee that I drafted you’ll note that I’ve mentioned that “Those appointed to the inquiry committee must be tenured members of the faculty.” And I also spelled out that “No one shall be appointed to the inquiry committee who is a member of the

University Faculty Senate” since the Senate takes part in the second stage of things, if necessary, “or who is from the accused’s department.” And then I indicate that if “Members of the Faculty Welfare Committee [are] from the Accused’s department [they]. . . must recuse themselves. . .” but I didn’t pay any attention to the rank of people on the Faculty Welfare Committee. Senator **Breitbach**.

Breitbach: Our PAC procedures do address rank, and it was so someone with the rank of an instructor cannot vote when it comes to a decision for tenure or promotion for someone who is of a higher rank. So, I feel that maybe that should be a consideration here as well.

Peters: Senator **DeBerg**.

DeBerg: I would believe that would be the case for the Panel that renders decisions, but the Faculty Welfare Committee just appoints a committee. That’s like all they do. That’s why I’m not so concerned that this Committee be proportionally represented in the same way that I am most other committees. Is that this Committee just appoints a committee.

Swan: So can I ask Senator **DeBerg**?

Peters: Senator **Swan**.

Swan: So why is it—so it’s—I se—from what you’re saying, I sense that you feel that a committee’s usually going to appoint a committee—are usually going to be on the faculty side or something?

DeBerg: I’m sa—I don’t know, I

Swan: Well, I’m trying to figure out why the representation doesn’t matter on this Committee.

DeBerg: Because all this Committee does—well, it might do other things.

Swan: Well, yeah.

Peters: Well, we could char—at the moment all this Committee does is this

DeBerg: I—ok, so it could be charged with other things, so I take that back.

Swan: Ok.

Peters: And I heard some allusion to the idea that maybe in the past, in the distant past, the Faculty Welfare Committee did—was charged with other things in addition to this, but I couldn't find any evidence of that.

Swan: And if they formed a committee, again, does one member from the Welfare Committee need to be on the committee?

Peters: Yes, under the—under the [words covered]

Swan: And so there's more—I mean, there's just—it

DeBerg: I retract my

Swan: Well, the whole thing needs to have a balance to it, I think.

Peters: So, we've already said for sure we need "Chair of each College's Senate or their designees" [amending projected image; a voice assisting in wording] I mean, the easiest thing to do here would be to say that CHAS has 2 people, so [working out wording] Faculty Welfare Committee, Chair of the Faculty, the Chair of each College Senate. We could just say, "The College..." we'll spell that all out later.

Funderburk: Would it be acceptable then to designate the Vice-Chair or designee there (?).

Peters: Well, I

Swan: But I think Laura [Senator **Terlip**] is right. I don't think that CHAS does say what—both could be in the same area.

Funderburk: I agree, but if we're saying "designee," I would assume if the politics stay as they are now that they would decide it needed to be done. You're not comfortable with that, ok? I'm only thinking in terms that this needs to be the

Committee that gets called quickly, which is what it sounds like, that you can't wait around for a week or two for the Senate to figure out who it will be, so if it's designated, you already know who it's supposed to be.

Terlip: I don't object to it being somebody designated, as long as they're on the Senate and have been elected from their colleagues.

Swan: Oh, I see. That's what you're saying. So, if they're there, it wouldn't take long.

Funderburk: Right.

Swan: Ok.

Peters: Does that work? [reading the change entered on the projected screen] "Chair of the Faculty, the Chair and a designee from the CHAS Senate, and the Chair or their designee of each College Senate." I guess that doesn't leave the option that [voices quietly offering comments all around] And then are we concerned about rank? Senator **East**.

East: I wouldn't be concerned about rank, but I think tenure's important.

Peters: Other thoughts? All members of the [long pause—perhaps amending language projected] Senator **Swan**.

Swan: I think that—I mean, I'm not going to be insistent, but I not only think rank is important, that they should be from the full professors, I think graduate faculty status is important, a value because it depends upon who's being proposed for termination, and so a full professor with graduate faculty status is able to evaluate and assess everyone on campus. Other ranks and designations have limitations, so I'll just point that out.

Peters: Senator **Gallagher**.

Gallagher: I'm a little unclear. Is it about what the ramifications are? But I'm sort of envisioning a situation in which someone even at the associate level would take some action or weigh in in some way and have other colleagues angry,

Swan: That's another very important

Gallagher: and they have to be concerned about whether they're going up for full, and who's mad at me? Yeah, I think that fulls [professors] have the advantage of not having to seriously worry about that, and that might be a good thing.

Peters: Senator **East**.

East: I think that's not necessary for the Faculty Welfare Committee. It might well be—it seems to apply more to the Inquiry Committee, but I would—well,

Gallagher: You never know.

East: Given my Department, we have two full professors, both of whom were hired as Department Heads as full professors, and that's it. And we seem not to want to make anybody else full professor. So, I would vigorously oppose saying—I mean, that to me rules out half the faculty, if you say that—or two-thirds or three-fourths or four-fifths of the faculty, if you say they have to be full professors for any of this. So, I think it—tenure I think is necessary, but I don't think any rank should necessarily be an issue here.

Peters: Senator **Swan**.

Swan: This is a quasi-Committee of the Whole, and so this is actually helping flesh out our thinking. What Senator **East** says makes a lot of sense to me, and I'm trying on what Senator **Breitbach** said before, and so perhaps further stipulations, but this is—I don't see how it's practical to say if it's a full professor who's coming up for termination, then everyone else involved should be a full professor, but for the other ranks we could leave it open. Again, I don't know how that could work, and perhaps it is impractical, but perhaps we could make that work.

Peters: Are there thoughts on this? Senator **DeBerg**.

DeBerg: Well, I think it would be important for the Inquiry Committee, the Committee who actually hears the evidence and renders a decision. Right now the

only role for the Faculty Welfare Committee is to appoint other bodies who take action.

Swan: Oh, so we could tell this body of 4 full professors, “Be sure to appoint only full professors.” [voices commenting]

Peters: Right. That would be down toward the bottom here in the charge of the Committee. Other thoughts on the Faculty Welfare Committee side of things? I’ll jot down in my notes the question of—what’s the feeling? Can we get at least kind of an informal sense here on the rank issue? Senator **Hakes**?

Hakes: With regard to the Inquiry Committee or this?

Peters: With regard to the Inquiry Committee.

DeBerg: No, the Welfare Committee’s role.

Peters: Well, with regard—we’re looking at the membership and the charge of the Welfare Committee, so

Hakes: Part of the charge of appointing, I would not want to have a committee of people hoping to be promoted soon representing me in a battle with the Provost, so I think the Inquiry Committee must be full professors period.

Swan: Oh, good argument.

Hakes: There is no way I want a group of people all hoping to be promoted in the next few years to be representing me in that situation. I—I mean

Strauss: It’s called “conflict of interest.”

Hakes: Conflict of interest, yes. So, I don’t—the Welfare Committee can be anything, but the Inquiry Committee should not be composed of anyone.

Peters: I have a practical question. I know that there’s roughly 450 tenured faculty members on campus. Does anyone happen to know how many full professors there are on campus? [voices commenting]

Swan: I think that's a very good question. And there are—there is a need for some expertise perhaps, and that might best come from an associate professor, right? So, I mean, perhaps—although I generally agree with the feeling of the rank full professor.

Hakes: I'm just thinking of being fair to the person who's had—who's

Swan: Yeah, but if the person were coming from Senator **East's** Department, Senator **East** reports to us an associate—well, I guess, well with that expertise, knowledge, would be necessary to inform the full professors of the facts of the matter.

DeBerg: Will someone from **East's**

Peters: Senator **DeBerg**.

Swan: be excluded?

Peters: Senator **DeBerg**, go ahead.

DeBerg: I'm sorry. I apologize. I believe that if this takes off the way I hope it does, this will be the most prestigious—this process will be the most prestigious thing faculty members can do on campus. It requires the soundest judgment. It requires the most honesty and integrity, and so, yeah, I think the idea of having an Inquiry Committee be fully tenured professors would help that along. And since we only need 5, right, on the Inquiry Panel? [voices commenting on whether 5 or 25 or 50]

Peters: Well, then the question is if when once you get

DeBerg: I get it.

Peters: to the Hearing Committee, do you—are you also going to require that they be full? And that—there's where I think you could run into some logistical problems, and I think Mike's [**Licari**] looking up numbers of full professors. But I know—I know we've got roughly 450 tenured professors, but

Licari: About 200.

Peters: 200 full professors? So that would be, you know, if you ended up with—on the Hearing Committee, if you ended up with a full complement of 50 people—50 candidates, I mean, that’s a quarter of the faculty that falls into that category.
Chair **Funderburk.**

Funderburk: I’m widely supportive of this notion, but if we do want to start saying “must be full professor,” we also have to figure out what we’re going to do in the event that none of the College Senate Chairs are, in fact, full professors, which can easily happen.

Peters: I think what I hear people saying is that the Welfare Committee can be the College Senate Chairs. And the question is, should we require the Inquiry Committee to be just tenured, or should we require them to be full professors?

Funderburk: Right, and I’m just pointing out that since a member of that panel is supposed to be on the Inquiry Committee, it can happen

Peters: Oh, that you could end up with all of them

Funderburk: that none of those people are, in fact, full professors at the moment.

Peters: Senator **DeBerg.**

DeBerg: Well, one way to handle this is the way Compliance and Equity Management and Chapter 20 Labor Law handles it, and that is to say, “It’s illegal actually to retaliate for having filed a complaint or for being active in labor.” And so it’s not part of peer(?), but the Committee in its own way—or the campus could somehow develop some kind of policy that might protect not fully-tenured people from or for their work on Inquiry Committees. Just to say that, you know, there’s a protection from retaliation somewhere. That’s something to work on, not here but

Peters: Right.

DeBerg: that’s—that would be one way to get to this issue.

Peters: Senator **Walter**.

Walter: This is a question on the committee of 25 which is the Inquiry Committee, correct?

Peters: Yes.

Walter: Is there any specific language that addresses secret ballot in that, or is it

Peters: Oh, you're—of the selection of the Hearing Committee to narrow it down to...?

Walter: No, the decisions that they make when they're basically carrying out the final decision.

Peters: The Inquiry Committee, I don't think there's any procedures about how the Inquiry Committee proceeds. There's a ton of procedures that specify how the Hearing Committee actually proceeds. I don't remember off the top of my head. Honestly, I paid more attention to the formation of it, because that was our job here, than the actual conduct of the hearings, so I just don't know the answer to that off the top of my head. Chair **Funderburk**.

Funderburk: This is jumping in, but it may relate. So we're talking about having to have a large pool of people from which to choose, which is where this Welfare Committee is going to have to pick. What is the possibility, ramifications, and problems with designating that all full professors on campus automatically constitute that, period. It's your obligation as a full professor. [voices agreeing]

Peters: I mean that—that kind of gets to the second issue which is the possibility of the faculty—Panel on Faculty Conduct, so before we jump to that, let me just take a quick—can we get a quick informal show of hands here? How many people favor requiring that the Inquiry Committee be—have the rank of full professor with tenure? [voice asking which?] The Inquiry Committee, so it would be down here [on the projected screen], “those appointed to the Inquiry Committee.” Right now it says, “Shall be...”—somewhere it says, “they shall—they must be tenured,” so we would change that to say, “must have the rank of full professor.”

Swan: And for clarification, can—so this is the 2nd of the 3 committees? Is that right that we're talking about? The Inquiry Committee is the 2nd of 3 committees? [voices agreeing]

Peters: Basically, yeah. I mean, the Faculty Welfare Committee creates the Inquiry Committee.

East: Creates the Panel from which the Inquiry Committee is drawn, right?

Peters: No, the Faculty Welfare Committee creates the Inquiry Committee. Then, if the Inquiry Committee says, "Yes, go ahead," then you get to the issue of the Panel and the Hearing Committee. Ok, so that [raising of hands] was pretty overwhelming, so [some questioning the "overwhelming" vote]. Ok, can I see the hands again? Who favors full professor status? [voices saying nearly everyone and changes are made to the projected screen with many voices offering wording possibilities]

Neuhaus: Chair **Peters**, will we have any _____? Right now, we seem to think a Chair of CHAS has to be on there. The other Chairs can have designees.

Peters: Yeah.

Neuhaus: And it's quite possible the Chair of CHAS might not be—of course, they wouldn't have to be on the Inquiry Committee, but they couldn't be then, so that would be one of the group. I know it gets it a little laborious, but yeah. [projection amendments still being worked on]

Peters: We'll just do that. It's not very elegant, but it works. Ok, anything more about Faculty Welfare because we've still got a lot of work to do here this afternoon. Now we're on to the Panel on Faculty Conduct. So, I mean we have an option here to not do anything at all, and that would—and then if we do nothing at all in terms of creating a Panel on Faculty Conduct, then what that means is should a hearing be necessary, then it falls entirely on the Senate Chair to come up with 25 names within 5 days. And then the Provost comes up with 25 names within 5 days. And you do that however you want. I could, you know, right now there's nothing that tells me how I'd do that, if it were necessary today.

I think the idea of a Panel on Faculty Conduct which we used to have was to give some, you know, regularity to that, that there would be a panel of people who would be named in advance as people who could potentially sit in one of these hearings. Now, you know, we could do that similar to the way we tried to constitute the Research Misconduct Panel that we did at the very beginning of the year, but even that wasn't without difficulty, because we didn't get all the names we asked for that. Some College Sen—the College of Ed. gave us more than we asked for, but most of the Senates weren't able to give us as many people as we asked for. It's hard, again, it's kind of hard to get people to volunteer. So one option is we do something like that. We say each College has to submit a certain number of people to be on a panel.

Another option, and this is actually an idea that Vice-Chair **Smith** had, and it's sort of what Chair **Funderburk** mentioned a few minutes ago, which is some notion that there—by virtue of being a member of the faculty, you have an obligation to serve if called. It's almost like by—you know, as being a citizen you have an obligation to serve if you are called to jury duty. And so now the wrinkle that Jeff [**Funderburk**] added a minute ago would be that, if we're talking about all full professors, then it would be sort of understood that when you attain the rank of full professor, this is an obligation that you have for the University.

And so there's—if we do nothing, then if a hearing is needed, it all falls upon the Senate Chair. If we create a Panel of Faculty Conduct that's comparable to what we did for the Research Misconduct thing earlier, then really most of that work's going to fall into the lap of the College Senates, and we know that it's hard for them to—often to get people to do things like that. The other option is to say that something like what Jerry [**Smith**] and Jeff [**Funderburk**] had suggested, which is, it's the responsibility of all members of the faculty or all full professors to uphold these norms. And the Panel on Faculty Conduct consists—I have up here “all tenured faculty members,” but it could be “all full professors.” It could be full stop there. What I said in this draft was “who respond to an annual call from the Chair of the Faculty to make themselves eligible,” but it could be, you know, “all full professors” full stop. Senator **DeBerg**.

DeBerg: I'm in favor of “the Panel of Faculty Conduct shall consist of all tenured, fully-promoted faculty members” period. And then “When notified of the necessity, the Senate Chair will randomly select 25 names.” And I don't care how

that happens. They can throw darts at a faculty list or something, but I do think that it would be good to get this idea across, and to start implementing it, that membership in the fully-promoted ranks requires this kind of commitment to peer review. I just think that's vital. I mean, I

Peters: And so—so Senator **DeBerg**'s suggestion would—[amending the document on screen] I add that in there, and I'm not going to take out the language yet

DeBerg: Right.

Peters: because we haven't decided, but it—she would also just, period, right there at the end of “tenured fully-promoted.”

DeBerg: Period, and then eliminate the rest of it.

Peters: Right.

DeBerg: I just want to say one more thing. People—you know, someone if they were then randomly selected, and, I don't know, they just had surgery or, you know, I mean, there are reasons that a fully-promoted faculty member if randomly selected could send to the Chair, and this Chair could say, “Well, that's a good excuse. I'll have to randomly select a replacement.” I mean, I don't mind a process like that. So there'd be some flexibility in it, of course.

Peters: Senator **Neuhaus** and then Chair **Funderburk**.

Neuhaus: Just one thought on that. I like this idea. My only worry, the Library suffers a little bit under the same problem as the Computer Science Department does. There might be certain cases where you needed some expertise within even a Department, but certainly within a College. You might not completely address that. I don't know whether you could put a clause in there. I really like this solution from almost all cases. I mean, it just saves a lot of headache, and it kind of just indicates to everybody, “Hey you are onboard. You are tenured faculty member here. You are a full professor here. You have this responsibility with that promotion.” But I wonder—or whether people can be called as witnesses or something like that. Maybe they aren't on the Panel, but they can simply be called

in, you know, as a consultant or something like that where you would just serve to clarify something in that area.

Peters: Senator **Gallagher** and then Chair **Funderburk**.

Gallagher: Oh, I was just—I think that someone certainly would be consulted with. I don't think it gets in the way, and I'm trying to envision a scenario in which some specialized knowledge is that crucial, but in the event that it is, certainly members of the Committee would seek that out. I mean, it's not

DeBerg: They could be called as witnesses.

Peters: Chair **Funderburk**.

Funderburk: I'm very supportive of that. It's—I think there's a practical issue that makes us--because this is not a Committee that's going to get used regularly every year. [voice: hopefully never] Exactly. But it puts it in place in a way that we're not wasting a lot of energy trying to maintain something year after year. I already know there's problems on the other Panel, people who got on the Panel and were never asked if they would be on the Panel, so they're objecting. This, at least, makes it clean and easy. I think we'd have to trust that a Panel of full professors would recognize when they needed expert advice that they are going to have to look outside the group and ask for it.

Peters: Senator **DeBerg**, I saw your hand up a minute ago. No? Senator **East** and then Senator **Dolgener**.

East: I'm opposed to limiting it to full professors. I know some full professors on this campus that I wouldn't trust to throw darts at a piece of—at a board that had lists of names on it. Certainly wouldn't want them—wouldn't want to pick these people randomly, because then you'll get some of those full professors that I'm speaking of. I don't have any confidence that being a full professor gives you any better judgment than being a faculty member. And so I think tenure provides the protection for the faculty member that is necessary for exercising judgment on this Committee and that there's nothing that—nothing that I know of in any Department's requirements that say, "Oh, full professors have to have judgment,

too.” So I’m passionately, extremely opposed to limiting this to full professors. I do agree that that makes it easy. So

Peters: Senator **Dolgener:**

Dolgener: The other issue regarding random selection is you could randomly select someone within that person’s Department, so you’d have to have some kind of a black list to eliminate those.

Peters: Yeah. The Policy actually says that it can’t be somebody who’s in the Department, so, I mean, we could add that to the—we could add language from the Policy to the Charge of the Committee. It specifies—yeah, the Department and maybe something else. I can’t remember. Can’t be a member of the Senate actually, I think, because the Senate has to choose, has to narrow it down to the final 5. Let’s see, I had Senator **Gallagher**.

Gallagher: I was just going to address Senator **East**’s concern. I think that we probably can think of people at every rank that may not have the judgment we are looking for. My concern is not that somebody—Senator **DeBerg** was right about that we can’t have retaliation, but I’ve seen associate professors demure and sort of self-censure, just automatically almost, and that’s my biggest concern. Does that make sense?

East: Not to me. [laughter all around]

Gallagher: Ok, well--

Peters: Phil [**East**] isn’t usually described as demure, so... [more laughter] Senator **Hakes**.

Gallagher: He’s shy.

Hakes: When you put your period in there [on the amended projected document], did you mean to put it after the word “faculty members”? Kind of

Peters: Yes, you’re right. Yep. Thank you.

Hakes: just scoot it over there. And I would agree that it's not an issue of judgment at all. I'm just saying if I were the person who felt like I was wrongly fired and my beef is with the Provost, I don't want the Committee that is making judgment on this, regardless of their quality of judgment, to have ANY possibility of it being—of going up for promotion in the next few years. There's, I mean, the conflict of interest is enormous. It's not small. It's not subtle. It's huge. I'm thinking of the person who thinks they're wrongly fired. I'm not worried about the expertise of—I'm thinking about the person who feels they've been wrongly fired, they have the right to have an opinion come forward from the faculty that is as unbiased as possible and not one person is nervous on that Committee. It has nothing to do with judgment.

Peters: Just—I—a quick comment. I sense that, while not unanimous, we are coming to a consensus on this, and in the interest of time, I'm going to urge us to be brief. Chair **Funderburk** and then Senator **Swan**.

Funderburk: While it doesn't help the investigative committee, the concerns there about, there are people, in fact, I don't want on there, but if we're starting with a list of 50 and it's going to get whittled down to 5, you would hope that at some point those are part of the reasons you are whittling some of those people off.

Peters: Senator **Swan**.

Swan: So I'd like to direct our conversation to the randomness business again, and I'd really like to change that. I don't know how the Chair, Senate Chair, or whoever it is, would be conducting it randomly, and so I'd like to give some direction, some—maybe even to say “select with an eye towards balancing all factors, including, you know, disciplinary traditions.” There are really—when we're talking about faculty conduct, there is conduct of some disciplines that to other disciplines really looks outrageous, and conversely, there's some conduct in some disciplines that looks stultifying to other disciplines, so you don't want to randomly select a group of people who is not going to understand that in the actual professionally-expected conduct of a discipline. So you need some balance and representation, all things considered. By this point we have lots of factors going into it. You can't be on the Senate, etc., you can't be in the specific person's administrative department, yet you certainly could be in the discipline and be on this Committee. So, I don't—the two reasons opposed to randomly—random selections I don't know what

their—how it could be random at this stage and what that would entail. And then, of course, it's a disservice to actually be random. It could produce a Committee that would be terribly imbalanced and provide necessarily flawed recommendations. So some kind of balance instead of—you know, good faith attempt for balance.

Peters: Senator **Terlip**.

Terlip: I think that that could be very simply stated as “a stratified random sample drawn from the Colleges with both interests being recognized from CHAS.”

Peters: Senator **DeBerg**.

DeBerg: Well, keep in mind that the person accused gets to strike 10 from the final list of 25, and keep in mind that the person accused can bring experts as witnesses who know his or her field, if their scholarship is at issue. But one's scholarship is seldom at issue in termination of a tenured faculty member. That's an issue for promotion or not. And yet you can appeal that with an Article Eleven. [voices commenting/overlapping] Yeah, so, I mean, this is going to be—I don't know, some kind of, you know, moral turpi—I don't know what.

Swan: Well, what? That is what they're curious about.

DeBerg: Ok, so there was, you know, you don't empty your mailbox, or, you know, I don't know. [laughter around] Well, hey, you laugh. Ok, so I don't know what their reasons might be, but they're ter—they're probably not going to be highly specialized research questions. They're going to be things that the Administration believes are just cause for termination of a tenured person or of a term person in the middle of a term. So, I think having ability to strike 10 from a list of 25 and having the ability to bring in expert witnesses are a lot of protection, from a rand—and I think the idea of a random selection saves so much trouble.

Swan: Can I follow up?

Peters: Senator **Swan**.

Swan: Well, I'm just trying to understand. I think I'm understanding Senator **DeBerg**. Because of the striking process, there's not going to be balance. Is that part—you know, in all likelihood?

DeBerg: Well, you could

Swan: Because the other side strikes as well, and so

DeBerg: Well, I mean, what you think of as balanced no one else in the room might think of as balanced. I don't know what "balanced" means to you?

Swan: Well, no, that's right. And so that's what you're saying, so I'm understanding, that there's no way to have

DeBerg: And I wouldn't want

Swan: anything other than a group of loosely-defined peers, but the best we could have as peers.

DeBerg: Well, I won't—I don't want Senator **Peters**, as much as I like him, deciding what a good balanced group would be for me. I want to do that. I get to strike 10.

Peters: And that's one of the reasons why I—I mean, I'm imagining myself having to do this, and I mean, that

Swan: So, so what are we—so is this another option so the Chair isn't coming up with anything. We just have 50 full professors that are now being struck by the 2 sides?

DeBerg: No, we have 50 that the Senate boils down to 25.

Peters: Chair.

Swan: Well, the Senate or the Chair.

Peters: So the Chair would select.

DeBerg: Oh, I'm sorry.

Swan: Well, this is what I'm saying. I don't want that to be random, but you do want it to be random? [many voices at once]

Peters: Senator **Cooley**.

Cooley: If the—if the Senate Chair selects this pool intentionally, then you're giving a lot of power to the Chair, right? If it's random, it's just random. There's no one's intentionality attached to that particular selection, right? That pool of selected people.

Terlip: And I can understand some distribution among the Colleges in that random pool, but that's it.

Cooley: Yeah, I mean, you could—yeah, you could just describe or you could limit random to the degree that you'd want to have it be a representative pool of who

Swan: But that's what I want.

Cooley: But you don't want the Chair to handpick, "I want this one, this, this one but not that one," because then you're actually assigning perhaps too much power to the Chair.

Swan: But the Chair does have to do that to a degree, because there are other things that the faculty member can't be—on the Senate, in the Department. I mean, one has to think about things. [many voices all at once about striking those from the very beginning]

Peters: Senator **East**.

East: The wording of the Regent's stuff [found under 4.b. at:

http://www.uni.edu/senate/sites/default/files/petition/1973_faculty_dismissal_bor_process_1.pdf]

says, "The elected members of the Senate, exclusive of the officer who submitted the list of twenty-five names, shall selected by secret ballot a total of twenty-five faculty members from the lists submitted to them." [Voices clarifying "of the 50"] Of 50. "If the first ballot does not provide a consensus of twenty-five, or if more

than five names are from any one department or bureau, subsequent ballots may be passed.” So the Senate is going to narrow from the 50 to the 25 from which the Provost and the faculty member in question will be starting to strike.

Swan: So, getting to that 50, how do we get to that 50?

Peters: 25 selected by the Senate Chair, 25 selected by the Provost without consultation with one another. Now we could end up selecting some of the same people.

Swan: Ok, but that’s a little farther down the line. So you bring the Senate 50 people, we select 25 from that.

Peters: I bring 25 to the Senate. The Provost brings 25 to the Senate.

Swan: Oh, and then that’s the passage that you were reading?

Peters: And then the Senate takes from—the Senate whittles that down to 25. Then each side gets its preemptory challenges.

Swan: So how do you bring 25 to the Senate?

Peters: Well, under this proposal, random. [voices saying “random”]

Swan: And so are you going to do a statistically randomly in any [voices overlapping—neither distinct]

Peters: Well, I mean, we could require that. We could say, you know, “a random selection that—random selection process that roughly mirrors the” [several voices, differing ideas]

Swan: Well, I would be fine if we stipulated literal social science random sampling. I would be fine with that, but I don’t think—we’re not—unless we—if we don’t stipulate that, I don’t like “random” because it’s just making things up, right? And it’s not random. It’s your biases that aren’t registered.

Peters: Chair **Funderburk**.

Funderburk: I think two things about this. One is that if you get 50 full professors through this process anyway, there's—I can't imagine it not being pretty well dispersed. It would be hard to do. Second is I'm not comfortable with putting more restriction on how the Chair picks things than the Provost. The Provost is just selecting under whatever guise the Provost chooses. I would trust our Chair to do whatever seemed to be best at the moment random.

Swan: I would, too, but that's not random. And that's what I'm saying. I agree with that.

Funderburk: I would be comfortable with the idea of "random" being dropped entirely. That was where I was going.

Swan: I am, too.

Funderburk: As opposed to coming at it with some system that says you'll take every third full professor's name, and then [voices saying "that's random"] Yeah.

Peters: In the interest of time, what—quick show of hands. Who can support a—let's do it actually in reverse. Who prefers leaving it entirely up to the Senate Chair to select those 25? So we would have a statement "that full professors constitute the pool and that it's up—completely up to the Senate Chair to select those 25." I see about 5 or 6 people. Who wants some form of random required—that the Chair select randomly? 8 people. Are people more comfortable—if "random" is the way it's going to go, are people more comfortable with some kind of language that specifies that the sample that comes out should be roughly proportional to [voices saying "that's not random"] I mean, there's a way to—that's what Laura [Terlip] was talking about in terms of stratified sampling, was to try to make sure—you could do a random sample from faculty of each College essentially is what I'm saying, so that [overlapping voices]

Neuhaus: _____ when the Senate's going to vote and they realize that CHAS has more representatives here in the Senate than any other, so, you know, there would be that influence when we're voting among that list, that that would

Peters: Right. I mean, if everyone has a likely, an equal chance of being selected, it should turn out that way anyway. [voices commenting through this]

Terlip: Well, I suggested that, because people wanted it to be more representative.

Peters: Or we just leave it up to the Chair to figure out how to make the [voices commenting/overlapping] Senator **DeBerg**, and then I think we should come back and try to vote on this.

DeBerg: I mean, I would like it just to stay random because we're not always going to have a social scientist as Chair of the Senate, and I would have to study a statistically random method for weeks before I implemented it.

Terlip: Actually, Betty, _____ it's done.

DeBerg: I would like to just draw numbers 1-200 out of a hat, assigned alphabetically. That's how I would pick them. Random.

Swan: I would like that stipulation, too. That's better. Or the best judgment, good faith judgment of the Chair is my actual preferred stipulation. But—I think that's what random might mean to Senator **DeBerg**. Just go and say, you know

DeBerg: Well, the Chair of the Faculty could—the Chair of the Senate could report how random was used in delivering these 25 names.

Peters: Ok, I think in the interest of time we are—we are being very late on time, and we still have one item to talk about, so I don't know now that's going to go, but in the interest of time, can we get a motion to rise from Committee of the Whole? I think we have broad consensus on a couple of things and slight—and some division on a couple other things, but I think we've kind of gone as far as we're going to go on this. Senator **Walter**, did I see a motion? [assented non-verbally] Is there a second to rise from Committee of the Whole?

East: Second.

Peters: Any discussion about rising? [none heard] All in favor, please say, "Aye." [ayes heard all around] Opposed, "No." [none heard] Can I get a—I think the

easiest way to do this, can I get a motion to divide the question to consider the Faculty Welfare Committee first?

Terlip: So move.

Peters: Senator **Terlip**. Is there a second to that?

DeBerg: Second.

Peters: All in favor of dividing the question between Faculty Welfare Committee and the Panel on Faculty Conduct, please say, “Aye.” [ayes heard all around] Opposed, “No?” [none heard] Ok. This [on projected screen] was the proposal that had the—that had near unanimous support in Committee of the Whole, “the Faculty Welfare Committee shall consist of the Chair of the Faculty, the Chair designee, and a designee from the CHAS Senate, and the Chair or other designee of the other College Senate. All members of the Faculty Welfare Committee shall be tenured.” And then the charge as you see it there. Can I get a motion to approve this?

Terlip: So move.

Peters: Senator **Terlip**. Is there a second? Senator **Breitbach** I saw. Is there any further discussion on this issue? Senator **East**.

East: I’d like to point out that I think that while the—while CHAS is a large College, the College of Ed. is essentially the same size. I think we have similar number of representatives on the Senate. [voices murmuring]

Peters: I think CHAS is close to 40% of the faculty, I think. Is there other discussion? All in favor of —seeing none, is there any objection to proceeding to a vote? All in favor of the Faculty Welfare Committee membership and charge as you see it here, please say, “Aye.” [ayes heard all around] Opposed, “No?” [none heard] The motion carries. [see Appendix 7 for Recommendations and Appendix 8 for Amendments]

As for the Panel on Faculty Conduct, the mark-up on the screen I think reflects the—what was the broadest level of agreement in our discussion as Committee on

a Whole [sic]. “The Panel on Faculty Conduct shall consist of all tenured, fully-promoted faculty members” sorry I accidentally lined that out “all tenured, fully-promoted faculty members.” And at the end we’ll add language straight from the 1973 Policy that says that the Senate—you can’t serve on it if you are a member of the Senate or if you’re from the same Department. And that language—that will come straight out of the 1973 Policy. Any further discussion on this? Senator **Cooley**.

Cooley: I don’t think that we addressed the last suggestion by Jeff [**Funderburk**] that if the—the faculty—the Senate Chair has to select his or her pool randomly, does the Provost have to adhere to the same sort of configuration?

Peters: They’re not. I mean, so far we haven’t done anything that would attempt to restrict the Provost in what she can do, and I’m not sure if we can really do that. I mean, we can certainly encourage. The last line here is supposed to note that the Provost selection can also come from this Panel, meaning the Panel of tenured, fully-promoted faculty members, but she would be free, I think, to select associate professors. Other comments? Seeing none, we’ll proceed to a vote. All in favor of creating and charging the Panel on Faculty Conduct according to the Proposal you see on the screen, please say, “Aye.” [many ayes heard] Opposed, “No.” [one heard] The motion carries. Thank you very much. [see Appendix 8 for Report and Recommendations and Appendix 9 for Amendments]

We have 8 minutes left in our regular meeting time. Can we get a motion to extend for maybe 15 minutes and see what we can accomplish? Senator **Terlip** moves [non-verbally indicated]. Is there a second?

East: Second.

Peters: Seconded by Senator **East**. All in favor, please say, “Aye.” [ayes heard all around] I’m sorry. Any discussion of the motion to extend? I apologize. [none heard] All in favor, please say “Aye.” [ayes heard all around] Opposed, “No.” [none heard] The motion carries.

DOCKET 1079 RECOMMENDATIONS OF AD HOC COMMITTEE ON CURRICULUM
REVIEW—FINAL RECOMMENDATIONS (REGULAR ORDER) (**MACLIN/KIDD**)

[see Addendum 10 or go to: http://www.uni.edu/senate/sites/default/files/cm_proposal_as_of_4-25.docx]

[see Addendum 11 or go to:

http://www.uni.edu/senate/sites/default/files/petition/suggested_policy_changes_on_curriculum.docx]

Peters: Ira [**Simet**, Chair of Ad Hoc Committee on Curriculum Review], can you join us up here? Professor **Simet** and his Committee has been hard at work on this proposal, and they've been trying to vet this all around campus, and they've been to, I think at this point, all the College Senates, right? But I think—or this has been an ex—as you know, as you all know and as we've already talked about, this has been an extremely busy semester for College Senates, and so it was pretty tough to set up consultation times, and so

Simet: Especially because some of them meet on Monday afternoons like you guys do.

Peters: Yeah, when we meet. So

Terlip: You do need to run it by the Library.

Simet: We still have several to meet.

Peters: So there are still several groups on campus to run this by. So, it's—I'm not sure if we should quite vote on—to recommend on the final recommendations on all of this yet, but, Ira, could you kind of update us on what you're hearing from all the Senates and where you think things are headed and what kinds of changes you feel might be necessary, given the feedback you're getting.

Simet: Ok, I'd be happy to. I just jotted some notes to summarize the feedback I've been getting. As Scott [**Peters**] said, we've already met with the Collegiate Senates and the Graduate Council and the Secondary Education Senate, and I've been harvesting their feedback, so I think the gist of it is that there's widespread support for more faculty input into curriculum, particularly in program terminations. The language that we've been working on that would route those types of decisions at least through the curricular process also gets very widespread support. Having kind

of a centralized faculty point is broadly supported. The concerns are with the machinery and the way that it would operate, and I think I can subdivide that into two areas of concern. One of them is that the powers that that—if we're proposing creating a faculty committee that would be monitoring the health of programs on an ongoing way, which was the chief proposal, there is some concern about their powers. First of all, do they get to set their own criteria is a question we're having—we're hearing a lot. Another one is to confirm that they're advisory only. There's some concern that they would actually have the power to close programs. We've tried to assure people that they would not have that, but some people are worried about that. There's a great sentiment that the information that that group gets or in some of the decision-making or the recommendations they're making should be transparent and available to all faculty. And then there are some questions about who they would report to, and we—the last time I was here we talked a little bit about reporting to the Faculty Senate, but there are some ideas that maybe they should report to some other groups that have a big interest in this. The Graduate Council is one that came up. Of course you can take it to just smaller and smaller groups all the way down. The question is: what's the threshold? But those are the concerns about the powers of the committee. We could certainly limit those with language, I think.

The second concern, and the one that's a little bit larger, is the workload that's involved in this. Many people invoked the APA evaluations that were done in 2008, 2009, and how much work that was. And some people feared that a reincarnation of a process like that would be unduly burdensome. There's much more support for the kind of screening we talked about the last time I was here, where some criteria would be pulled out as preliminary indicators that would trigger further review if there was some sense that programs were struggling, and then there would be some more in-depth conversation, particularly with an opportunity for those programs that were at risk to come back with additional information at that point. That gets a lot more support than the idea of a committee that's doing a lot of work every year.

A second thing that came up as a corollary to that is membership structure that we proposed. Everybody has their own ideas about who should be on this committee, how large it should be, how small it should be, who's on it, and so on. So that will have to be addressed. Some people have suggested as a solution to that problem to take—to use existing Bodies and have them take on this responsibility. Anytime

that's been suggested to me, I've pointed out that this is contradictory because everybody appreciates that this committee would be doing a lot of work and now you want to put it on a committee that's already doing a lot of work, so I wasn't too supportive in return on that. But some people thought it might be seconded to the Undergraduate Curriculum Committee or the Committee on Program Review or possibly to create a Senate subcommittee, a few members that would be something parallel to like the Educational Policies Commission or something like that, rather than a separate independent Body, would use people who are already on the Senate. These are all ideas that have popped up.

Last but not least, everybody seems to agree that getting people to help, getting people to agree to serve on this committee would depend on how much influence the committee was thought to have with the administrative decision process, that if the committee is going to do all this work and the work is going to be ignored, that nobody's going to want to do it. So, I asked what it would take to persuade people that there was some influence there? I didn't get any good answers on that one. So, the thing that was talked about last time about having the Provost provide some written explanations for disagreements at the end of the decision-making process was welcomed, but not everybody believed that that would be adequate evidence that there was some influence here. In fact, one person said, if there's a disagreement, it means there isn't any influence. I wouldn't agree with that, but this is the kind of thing that we're hearing regularly.

So I guess I could summarize that main point by saying people would like to see more faculty input, and they like the fact that there'd be a vehicle to look at programs across the campus with a faculty perspective, but they are not persuaded that we can come up with a device that will work at the appropriate level with a trade-off of additional work for additional influence. They think that's going to be difficult to achieve, I think would be a fair way to say it.

As far as the rest of the points that we made, there's great support for going to a one-year—or the fact that you could propose programs every year. I had to assure people that that didn't mean that all the decision-making would boil down to one year of processes, that if you propose something in a year, it could still take two years to go through the process, and that relieved some of the concerns. But everybody thinks that's a good idea so that there isn't that crushing urgency we talked about where things can only be done every 2 years, when you come up

against the deadline, decision-making gets fast rather than thoughtful. Some people thought that everything came in in one year's—if you could propose things in every year, there might be some confusion about how far along things are. But I think that's already compartmentalized. If it's coming to a Senate, to a Collegiate Senate, it's early in the process. If it's coming up here to the Faculty Senate, it's going to be later in the process. I don't think that's—I don't credit that concern very much. I think people will deal with what's in front of them, and as long as there's an orderly process, I think we'll be ok.

A lot of people thought that if we were going to go to the one-year cycle, that triage idea was an absolute must, the notion that we could divide things that were quite substantive from things that had much less decision-making associated with them. Some people wanted to know who would do the triage. I said, I didn't—the machinery hasn't been settled yet. So several suggestions were made, including having several people do the triage, and if they all agreed, something could go on to the—what we called the “consent agenda,” then it would go there. If anybody wanted to pull it out, if any Body, say the Faculty Senate or the UCC or anybody wanted to pull something out and keep it on the discussion side, that that would be sufficient to pull it out of the consent agenda, so the only things that could go on a consent agenda were things that everybody agreed were low level and didn't need a lot of discussion. So I think that's something we could probably do.

And then the other thing that we proposed, to check structural changes to see about curricular implications. Several people thought we were already doing that. So, they just wanted to see that there was some language that assured that that would happen again, and I said that was probably something we could do as well. I thought the smaller things seemed very doable. The notion that there would be a way to monitor programs, and there would be either a committee to do that or some criteria to do that. Everybody likes the idea but there are concerns about how it would actually work. So, that's about what we hear.

Peters: Thank you. So—ok, so high levels of support for the changes to the curriculum process itself with, of course, the recognition that there's a lot of details to be worked out. I mean, obviously, the Curriculum Handbook would have to be rewritten and all kinds of things like that. Support for the goals of Recommendation 1 but a lot of concern about what you call the machinery, how it actually gets carried out and what exactly that committee looks like, what its charge

exactly reads. And then on what I—what reads on our proposal is Recommendation 4, the Policy Changes, broad support for those.

Simet: Yes.

Peters: Ok.

Simet: Yes, I asked that question specifically because you might remember the original proposal specified that no program could be terminated without Faculty Senate approval, and we've had to pull back from that some. We've had a chat with Provost **Gibson** and recognize a little bit about the way that process works. And now it seems the faculty—as long as the faculty voice is present, centralized, and part of the process, that seems to be satisfying most of the time.

Peters: Senator **DeBerg**.

DeBerg: I have one major concern about this document. When we talk about programs in this document, we are leaving out two maybe the most central programs that we have here, the Liberal Arts Core and the Teacher Education Program. So I would like it noted in this document, in writing, that the Liberal Arts program and the Teacher's Education Program are central and that there are other Bodies that monitor and make recommendations in regard to the health and vitality of those programs. That's really important to me given what happened in the last year. And in regard to the diagram then as a—you know, I still feel close to the Liberal Arts Core Committee. The Liberal Arts Core Committee actually can make its own curriculum recommendations that don't have to start with the department faculty, so it has to have its own special place. It's not just a consultative function. I don't know if the

Simet: That's not—that's not our diagram. That's been lifted out of one of the curricular documents here.

DeBerg: Oh, ok. Well, then that's not right. And I don't know about the Teacher's Ed. group, if it has that power, too. But I know the Liberal Arts Core Committee can make curricular proposals without starting in a Department.

Peters: Other comments at this point? Yes, Senator **East**.

East: I worry about moving forward very quickly with this, and I worry my outgoing comments about this will be that I think the Senate has made the curriculum process less rather than more faculty-oriented when they changed the Policy that said “the Senate will only rubberstamp what the Curriculum Committee does.” A Curriculum Committee is composed of 7 or 8 faculty members, versus the Senate which has 30 faculty members. To even think that the Curriculum Committee is a better Body to exercise faculty approval or faculty oversight of the curriculum as opposed to the Senate is a terrible mistake. We have lessened faculty control of the Senate—of faculty control of curriculum when we did that. Any changes in the curriculum process needs to fix that. The triage we’re talking about might fix it, but I think it’s very important that a much broader representation of faculty approve any substantive change in curriculum. And I’ve seen the Curriculum Committee work, and they—and I’ve seen the curriculum process work, and I don’t have great confidence that they’re exercising the kind of faculty control over curriculum that we really want to have happen. I think something needs to happen there to make that much better. I don’t know what it is, but I feel like that the Senate shot itself in the foot when they approved the policy that said we’ll rubberstamp whatever the Curriculum Committee does, and I highly encourage the Senate to fix that.

I also want to reiterate my last comments at the last time we talked about this. It is necessary in the curriculum process to also ensure that Department Heads are not the ones that—are not the sole entity approving curriculum, consulting on curriculum changes. The current process only requires a Department Head. It does not require a faculty member, and so I think that’s a problem that has to be overcome, and I think also we have to have—in order to ensure that faculty control—faculty oversight be there, that all the curriculum proposals have to be available to all faculty members. Very easily available. As a Senate member, I tried to look at some of the curriculum proposals we worked on recently. I couldn’t gain access to them in any kind of transparent process, and you can’t have faculty oversight of curriculum if they can’t see the curriculum changes proposed, if all faculty can’t see those changes. It’s necessary to fix that. I won’t be here at the time you deal with this. I hope somebody else is going to take this battle up and fix it, because it’s broken. Thank you.

Peters: Just I’ll note in the interest of time we have 7 minutes left until 5:15. Senator **Swan** did you have anything to follow up on that?

Swan: Yes. Ok, so, Professor **Simet**, I want to thank you for doing this thankless task, and it really is. And to say there's several things motivating your Committee working on this. Some of the things that happened over the last several years, and I think it does—we do well to remember that. And some of these are very competing and different and distinct facts. For instance, there may be some faculty desire to have some faculty way of figuring out what program to close. And so I hear that in your Report and I read that, and that's some—you know, we don't have a faculty way of figuring out what the faculty thinks should close or not. So that—I mean, maybe we need something like that.

Other factors, the faculty has closed programs. If majors and minors are programs, and that's what programs are on this campus, the faculty for decades have closed programs and have done it this way. And that involves—that's the legitimate way to close a program, right? And so that's what—we already have that system in place. If we're replacing that system, well we need to know exactly why. Of course, the Board and the Administration can take funding away and do other administrative things that have practical effects, but academic programs are still in place until the faculty does them—does away with them. And so I urge your Committee to remember that and remember that that's our process at hand. And if it didn't work, something else in the process is going on that didn't work. It's not necessarily that the faculty didn't know what they were doing or wanting or some way—other things going on that your Committee can't address, can't fix—a process fix isn't going to fix. And to know—and your Committee, I think they know, your faculty know, that we all know that. We all understand that. And so not to try to propose fixes to things that aren't in themselves broken, right?

But the first part that I mentioned, that sometimes faculty think there needs to be a faculty way, and some of us thought Program Review, which you're actively a part of, some of us have learned wrongly—that we've been wrong—that that was where faculty reviewed programs and then figured out, "Oh, this program needs to close and be combined with this other one. We've learned that that's not the case. I think that we might try to use that process to be the faculty way to figure out what should go on on campus—new programs, closing programs, combining programs, this sort of thing. But, again, thank you for this thankless task, but also please don't try to propose—please don't bring proposals to fix things that actually were broken through other mechanisms and other means and not by the process itself.

Peters: Ok, let me know—we've got just a few minutes left, and I know there's 2 people in the queue at the moment. Let me just—first of all, Provost **Gibson** had to leave. She had a commitment at 5:15. We—ok, it's obvious that we—we're not—we can't quite approve this, yet. I mean, all the consultation hasn't quite taken place. I think as we look at how to handle this, can we at least get a sense from the Senate that this Committee should continue its work and work on trying to implement some suggestions along these lines for next year? Ok? That we'll pick this up again in the Fall. Is there—I mean, I know that there's a lot of details to work out, and this—none of—it was never going to be the case that all the details were worked out this year. Our hope was to get approval of a framework like this this year. We can't quite get approval. But if all the consultation can finish up, maybe, you know, even yet this year or in the Fall and we could get quick approval of the framework in the Fall, then we could start working on changing the Curriculum Handbook, if necessary. We could start working on the details of whether—what the Committee would look like or whether, in fact, the tasks are given to an existing committee or what have you.

The one thing that we could potentially act upon today where I think there is widespread agreement and where the Provost agrees and is supportive is on the Policy Recommendations. And now we're at 5:13, so I don't know if we feel like we want to try to have a discussion about those and pass those or leave that as our first item of business for the Fall. These are 3 additions to University Policy on curriculum changes. [see Addendum 11] One would add a line indicating the termination of programs requires the same approval process as creation of programs. The second addition is to require that the Executive Vice President and Provost and the President report their actions back to the Senate. And then finally, a requirement that any expansions, divisions, mergers of colleges, etc. must be reviewed by the Senate for curricular implications. Senator **DeBerg**.

DeBerg: Well, I would—this is my last meeting, so I want to say one thing about Ira [Simet], I hope that your Committee will look at what the Board requires in terms of a big study for program closures since we didn't begin to give the Board this information. That's important information, and one would hope that we will have Administrations and Boards who enforce Board Policy in the future. Secondly, I would like to say that the President and Provost shall report their actions to the Faculty Senate in public meeting. I don't want any of this stuff to ever happen in

Executive Session. I feel so ripped off by being—felt forced into those Executive Sessions when they gave us these overheads of closed programs. And I don't ever want that to happen in regard to any of these procedures ever again. These things have to be done in public Senate meetings. I'm sorry the Provost couldn't be here for that.

Peters: Senator **Terlip**, I skipped you. I apologize.

Terlip: I would agree with the things that Betty [**DeBerg**] has mentioned, but I would also like the word "timely" public settings so that we would get the report back. I also initially wanted to say that I don't know that the Senate has given up some of the powers that Senator **East** alluded to. I think that it's been more a habit that we've agreed with the Curriculum Committee, and I don't think there's anything in the process which keeps us from questioning proposals when they get here. Further, we have to approve the Curriculum Handbook in those policies, so, if we have concerns about making sure stuff needs to be shared and that Department Heads can't do it, I think we've already got that mechanism in place. Next year or whenever the Curriculum Handbook comes back up again, we make sure those things get put in, and we don't need a new process to do that.

Peters: Vice-Chair **Smith**, we are just about out of time here.

Smith: I move that we approve the proposed policy changes with the amendment of "timely public notification" or "public meeting" with that.

Breitbach: I'll second.

Swan: We're out of time for such an important matter.

Peters: We are past time. If we're going to continue, we are going to need a motion to extend.

Smith: Move to extend for 5 minutes.

Terlip: Second.

Peters: Motion to extend for 5 minutes. Senator **Terlip** seconds. Is there any discussion? All in favor, please say “Aye.” [ayes heard] Opposed, “No?” [nos heard] I need the division of the house. Quick show of hands, please. All in favor, please say “Aye,”—this is in favor of extending debate for 5 minutes. One, two, three, four, five, six, seven, eight. Opposed, “No?” One, two, three, four, five, six, seven. The motion carries. Senator **Swan**—sorry, Vice-Chair **Smith** moved and Senator **DeBerg** seconds a motion to approve these policy changes. Discussion.

DeBerg: With amendment, I seconded his amendment.

Peters: Sorry. Yes, with amendment.

Smith: I think this is important because it’s going to help us with AAUP, and I think we can, you know—the other heavy stuff we can do next year in this Committee, but I would like—I think it would be nice if we gave this Committee more of an endorsement. Quite frankly, I wish we were approving the Committee—the proposed Committee on kind of a temporary basis, but I think with the policy thing, it is beneficial for us in dealing with AAUP. And I don’t think that that—really anything there should be all that controversial.

Peters: Are there other comments? Senator **Swan**.

Swan: So how does this help us with AAUP?

Peters: It demonstrates the, first of all, the Senate action to reclaim prerogatives in terms of shared governance, and if the Administration approves it, it demonstrates some commitment on their part to change. Senator **Terlip**.

Terlip: Yeah, I think that the statements we would put in the policies would alleviate some of the concerns about the Administration not following the process, because that says, just a like a new program, they follow that process, so it would definitely make that happen. Secondly, this is completely off topic, but I just want to make sure we get it in the record, I still would like some follow-up from Marketing and PR about that Policy, because we still have not heard officially back. So, Jerry [Chair-Elect **Smith**], can you follow-up on that?

Peters: No, it did. They—the President approved the change that we suggested.

Terlip: Did they?

Peters: Yes. Yes.

Terlip: All right. I had not heard that report. All right. Thank you.

Peters: Other comments on this proposal? Seeing no—yes, Senator **East**.

East: This is Recommendation 4?

Peters: Yes, this implements Recommendation 4 from the Committee.

East: Thank you.

Peters: Three—three insertions into the University Policy 2.04 on Curricular Changes. Senator **DeBerg**.

DeBerg: Well, I do have to say this. I mean, United Faculty is going to arbitration probably this Summer to try to get the Administration to have to follow its own Policies and Procedures. It has argued in grievance cases that Policies and Procedures aren't binding on it, which is sad but true. So, you may hear word about how an arbitrator decides on this. But at least having it in Policies and Procedures is better than not.

Peters: Any further discussion? All in favor then of these—recommending these changes to Policy 2.04 Curricular Changes, please say “Aye.” [ayes heard all around] Opposed, “No?” [one heard] The motion carries.

ADJOURNMENT (5:20 p.m.)

Peters: And, if there's no objection, we will adjourn.

Submitted by,

Sherry Nuss
Transcriptionist
UNI Faculty Senate

Next meeting:

August 26, 2013
Maucker Union
University Room
3:30 p.m.

Follows are 12 Addenda to these Minutes.

Addendum 1 of 12

Letter to UNI Faculty from Faculty Chair Jeff Funderburk

Colleagues,

As we approach the end of the academic year, I want to offer some observations based on this year's work in shared governance.

The past 2 years have presented our faculty with a large number and variety of challenges, some of which have shaken individual colleagues and entire departments. Thankfully, this year has seen some redress of selected issues, many due to the efforts of United Faculty. There are also signs of other positive developments.

The Faculty Senate has been busy dealing with a number of issues related to events from last year as well as working to improve shared governance on campus. Senate Chair Scott Peters will share more details, but all faculty members involved on the Senate deserve our gratitude for many hours of work, deliberation, debate and constant efforts to make UNI a more collaborative and successful institution.

As Faculty Chair, I have focused this year on trying to improve communications. Many of those efforts, in collaboration with Senate Chair Peters and UF President Dan Power, have taken place on campus. As one sign of improvement, there are now more frequent meetings between top administrators and faculty leaders which have resulted in a richer dialogue on topics of interest. Together we have worked to address many of the issues raised in the recent AAUP Investigative Report.

Scott and I have focused on developing opportunities for direct dialogue with the Board of Regents. Overall, we have been successful in increasing our ability to communicate directly with individuals on or associated with the board. While I don't pretend that we are able to have direct, demonstrated impact on board decisions, we are at least in some cases able to have direct communications and an opportunity to tell our story without having to go through a formal process or involve a lawyer.

Philosophically, I believe that the more we communicate, even on mundane issues, the greater our ability to communicate at times of stress and the more likely our conversation partners will be to hear our thoughts and concerns.

One key area of discussion with the President and the Board has been UNI's funding model. Our focus on educating in-state students has made us more vulnerable when there are reductions in state support and we more reliant on in-state tuition than either UI or ISU. The formula to fund the three Regents institutions has traditionally given 20 percent of the Regents' budget to UNI without consideration for the actual percent of the state's undergraduates we educate. While our

discussions on these issues haven't led to any solutions yet, I am encouraged that members of the Board of Regents more clearly understand the unique challenges faced by UNI and are committed to finding a way to improve the financial situation going forward. Additionally, we have increased support in the state government with allies who recognize the uniqueness of UNI and its value to the state of Iowa and seem committed to helping improve UNI's ability to compete and sustain itself. What this all may mean is not yet clear, but it is a major step forward as we continue to develop such a consensus.

While these may seem modest gains, they are significant. Addressing the challenges we face will require a complicated set of solutions. The greater our ability to dialogue with key decision makers, the greater our ability to have a positive impact. We are working to be proactive in order that we need not only be reactive following decisions.

For too many years, the only communication between UNI Faculty and the Iowa Board of Regents was handled by lawyers for United Faculty and the Board. While this is appropriate for some topics, the lack of direct contact between individuals causes both sides to lose sight of the fact that each side is made up of caring people and results in communications that lack depth, nuance and subtlety. The ability to talk directly with individuals from the Board and have them come to know UNI faculty members as the dedicated professionals that we are is significant.

Defining specific accomplishments is difficult, but that is the nature of relationship building. However, I am happy to report that, in my view, the UNI Faculty's relationship with the Board is greatly improved this year and communications on campus are better. We continue to face challenges and likely always will. Better communication will allow us to proactively participate in discussions with key decision makers.

Thank you for the opportunity to serve this year as Faculty Chair. Best of luck as you conclude the semester.

Sincerely,

[signed by Jeffrey Funderburk]

Addendum 2 of 12

Email from Chair **Peters** to Senators

Colleagues,

(This is one of the emails that I asked be appended to Monday's minutes. If you have objection to this, please let me know asap).

The Board meeting itself was pretty uneventful. But I wanted to call your attention to a few issues that were discussed at the Council of Provosts (COPS) meeting.

First, we discussed implementation of the state requirement to demonstrate continuous improvement in our courses. All three universities are doing their best to minimize additional work and are instead trying to document the assessment that already occurs in the hopes that this will be sufficient to meet the legislature's requirement. Recall that starting in the fall, we must document continuous improvement in all courses of more than 300 students (across all sections). At UNI, there are 62 courses that will fall under this requirement starting in the fall. In Fall 2014, it's all courses with less than 200 students; in Fall 2015, the threshold drops to 100. Attached you'll find UNI's plan, which mainly focuses on encouraging faculty who teach the same courses to compare notes about progress of their students. Many departments already coordinate efforts in this way.

We also discussed at COPS the current state of Smarter Balanced, the consortium Iowa has joined to implement the common core curriculum standards. After considerable back and forth with the public universities in Iowa, Michigan, Wisconsin and other member states, the consortium agreed to some revised Achievement Level Descriptors which I've also attached here. One of the key things for us to pay attention to within the next couple years is the development of the instrument to assess "college content-readiness." The institutions of higher ed in the member states will have an important role in helping to determining the cut points for on whatever exams are adopted for determining proficiency.

Scott

C. Scott Peters
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Department of Political Science
351 Sabin Hall
University of Northern Iowa
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UNI CQI Options

Continuous Quality Improvement Options for Courses at the University of Northern Iowa

Faculty at the University of Northern Iowa place high value on teaching and learning and examine the teaching and learning in their courses on an ongoing basis. The value UNI places on teaching and learning and expectations for assessment of student learning are clearly stated in the UNI mission statement and in the University Student Outcomes Assessment policy statement.

Faculty at the University of Northern Iowa currently conduct assessment of student learning at the program level and report on the results of that assessment activity annually. Annual reports include how assessments were conducted, what was learned through assessment, action plans for using assessment data, and update reports on action plans from the previous academic year. In addition, selected programs also conduct assessment activities through the accreditation processes of discipline-based professional organizations.

Continuous Quality Improvement legislation requires a plan for collecting and using information related to student learning in courses serving 300 students (beginning 2013-2014), 200 students (beginning 2014-2015) and 100 students (beginning 2015-2016) annually in all sections.

To conduct assessment of individual courses meeting as required by the CQI legislation, faculty will identify the strategy or strategies they will follow for gathering and responding to information on student learning and performance in affected courses. The following strategies for assessment of course-level learning were developed through conversations and connections with faculty and administrators at UNI:

- Faculty continue to use strategies they are already implementing for analysis of student performance and of factors within the course that contribute to student performance, making changes to and/or adaptations of their practice as useful and practicable.
- Faculty/instructors teaching a designated course meet on a regular basis at the end of each semester or the end of the academic year to discuss strengths and weaknesses in students' performance related to course outcomes, identify key factors related to student performance, and develop action plans for maintaining and adding to the level of student performance in future offerings of the course.

- Faculty make use of standardized tests to connect student performance in knowledge and/or skill areas related the course outcomes to aid in making decisions related to assignments, resources and student support in affected courses.

- Faculty make use of locally-developed tests to gather information on student performance related to course outcomes and use the information in regularly-scheduled meetings for discussion of student performance and course design and delivery.
- Faculty meet regularly to discuss national and/or state standards for professional competency related to course outcomes, student performance in relationship to those standards, and course activities, assignments, and grading strategies applied in the course.
- Faculty collect information on student performance through the use of selected questions from unit tests conducted over the semester and meet to discuss student performance and related action steps for future iterations of the course.
- Faculty compare course syllabi, connect course outcomes to elements in the course syllabi, and discuss student performance related to course outcomes, in order to identify strategies for ongoing development of student competencies related to the course.
- Faculty across sections of a course use an agreed-upon rubric for evaluating student performance on a major or culminating assignment for the course and examine aggregated results from use of the rubric to determine areas of students' strengths and weaknesses in application of course knowledge and skills, in order to identify assignments, activities and/or readings to enhance student performance in the future.
- Course faculty develop an end-of-course survey for gathering student feedback related to their achievement of course outcomes and to factors in the course that relate to their achievement of course outcomes.

Additional strategies may be developed by course faculty and implemented subject to prior approval.

Data and information related to course quality improvement activity will be documented and reported to Department Heads, College Deans, and the University Provost on an annual basis.

Addendum 4 of 12

Smarter Balanced—College Content Readiness Policy

Note: This document is excerpted from the introduction to the Smarter Balanced draft Initial Achievement Level Descriptors (ALDs) for both ELA/literacy and mathematics. For the full ALD documents, visit <http://www.smarterbalanced.org/achievement-level-descriptors-and-college-readiness/>.

Background

Representatives of higher education have been working closely with K–12 colleagues on the development of the Smarter Balanced assessments. This partnership is important because a primary goal of Smarter Balanced is that colleges and universities use student performance on the Grade 11 summative assessments in ELA and mathematics as evidence of readiness for entry-level, transferable, credit-bearing college courses. Connecting student performance to a tangible postsecondary outcome will send a clear signal to students, parents, and schools that the knowledge and skills delineated in the Common Core State Standards (CCSS) matter, providing individual students with a powerful incentive to do their best work on the assessments and demonstrating the clear link between students' K–12 experience and the demands of higher education.

The CCSS enable the development of policies to more clearly connect K–12 and higher education. The standards were developed by both higher education faculty and K–12 content experts to clearly articulate the knowledge and skills necessary for college readiness in English language arts and mathematics. The Smarter Balanced draft Initial Achievement Level Descriptors and College Content-readiness Policy takes that process a step further by defining the performance standards that students must meet in order to be exempt from developmental coursework (not only what students must learn but to what degree they must master the specified knowledge and skills).¹

College Content-Readiness Policy

In order to guide colleges, universities, and schools in interpreting student performance, an operational definition of “college content-readiness” and accompanying policy framework were developed by state Higher-Education and K–12 Leads, as well as the faculty and teachers representing their states at the ALD-writing workshop (see Tables 2 and 3). Together, the operational definition and policy framework describe how colleges, universities, and schools should interpret student performance. The definition of college content-readiness, policy framework and related stipulations were developed over the course of several meetings with the state K–12 and Higher Education Leads, as well as discussion with participants at the ALD-writing workshop. After each meeting, the draft was further refined. Like the ALDs, the definition and policy framework represent initial work that will be refined once student performance data are collected and analyzed.

¹ The term developmental coursework refers to non-credit courses designed to instruct students on material that is pre-requisite to entry-level, credit-bearing courses.

College Readiness and College Content-Readiness.

Smarter Balanced recognizes that college readiness encompasses a wide array of knowledge, skills, and dispositions, only some of which will be measured by the Smarter Balanced assessments. As a result, Smarter Balanced narrowed the focus of its “college readiness” definition to “content-readiness” in the core areas of ELA/literacy and mathematics.

Intended Audience. This document is not designed as a communications vehicle for students and parents. Smarter Balanced will continue outreach to higher education (including officials who specialize in student/parent communications such as admission officers and academic advisors) as Reporting ALDs are developed and student score reports are designed. Further, while there will be elements of student/parent communications that are common across the Consortium, the flexibility built into the College Content-readiness Policy will require that each state customize communications based on the policy choices made.

College Content-Readiness Definition

English Language Arts/Literacy ²	Students who perform at the College Content-Ready level in English language arts/literacy demonstrate reading, writing, listening, and research skills necessary for introductory courses in a variety of disciplines. They also demonstrate subject-area knowledge and skills associated with readiness for entry-level, transferable, credit-bearing English and composition courses.
Mathematics	Students who perform at the College Content-Ready level in mathematics demonstrate foundational mathematical knowledge and quantitative reasoning skills necessary for introductory courses in a variety of disciplines. They also demonstrate subject-area knowledge and skills associated with readiness for entry-level, transferable, credit-bearing mathematics and statistics courses. .

² Speaking is an element of the CCSS in English language arts/literacy, but practical and technological constraints do not allow for the assessment of speaking skills on the Smarter Balanced summative assessment. Therefore, at this time the College Content-readiness Policy does not include speaking.

Policy Framework for Grade 11 Achievement Levels

Level	Policy ALD	Description	Implications for Grade 12	Implications for High School Graduates who Immediately Enter Higher Education
4	Student demonstrates thorough understanding of and ability to apply the knowledge and skills associated with college content-readiness.	Student is exempt from developmental course work. (K-12 and higher education officials may jointly set Grade 12 requirements to maintain the exemption.)	<p>Within each state, students may be required to satisfactorily complete Grade 12 English and/or mathematics courses to retain the exemption from developmental course work (higher education and K-12 officials may jointly determine appropriate courses and performance standards).</p> <p>Students are encouraged to take appropriate advanced credit courses leading</p>	Colleges may evaluate additional data (courses completed, grades, placement test scores, writing samples, etc.) to determine appropriate course placement at or above the initial credit-bearing level.
3	Student demonstrates adequate understanding of and ability to apply the knowledge and skills associated with college content-readiness.	Student is conditionally exempt from developmental course work, <i>contingent on evidence of sufficient continued learning in Grade 12.</i>	<p>Within each state, higher education and K–12 officials may jointly determine appropriate evidence of sufficient continued learning (such as courses completed, test scores, grades or portfolios).</p> <p>Students are encouraged to take additional 4th year courses as well as appropriate advanced credit courses leading to college credit while in high school.</p>	<p>For students who demonstrate evidence of sufficient continued learning in Grade 12, colleges may evaluate additional data (courses completed, grades, portfolios, placement test scores, etc.) to determine appropriate course placement at or above the initial credit-bearing level.</p> <p>For students who fail to demonstrate evidence of sufficient continued learning in Grade 12, colleges also may evaluate the same types of additional data to determine placement in developmental or credit-bearing courses.</p>

Level	Policy ALD	Description	Implications for Grade 12	Implications for High School Graduates who Immediately Enter Higher Education
2	Student demonstrates partial understanding of and ability to apply the knowledge and skills associated with college content-readiness.	Student needs support to meet college content-readiness standard.	States/districts/colleges may implement Grade 12 transition courses or other programs for these students. States also may choose to retest these students near the conclusion of Grade 12 (scoring will occur within two weeks, allowing opportunity for colleges to use scores	Colleges may evaluate additional data (courses completed, grades, portfolios, placement test scores, etc.) to determine placement in developmental or credit-bearing courses.
1	Student demonstrates minimal understanding of and ability to apply the knowledge and skills associated with college content-readiness.	Student needs substantial support to meet college content-readiness standard.	States/districts/colleges may offer supplemental programs for these students. States also may choose to retest these students near the conclusion of Grade 12.	Colleges may evaluate additional data (courses completed, grades, portfolios, placement test scores, etc.) to determine placement in developmental or credit-bearing courses.

Further Stipulations to the College Content-readiness Policy

- Establishment of “Cut Scores” Aligned to the Achievement Level Descriptors and College Content-readiness Policy. In the summer of 2014, after pilot and field tests have been completed, K-12 and higher education representatives across the Consortium will jointly determine recommended cut-scores for each achievement level on the Grade 11 assessments in math and English language arts through a structured standard-setting process. Those recommended cut scores will then be subject to a vote of the Smarter Balanced Governing States. As is the case with regard to approval of the Initial Achievement Level Descriptors and College Content-readiness policy, this vote will require that K-12 and higher education representatives agree on a shared state position.
- Updates and Revisions to the College Content-Readiness Policy. This document is subject to revision as student performance data are collected through the pilot and field tests, as validation studies are conducted and as cut scores are established through the standard- setting process. Further, as data are collected and analyzed as a result of operational testing and use of the Smarter Balanced assessment by colleges and universities, the Consortium may choose to revisit and revise this policy.

- **Multiple Measures of Content-Readiness.** Smarter Balanced recognizes the limits of relying on a single test score for making high-stakes decisions and fully supports the use of multiple measures to determine student course placement. As a result, the policy framework encompasses the evaluation of evidence of Grade 12 learning to determine whether an exemption from developmental course work is warranted for all but the highest-performing students and the use of additional data drawn from placement tests or other sources to determine appropriate course placement in higher education. Furthermore, while this policy is focused on the Smarter Balanced assessment, within states, K–12 and higher education may establish policies that provide rigorous alternate means for students to demonstrate readiness for credit-bearing courses (grades or portfolios, other assessment scores, etc.).
- **Grade 12 Expectations.** Because even the strongest performing students' skills can erode if they do not take challenging math and English courses in Grade 12, the Content-readiness Policy provides states the option of requiring that students who have earned an exemption from developmental course work satisfactorily complete a prescribed course in Grade 12 in order to retain their exemption. At Level 3, students must provide evidence of continued learning in order to earn an exemption from developmental course work. State K–12 and higher education officials may jointly determine the necessary conditions for meeting these requirements.
- **Support for Emerging Approaches to Developmental Education.** A growing movement in higher education encourages liberal placement of students into credit-bearing courses with co-requisite supports to compensate for any knowledge or skill deficits. To clearly communicate high expectations and incentivize schools, teachers, and students, the Content-readiness Policy asks colleges to guarantee students with strong performance that they are exempt from developmental mathematics and English courses. However, it does not preclude colleges from ultimately placing any student into credit-bearing courses; this decision is left to the discretion of individual colleges and universities or college and university systems.
- **Mathematics Requirements for Advanced Courses.** The CCSS in mathematics were designed to prepare all students for entry-level college mathematics and statistics courses that typically require Algebra II or its equivalent as a prerequisite. The CCSS also include a set of standards for additional mathematics that students should learn in order to take advanced courses such as calculus, advanced statistics, or discrete mathematics. These standards are typically referred to as the "Plus Standards" because they are designated by a plus symbol (+) in the standards document. Because the Smarter Balanced Summative Assessment only assesses knowledge and skills required of all students, it does not include items and tasks aligned to the Plus Standards. The College Content-readiness Policy assumes that colleges will need to assess additional evidence (grades, placement test scores, admission test scores, etc.) for students seeking to enter more advanced mathematics courses.

- **College Content-Readiness and Admission.** The College Content-readiness Policy operates within the context of existing institutional admission policies; open-admission institutions will serve many students who do not meet the college content-readiness performance benchmark, and selective institutions may not admit students who score at Level 3 or 4 on the assessment, just as they now may not admit students with high college admission test scores or strong grade point averages. In addition, student course-taking decisions in high school will continue to be influenced by the admission requirements of colleges and universities. For example, students at Level 4 who plan to seek admission to selective institutions will make course choices for Grade 12 that comply with the requirements of those institutions. By identifying students who are either on track or ready for credit-bearing courses, high schools may be better able to advise students on college options and Grade 12 courses. Finally, at their discretion, institutions may choose to include Smarter Balanced scores among the information they consider as they make admission decisions; however, the Smarter Balanced Assessment was not designed for that purpose.
- **Score Expiration.** Consistent with the policy framework, Smarter Balanced recommends that scores only be considered valid for students who matriculate directly from high school to college.
- **Support for Students at Levels 1 and 2.** States and districts will make decisions about support for these students, and may draw from an array of existing resources. There are a number of projects underway (Southern Regional Education Board project on Transition Courses, Carnegie Foundation Quantway/Statway project, California State University Expository Reading and Writing Course, etc.) that offer model courses and other types of interventions that schools and colleges can implement to assist students in addressing academic deficiencies before leaving high school. States may choose to adopt and customize existing resources or build their own.

Next Steps

- **Validation.** It will be important to validate the adopted cut scores through an array of studies, including longitudinal studies of students who complete the Smarter Balanced assessments in Grade 11 and subsequently enter higher education as well as studies that allow colleges and universities to compare student performance on the Smarter Balanced assessment to known measures (existing admission and placement tests). As Smarter Balanced develops and implements its comprehensive validity research agenda, the Consortium welcomes input on the best approach and criterion for testing this important element of validity.
- **Institutional Participation.** In recognition that colleges will need to consider the performance standards set in Summer 2014, after the field test and standard setting process are complete, colleges will be asked to commit to implementing the College Content-readiness Policy beginning in January 2015. This timing will allow students who take the Grade 11 summative assessment in Spring 2015 to know which colleges have agreed to use their scores as evidence of readiness for credit-bearing courses,

as described in the College Content-readiness Policy. Smarter Balanced will assist colleges in making this determination by providing information on how Smarter Balanced scores compare to scores on commonly used admission and placement assessments as well as sharing results from its validation studies.

Smarter Balanced recognizes that some colleges that have an expressed interest in participating will need additional time to study student performance data before determining the appropriateness of implementing the College Content-readiness Policy given the institution's particular mission, curriculum, and student population. In addition to the information that Smarter Balanced will provide, state education agencies also may assist these colleges by arranging for access to needed student data (consistent with state policies on privacy and data sharing). After this study and review period, colleges and universities would decide whether to begin implementing the College Content-readiness Policy. As colleges complete their study and review and make the decision to implement the College Content-readiness Policy, this information will be shared with high schools, students and parents.

- **Career Readiness.** The Smarter Balanced overall claim asserts that a student can demonstrate career readiness in addition to college readiness. Smarter Balanced is committed to providing evidence of student readiness for the array of postsecondary options, as specified by the CCSS. Smarter Balanced is working with experts in career readiness to determine how the assessment can best advise students on their readiness for postsecondary career pursuits. Further information will be made available once it is ready for public review and comment.

Addendum 5 of 12

NISG Resolution in Support of Professor Hays

SSR 2013-16

A Resolution for: Dr. Richard Allen Hays

Sponsored by: Senator Parker and Chukwuemeka

First Reading: April 10, 2013

Vote: 13-0-0

Speaker Action: _____

Jared Parker– Speaker

Date

WHEREAS: Dr. Richard Allen Hays, professor of political science and public policy, will be retiring;
and

RECOGNIZING: That Dr. Hays is a distinguished scholar and director of the Masters of Public Policy program; and

FURTHER RECOGNIZING: That his greatest contributions to the University of Northern Iowa has been as an outstanding teacher, possessing an amazing classroom presence and leadership; and
BE IT THEREFORE RESOLVED: That the Northern Iowa Student Government offers its thanks to Dr. Hays for his outstanding service to the student community, as well as congratulating Dr. Hays on a very successful career; and

BE IT FURTHER RESOLVED: That this resolution shall be sent to Dr. Hays, the Faculty Senate, the head of the Department of Political Science, Dr. Hoffman, the interim dean of the College of Social and Behavioral Sciences, Dr. Bass, Provost Gibson, President Benjamin Allen, the Northern Iowan, and any other acceptable media.

Letter of Support for Professor Hays

April 25, 2013

C. Scott Peters, Ph.D.
Chair, Faculty Senate
University of Northern Iowa

Dear Professor Peters:

I write to support the emeritus application of Professor Richard Allen Hays, Jr. During his time at UNI, Professor Hays helped design and implement the undergraduate public administration degree, led the graduate program in public policy for nineteen years, and gathered many awards, grants, and fellowships along the way. He is a nationally-recognized scholar and his commitment to community service is unequalled at the University of Northern Iowa.

Professor Hays joined the Department of Political Science in 1979 as an assistant professor. He was promoted to associate professor in 1985, and attained the title of professor in 1994. Professor Hays became Associate Director of the Graduate Program in Public Policy in 1989, and Director in 1994. Under his leadership, the Graduate Program in Public Policy has educated policy leaders who have gone on to serve in government positions at the local, state and national level. The Public Policy program celebrated its 25th anniversary last year, and the quality of returning alumni, virtually all who had gone through the program when Professor Hays was at the helm, was impressive.

It should be noted that Professor Hays's research in the area of federal housing policy is highly regarded and well-cited. His book, *The Federal Government and Urban Housing: Ideology and Change in Public Policy* (SUNY Press), is now in its 3rd edition. In addition, he is the author of two additional book and numerous journal articles and book chapters. Professor Hays has also been committed to applying his expertise to improve the community. Most notably, he was the recipient of two major grants from the U.S. Department of Housing and Urban Development for community outreach. Finally, Professor Hays was awarded a Fulbright Fellowship and spent the fall semester of 2007 in Belfast, Northern Ireland.

Professor Hays has made an enormous impact on the University of Northern Iowa and the larger community through his commitment to service. His list of service activities are too numerous to mention in a brief letter; indeed, just his awards in the area of service are lengthy. Professor Hays has been recognized with the Nielsen Outstanding Faculty Service Award in 2001. He was presented with the Board of Regents Award for Faculty excellence in 2002, the Governor's Volunteer Award in 2004, and the Veridian Community Service Award in 2006. Every spring for many years, Professor Hays has

C. Scott Peters, Ph.D.

April 25, 2013

Page 2

organized a public policy conference at UNI. While the topic varied, it was always the case that Professor Hays would bring together academics, practitioners, activists, and students at these conferences who would dissect and discuss challenging public policy dilemmas.

After thirty-four years of service to the University of Northern Iowa, its students and the community, Professor Hays will be retiring at the conclusion of the 2012-13 academic year. His retirement will leave a void impossible to fill in the Graduate Program in Public Policy. His colleagues in the Department of Political Science will miss his contributions to department governance. His students will miss his passion in the classroom. On behalf of the Department of Political Science, we recognize and thank Professor Hays for his commitment and dedication to the University, Department of Political Science, and Graduate Program in Public Policy.

Sincerely,

Donna R. Hoffman, Ph.D.

Head and Associate Professor

Summary of Procedure for Selecting Hearing Committee
Board of Regents 1973 Procedure for Handling Faculty Dismissal Cases

Provost requests Faculty Welfare Committee to appoint committee of three (1 of whom is member of Faculty Welfare Committee) to act as inquiry committee



If inquiry committee recommends, or if Provost wishes to proceed. Provost sends formal charges to faculty member and informs Senate Chair of need to form hearing committee



Within 5 days, Senate Chair and Provost each (without consulting with one another) select 25 faculty members who could be on hearing committee



Via secret ballot, Senate narrows the list from 50 to 25.



Provost and faculty member each strike off up to 10 names who they do not want to serve on the committee. They should each also indicate 5 or more people they see as suitable.



From these lists, the Senate chooses five people to comprise the hearing committee. These should be people recommended by both the Provost and faculty member or at least those that have not been rejected by either

**Report and Recommendations to Senate on Implementation
of Faculty Due Process Standards**

Scott Peters
Chair, University Faculty Senate

United Faculty and the Board of Regents, State of Iowa, have agreed to insert language into the Master Agreement guaranteeing that any faculty member facing dismissal from the university will be subject to the process outlined in the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases.¹

The newly inserted language reads:

Temporary, term, renewable term, clinical, probationary, and tenured Faculty Members may be terminated, only during an applicable term, for just cause and in accordance with the requirements of due process as approved by the Board of Regents, State of Iowa, June 30, 1973; and any applicable sections of this Collective Bargaining Agreement.

That procedure involves a Faculty Welfare Committee, upon request of the Provost, appointing a small committee that would serve as an inquiry committee to decide whether a full-blown hearing is justified. If a hearing is justified, the Senate is heavily involved in selecting the hearing committee, which would conduct the hearing and make a recommendation about whether to dismiss. The Faculty Welfare Committee is clearly envisioned as a standing committee. The process for constituting the hearing committee is more complicated. The procedures specify that the Senate Chair and Provost would each provide names of 25 people who could serve on the hearing committee. From that group of 50, the Senate would by secret ballot narrow the field to 25 people. Both the provost and the faculty member would then be allowed to object to a number of people and to designate people as desirable. The Senate would then select the hearing committee from among those who have been recommended by both parties (or at least not objected to by either).

¹ The language in the Master Agreement only refers to circumstances where faculty members face dismissal, not to any situations involving disciplinary action short of dismissal. If the faculty wishes to institute due process standards for those situations, the Senate should take this up next year as a recommendation to change university policy to develop such a process. There is a 1973 Board policy on such situations that could form a basis for such recommendations. If the Senate were to move forward on such a process, it would probably make sense to use a single Panel on Faculty Conduct for all instances where faculty members are accused of wrongdoing, thereby merging this policy with the currently existing scholarly misconduct policy.

The Faculty Welfare Committee used to be a standing committee of the faculty. The faculty also used to have a Panel on Faculty Conduct, which comprised the pool of people from whom hearing committees might be selected, should they be needed. Although I was unable to find the specific date on which the Faculty Welfare Committee was disbanded, I found reference to its elimination in the minutes to the October 28, 1996 meeting of the Senate. At that meeting, Senator Ken DeNault stated that he had done research and found that the Senate had disbanded the committee with the understanding that it could form the committee ad hoc as necessary.

The Panel on Faculty Conduct was eliminated by the Committee on Committees in 2002 because the committee had only been utilized twice prior to collective bargaining and there was a sense that dismissal of faculty members would be governed by the Master Agreement via the grievance process (Minutes of November 11, 2002 meeting of the University Faculty Senate).

I have consulted with Hans Isaakson from United Faculty and with Provost Gibson. We all agree that it would be better to have a standing Panel of Faculty Conduct from whom members of the hearing committee would be picked. None of us liked the idea of having to come up with 25 names on short notice in the context of a situation where a faculty member's career is in jeopardy because he or she is facing a serious accusation.

Recommendations:

- 1) Re-constitute the Faculty Welfare Committee and charge it with appointing an inquiry committee when asked by the provost:

Faculty Welfare Committee

Membership: The Faculty Welfare Committee shall consist of the Chair of the Faculty and the chair of each college senate.

Charge: Under the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases, required by Appendix B of the Master Agreement, the Faculty Welfare Committee shall, upon request from the provost, "appoint a committee of three, at least one of whom is a member of the Faculty Welfare Committee, to inquire quickly and informally into the [accusation against a faculty member] and ... decide whether in their opinion formal proceedings are justified."

Those appointed to the inquiry committee must be tenured members of the faculty. No one shall be appointed to the inquiry committee who is a member of the University Faculty Senate or who is from the accused's department. Members of the Faculty Welfare Committee from the accused's department or who have other conflicts of interest in the case must recuse themselves from participating in discussion of the case.

Rationale:

The Master Agreement assumes that this is a standing committee that the Provost can approach at any time. But UNI's history shows that this committee is rarely convened; indeed, this led it to be disbanded some years ago. Such committees can be difficult to recruit people to run for. By comprising the committee of the chairs of the college senates and the chair of the faculty, the Provost would have a ready body of people to approach and would not require the Committee on Committees or college senates to recruit more people to run for positions within the colleges.

Alternatively, the membership of the committee could be elected from within the colleges. Sample language would be:

Membership: The Faculty Welfare Committee shall consist of one member elected from each college, including the library. Members shall serve for three year rotating terms.

2) Re-constitute a Panel on Faculty Conduct via one of two means:

a) Annual campus-wide solicitation of faculty members for the panel

Panel on Faculty Conduct

It is the responsibility of all members of the faculty to uphold norms of professional ethics and to protect academic freedom. The Panel on Faculty Conduct shall consist of all tenured faculty members who respond to an annual call from the Chair of the Faculty to make themselves eligible for selection to a hearing committee should the need arise.

When notified of the necessity for a hearing committee, the Senate Chair shall randomly select 25 names from the Panel to fulfill his/her obligation under the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases. The Provost's selections may also come from this panel.

Rationale:

This option recognizes the reality that it is often a lot of work for college senates to recruit people to run for office and instead makes a direct appeal to all tenured faculty to agree to serve when called upon. The idea here is to recruit a very large panel of people, sort of a jury pool, who would be willing to serve on a hearing committee if called. One way to accomplish this might be a joint email from the Faculty Chair, the President of United Faculty and the Provost explaining the importance of faculty due process rights and appealing to the professional obligations of all faculty members to enforce the norms of the academy.

We have roughly 420 tenured faculty members. If only one in eight agreed to be on the panel, we'd still have more than 50 people to select from in constituting a hearing committee.

- b) Selection of panel members by colleges, either by the faculty of the college or by the college senate.

Panel on Faculty Conduct

Membership: The Panel on Faculty Conduct shall consist of at least 20 tenured faculty members from the College of Humanities and Fine Arts, two tenured faculty members from the library, and at least 10 tenured faculty members from each of the other colleges. Members shall be (option i: elected by the faculty of each college; option ii: elected by the college senates).

When notified of the necessity for a hearing committee, the Senate Chair shall randomly select 25 names from the Panel to fulfill his/her obligation under the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases. The Provost's selections may also come from this panel.

Rationale:

This would assure that all colleges are represented on the Panel and that the Panel's composition would be roughly proportional to that of the faculty.

Our recent history, however, suggests that this is not as easy as it appears. In Fall 2012 the Senate appointed people to the Faculty Academic Misconduct Panel. We asked for about eight names from each college and received anywhere from six to twelve from each college. Even after the Senate requested two additional members from the Arts from CHAS, we only received one additional name. It was simply difficult to get people to volunteer in this way.

Amendments to Committees to Implement Master Agreement Due Process Language

Faculty Welfare Committee

Membership: The Faculty Welfare Committee shall consist of the Chair of the Faculty, the chair (or designee) and a designee from the CHAS Senate and the chair or designee from the other college senates. All members of the Faculty Welfare Committee shall be tenured.

Charge: Under the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases, required by Appendix B of the Master Agreement, the Faculty Welfare Committee shall, upon request from the provost, “appoint a committee of three, at least one of whom is a member of the Faculty Welfare Committee, to inquire quickly and informally into the [accusation against a faculty member] and ... decide whether in their opinion formal proceedings are justified.”

Those appointed to the inquiry committee must have the rank of full professor with tenure. No one shall be appointed to the inquiry committee who is a member of the University Faculty Senate or who is from the accused’s department. Members of the Faculty Welfare Committee from the accused’s department or who have other conflicts of interest in the case must recuse themselves from participating in discussion of the case.

Panel on Faculty Conduct

It is the responsibility of all members of the faculty to uphold norms of professional ethics and to protect academic freedom. The Panel on Faculty Conduct shall consist of all tenured fully promoted faculty members.

When notified of the necessity for a hearing committee, the Senate Chair shall randomly select 25 names from the Panel to fulfill his/her obligation under the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases. The Provost’s selections may also come from this panel.

Under the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases, required by Appendix B of the Master Agreement, “No member should be chosen from the Senate or from the preliminary committee of three. Except in unusual circumstances, no member of the accused’s department should serve on this committee.”

Addendum 10 of 12

PROPOSAL for Faculty-based Curriculum Management and Process

At the UNI Faculty Senate meeting of 27 August 2012, the formation of “an ad hoc committee to recommend changes in curricular policies and the handbook to insure faculty control” was announced. Establishment of this committee had been identified at an earlier Faculty Senate retreat as one of four major initiatives for 2012-2013. The resulting Curriculum Management Committee was charged with review of processes for curricular change and evaluation, with an eye to development of an improved and effective process featuring extensive faculty involvement in decision-making. Following its initial review of curricular process here at UNI, the Curriculum Management Committee has identified several areas in which improvements could be made.

Findings

As we reviewed the curricular process, the contrast between program creation – driven principally by faculty – and program elimination – often falling to administration – was particularly evident. The hazards of such a problematic separation were highlighted by the recent array of program cuts announced in spring 2012. The reasons for this division of responsibility are unclear. While sources (Faculty Constitution, Policies and Procedures manual, or similar governance documents) confirm the faculty role in initiation of new programs, the charge for review and possible elimination of programs is less clear. Consistency in these two processes is important. We firmly believe that no academic program should be eliminated without extensive consultation with the faculty and Faculty Senate.

Currently, the role of the Committee on Academic Program Review does not include recommendations for changing a program’s status; the Committee now serves to check self-study documents and to confirm the presence and use of Student Outcomes Assessment plans for each program, and that review occurs only once every seven years. The University Student Outcomes Assessment Committee is similarly limited in scope, although it does evaluate SOA plans each year. Neither the Undergraduate Curriculum Committee nor the Graduate College Curriculum Committee is charged with program review, and the Faculty Senate does not often take up questions of program elimination (although it is not barred from such actions). Our Committee observed that these latter three groups, working with short review times, are often limited to cursory reviews and therefore find it difficult to provide a genuine assessment. The common result is a tendency toward approval of proposals for new programs, probably owing to deferral to the proposers, and possibly to avoid delaying action for an additional two years as the curricular cycle proceeds.

This deficiency in regular review of program status leaves the Faculty with little information and little voice in judging programs. Positive and negative trends are difficult to identify, particularly in their early stages, and there is no vehicle through which to take action on any trends that are notable. The data to conduct these reviews are

available, and in fact are already collected for yearly reports, but no centralized group bears responsibility for campuswide collation and review.

Recommendation 1:

As a means to increase faculty participation in all phases of curricular decision making, we propose the establishment of a faculty committee to manage the status of all programs. The committee would consist of faculty members elected to represent each college, the Graduate Council, and the Council on Teacher Education. We recommend four faculty representatives from CHAS, two faculty representatives from each of the other three colleges, and one from each of the Councils; the Vice-Chair of the Faculty Senate would serve as a nonvoting Chair. This committee would:

- * maintain a master list of programs
- * collect available data and review programs yearly based on a small set of criteria, as yet unestablished but likely to include numerical indicators (such as sizes of classes, both program-related and otherwise, taught by program faculty, and number of program graduates) and other measures (such as centrality of the program to UNI's mission, quality of program, outreach potential, and uniqueness of the program within the state). The review would not be linked with faculty lines; specifically, a recommendation to consider elimination of a program or course would not be construed to be a recommendation to eliminate or change one or more faculty lines.
- * identify both signs of growth and areas of concern
- * conduct detailed reviews for all programs every three to four years, serving as midpoint checks between detailed Regents-mandated program reviews
- * provide advice and suggestions for improvement to programs showing downward trends
- * make recommendations regarding resource allocations

The committee would report to the Faculty Senate, which could then recommend or take actions based on the Committee's findings. The Senate also would serve as the first level of appeal for program faculty who disagreed with the Committee's conclusions. Any recommendation for program closure, originating with the faculty or with the administration, would be channeled through the regular curricular process (shown on the next page), assuring the opportunity for consideration by faculty and the Faculty Senate. If this process results in different program closure recommendations from the Faculty Senate and the Provost, the Provost would provide to the Faculty Senate a written explanation of the decision. (See also recommendation 4)

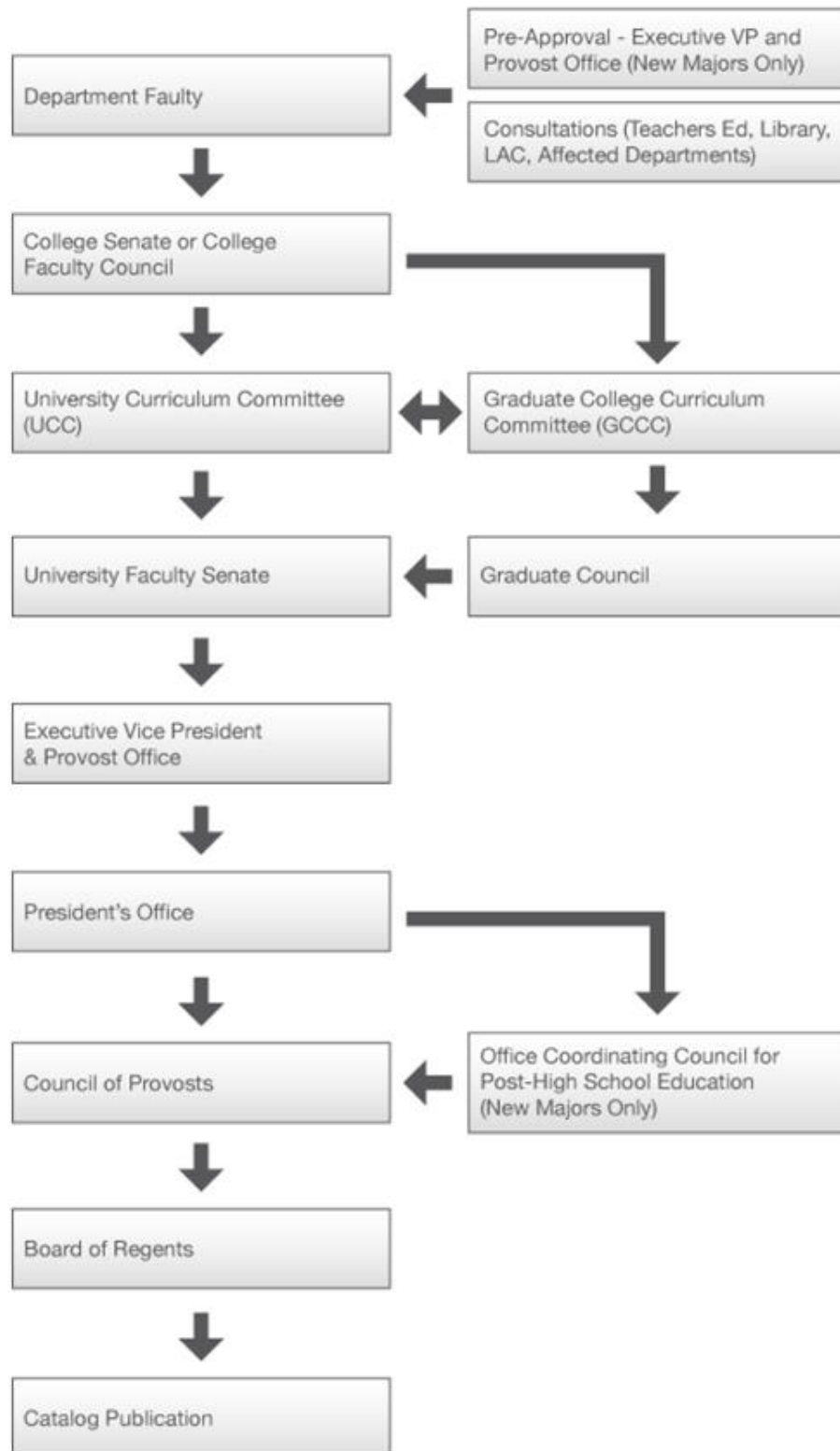
Recommendation 2

- Our Committee believes that the current two-year curricular cycle, which was strongly linked to the two-year catalog publication cycle, is now outdated and acts as a barrier to comprehensive and efficient curricular review. We would argue, as noted above, that curricular review bodies are reluctant to delay endorsement of newly proposed programs because of the risk that a request for revision could force the proposers to wait until the subsequent cycle for final approval. Replacement of the fixed two-year timeline with a rolling two-year timeline (in which proposals could be initiated in any year) would remove this complication.

We recognize that this would increase committee workloads in the currently-defined “off-cycle” years, with some functions needed every year instead of every other year; however, that should be offset in part by the decreased workload in the currently-defined “on-cycle” years.

Recommendation 3

- Our Committee also recommends simplification of the curricular process by dividing curricular flow into different pathways for substantive versus nonsubstantive changes. Asking curriculum committees to evaluate small changes in course description language diverts their attention from larger proposals (such as creation or elimination of programs) with far broader impact. We believe that an initial triage would be useful in identifying items that would require only College-level review and approval prior to grouping as a consent agenda for the University Curriculum Committee, Graduate College Curriculum Committee, and Faculty Senate.



Recommendation 4

Change Policy 2.04 Curricular Changes to assure that:

- Any recommendation for program closure, originating with the faculty or with the administration, would be channeled through the regular curricular process, assuring the opportunity for consideration by faculty and the Faculty Senate.
- If the Provost does not approve the recommendations of the Senate, the Provost would provide to the Faculty Senate a written explanation of the decision.
- Expansions, divisions, and mergers of colleges, departments, schools, and programs should be reviewed by the Faculty Senate for curricular implications. At the very least, these actions could affect the composition of committees that participate in the curricular process.

In summary, the Committee's recommendations mandate greater faculty participation in the curricular process. Several responsibilities, currently not assigned specifically, would be affirmed as functions of the faculty:

- * regular review of programs
- * identification of, and working with, programs exhibiting early signs of difficulty
- * consideration of recommendations for program closure originating with the faculty or with the administration
- * timely consultation during mergers and divisions of academic units.

Any recommendation for program closure, originating with the faculty or with the administration, would be channeled through the regular curricular process (shown on the next page), assuring the opportunity for consideration by faculty and the Faculty Senate. If this process results in different program closure recommendations from the Faculty Senate and the Provost, the Provost would provide to the Faculty Senate a written explanation of the decision. We believe these functions would be expedited by a rolling timeline for curricular flow and by separate curricular paths for substantive versus nonsubstantive changes.

Barbara Cutter (Women's and Gender Studies)
Todd Evans (Health, Physical Education, and Leisure Services)
Gayle Pohl (Communication Studies)
Ira Simet (Chemistry and Biochemistry)
Jerry Smith (Management)
Laura Terlip (Communication Studies)

Proposal to change Policy 2.04 Curricular Changes

(Proposed changes underlined and in red)

Purpose

To establish processes to deal appropriately with curricular matters at departmental, college, university committee, and academic administration levels.

Preamble:

Because of the interdependence of parts of the curriculum, it is necessary that there be review and coordination at various levels. An effective curriculum, moreover, must have an internal consistency over a period of time; yet it must simultaneously be responsive to change. It is necessary, therefore, that there be both continuity and flexibility of curricular programs. To these ends, certain procedures have been established for effecting changes in the curriculum.

The decision-making power resides at various levels in those bodies responsible for the determination of policy and the allocation of resources. Usually, proposed curricular changes are initiated by the departments, but they may at times be initiated by the colleges or by the general faculty. Normally, the process of effecting curricular change moves from the level of the department to the college, to the university as a whole, and finally to the Iowa Board of Regents. New programs and new courses must have the approval of the appropriate bodies of both the university and the Board of Regents. Termination of programs requires the same approval process as creation of programs. Other curricular changes, including modification of established programs and new courses designed for established programs, must have the approval of the appropriate bodies within the university.

Policy Statement:

The curriculum of the University of Northern Iowa is a proper concern of the faculty, the administration, and the students. Although the faculty has primary responsibility for the curriculum, the responsibility is shared by the academic administrators who must implement the curriculum, and by the students for whom it is designed. Some curricular programs involve the individual instructional departments for the most part; others involve the departments and the colleges jointly; and still others involve the university as a whole.

Procedures:

To deal appropriately with curricular matters, departmental, college, and university committees have been created. Each committee has specific responsibilities, but no committee functions autonomously.

Department

The Department shall originate all curricular proposals within the appropriate jurisdiction of the department. Interdisciplinary programs and programs of broad scope may originate with other organs of the faculty with departmental consultation and concurrence as appropriate. The Department shall be responsible for course and program description and justification; course integrity; explanation of any duplication; impact statement, short- and long-term staff and financial implications; short and long-term inter-departmental implications.

College

The College receives and examines all proposals from above. The College shall be responsible for evaluating: a) course and program description and justification; b) course integrity; c) duplication; d) impact statement, short- and long-term related to staff and financial implications, and inter-departmental implications. The College shall hear appeals from faculty members and departments.

University Curriculum Committee (UCC)

The University Curriculum Committee shall have access to all curricular proposals on-line. The UCC shall study and approve or disapprove all undergraduate courses and programs, and act on 100-level courses ("g" may be added by Graduate Council to courses approved by UCC). The UCC shall consider only in extraordinary circumstances proposals which have not been processed through department and college curricular bodies. The UCC is responsible for evaluating University impact and duplication: The UCC shall

distribute Minutes of its proceedings to the Graduate Council, advise the Graduate Council of course and program decisions which impact upon graduate courses and programs to a degree which is significantly different from past operations; seek to reconcile with the Graduate Council through whole bodies or designated representatives, those differences pertaining to impact concerns; and notify the University Faculty Senate when the UCC is unable to resolve impact concerns with the Graduate Council. The UCC will hear appeals from decisions made by colleges. The UCC shall forward to the University Faculty Senate all approved courses and programs.

Graduate College Curriculum Committee (GCCC)

The Graduate College Curriculum Committee shall have access to all curricular proposals on-line. The GCCC shall study and approve or disapprove all graduate courses and programs, and act on 200-level and 100g-level courses where UCC concurs with such addition. The GCCC shall consider only in extraordinary circumstances proposals which have not been processed through department and college curricular bodies. The GCCC is responsible for evaluating University impact and duplication. The GCCC shall distribute Minutes of its proceedings to the UCC; advise the UCC of course and program decisions which impact upon undergraduate courses and programs to a degree which is significantly different from past operations; seek to reconcile with UCC, through whole bodies or designated representatives, those differences pertaining to impact concerns; and notify the University Faculty Senate and Graduate Council when the GCCC is unable to resolve impact concerns with the UCC. The Council shall hear appeals from decisions made by colleges. The GCCC will provide summary reports of decisions to the Graduate Council. The Graduate Council will review and vote on these. The Graduate Council shall forward to the University Faculty Senate all approved courses and programs.

University Faculty Senate

The University Faculty Senate shall delegate to the UCC and the GCCC responsibility for final faculty approval of all curricular proposals except: a) departmental or college appeals subsequent to appeals at all appropriate subordinate levels; b) UCC or Graduate Council appeals; c) new degrees or programs which differ from existing degrees or programs to the extent that the University faculty should be consulted. The University Faculty Senate shall transmit all approved curricular proposals to the Office of the Executive Vice President and Provost. Following approval by the Executive Vice President and Provost, the proposals will be sent to the President for approval and transmittal to the Council of Provosts. The Executive Vice President and Provost shall report their actions to the University Faculty Senate, providing a written rationale if they fail to approve the Senate's proposals.

Curricular Changes

At all review levels, changes in curricular proposals can be made only with concurrence of the original recommending body.

Restructuring of Academic Units

Expansions, divisions and mergers of colleges, departments, schools and programs shall be reviewed by the University Faculty Senate for curricular implications.

Experimental/Temporary Courses

Experimental/temporary courses can be offered under the x59 designation up to three times, after which the course must either be dropped or, to be offered again, must be approved as a new course. Since x59 courses are not a part of the established university curriculum and are not listed in the catalog, the decision to offer them, after approval by the department, is an administrative one between the appropriate department head(s) and college dean(s). Approval and scheduling of x59 courses should be reported in duplicate on Form 59 to the Chair of the University Curriculum Committee and to the Registrar.

Effective Date

Curricular changes become effective on May 1 following approval by the Board of Regents.

1973 Faculty Dismissal BOR Process

UNIVERSITY OF NORTHERN IOWA
June 28-30, 1973

VIII

Option 1 (Faculty)

The decision of the Faculty Disciplinary Committee may be appealed to the president in a letter written by the faculty member within five class days after the rendering of the decision. The president shall act upon the appeal within five class days.

Option 2 (President)

The recommendation of the Faculty Disciplinary Committee may be appealed to the president in a letter written by the faculty member or the provost within five class days after the issuance of the recommendation. The president shall act upon the appeal within five class days.

The president's action may, with the consent of the Board, be appealed to the Board of Regents. The decision of the Board of Regents shall be, so far as the university is concerned, final. The faculty member may, of course, seek relief in the civil courts.

Addition (President)

Should questions arise concerning conflicts of this document with the Regents' Rules of Personal Conduct, the Regents' Rules of Personal Conduct take precedence over the provisions of this policy.

Regent Petersen stated that all the recommendations in the president's options leave the responsibility of the president where it should be - with the president.

MOTION:

Mrs. Petersen moved the board approve the "Procedure for Imposing Discipline upon a Faculty Member as Adopted by the Faculty" using the president's option in each instance including the additional paragraph at the end and also including the recommended changes by Leo M. Baker. Mr. Wallace seconded the motion and it passed unanimously.

G. Procedure for Handling Faculty Dismissal Cases. The board was requested to approve, with recommended changes, the following:

Preamble

The following procedure is adopted for the handling of cases in which the issue is whether a faculty member should be discharged from employment. It is a dismissal procedure, applying primarily to the dismissal of faculty members with tenure. It applies to faculty members on probationary or temporary appointment only in the event that the dismissal under consideration should come before the expiration of the term of appointment. It is not a grievance procedure, which is to say that failure to grant promotions, leaves of absence, salary increases, or renewals of term appointments is not a basis for invoking this procedure. It is designed to serve the best interests of, and to be fair to, both the individual concerned and the university.

This procedure recognizes the statutory power of the State Board of Regents to employ and to discharge members of the faculty of this university. The establishment of a procedure for handling dismissal cases is an attempt to provide a reasonable means of furnishing to the Regents a sound basis for their decision and to provide reasonable guarantees of compliance with enlightened standards of academic due process, especially as these are enunciated in the "1940 Statement of Principles of Academic Freedom and Tenure" by the American Association of University Professors and the Association of American Colleges, and promulgated in the "Statement on Procedural Standards in Faculty Dismissal Proceedings," adopted by the Council of the American Association of University Professors in November, 1957, and by the Association of American Colleges at its annual meeting in January, 1958.

1. "Out of Court" Settlement

If a question of fitness arises regarding a faculty member who has tenure or whose term of appointment as a faculty member has not expired, every effort should be made to settle it "out of court." That is, before any formal action is taken, conscientious attempts should be made to adjust the matter in conversations between the faculty member concerned and his department head or his dean. If these fail, there should be at least one relatively informal conference of the faculty member, the dean, or head of his department, and a representative of the Provost. To this conference the faculty member should have the privilege of bringing a colleague of his own choosing.

2. Preliminary Investigation

If agreement cannot be reached "out of court," the Provost should request the Faculty Welfare Committee to appoint a committee of three, at least one of whom is a member of the Faculty Welfare Committee, to inquire quickly and informally into the affair and to decide whether in their opinion formal proceedings are justified. If in reporting to the Provost this committee recommends such proceedings, or if the Provost, regardless of the committee's recommendations, wishes them, formal proceedings should begin.

3. Written Statements

Formal proceedings should begin by a written set of specifications from the Provost outlining with reasonable particularity the grounds for proposed dismissal, and stating as fully as may be the facts relied on for dismissal, and the names of witnesses to these facts, together with references to any rules or regulations

allegedly broken. In addition, the specifications should outline in detail the procedure to be followed and should inform the faculty member concerning his procedural rights. If he wishes to contest the charges against him, the faculty member should reply in writing, answering each of the charges. He should be given sufficient time to prepare his reply, in no case fewer than twenty class days or more than thirty class days from the time he receives the formal charges. If he chooses, the faculty member may waive his right to a formal hearing, and allow his written statement to constitute his defense.

4. Formation of the Hearing Committee

As soon as the Provost sends formal charges to the faculty member concerned, he should inform the chairman of the Senate, and that body shall immediately set in motion the procedure described below for selection of a group of five faculty members to act as a hearing committee. These shall be persons of objectivity and competence who are high in the regard of the faculty as a whole. No member should be chosen from the Senate or from the preliminary committee of three. Except in unusual circumstances, no member of the accused's department should serve on this committee. The hearing committee should elect its own chairman.

- a. Within five days the Provost of the University and the Chairman of the Senate shall each (without consultation with one another) present in writing to the Senate the names of twenty-five faculty members who they feel would make a fair judgment of all the facts pertinent to the case. In compiling the list, each should keep in mind the restrictions on membership for the hearing committee described above. Neither list should contain more than five members of any department or bureau. If the Chairman of the Senate is a member of the accused's department, the Vice-Chairman shall submit this list.
- b. The elected members of the Senate (exclusive of the officer who submitted the list of twenty-five names) shall select, by secret ballot, a total of twenty-five faculty members from the lists submitted to them. If the first ballot does not provide a consensus of twenty-five names, or if more than five names are from any one department or bureau, subsequent ballots may be cast.
- c. One copy of this list must be submitted to the faculty member and one copy to the Provost (or other administrative officer responsible for the general supervision of the work of the faculty member and responsible for initiating the dismissal recommendation). The Provost of the university (or other administrative officer responsible for the general supervision of the work of the faculty member and responsible for initiating the dismissal recommendation) and the faculty member may strike off the names of not more than 10 individuals on the list who, in their judgment, should not serve on the committee. In addition, each may check the names of five or more individuals whom he would recommend as suitable members of the committee. These lists are to be signed and returned to the Senate.
- d. After receiving the two lists the elected members of the Senate shall designate a committee of five consisting of those who have been recommended by both the department head and the faculty member as indicated by their checks on the lists. If the number of names checked by both the department head and the faculty member is less than five, additional names will be chosen from those names that have not been crossed off by either party.

5. The Hearing

First, the hearing committee should consider the formal charges and the faculty member's reply. If the faculty member has waived his right to a formal hearing, the committee should decide, on the basis of available information, whether or not the person concerned should be removed. If a hearing is not waived, it should be set for as early a date as is practicable. Hearings will ordinarily be open, but the accused shall have the right to request a closed meeting. In such case, the hearing committee shall make the final decision as to whether the hearing shall be open or closed. If the committee denies the accused's request for a closed hearing, it shall file a memorandum decision as part of the record in the case, giving reasons for the said denial. (Mr. Baker has recommended that the last sentence of this paragraph be struck. The last sentence reads, "The hearing may be public or private, depending upon the committee's decision after consulting the Provost and the faculty member concerned.")

In case the facts are in dispute, the committee should determine the order of proof. The burden of proof should be on the administration, as the moving party, and the charges must be supported by a preponderance of the evidence. The Provost, or his representative, should be allowed to attend throughout the hearing and to assist in developing the case. However, the committee should normally conduct the questioning of witnesses and may request such additional evidence as the case seems to require. The accused should have the right to counsel, whose functions in developing the case parallel those of the Provost or his representative. The administration and the accused should have the right (Mr. Baker has recommended that three words be struck here. The three words are: "within reasonable limits.") to question orally all witnesses appearing before the committee. While formal rules of evidence and court procedure are not necessary, the committee establishing its own, the accused should have the right to confront adverse witnesses unless unusual circumstances cause the committee to decide otherwise. In every instance in which the committee does decide otherwise, all of the evidence and the identity of the witness must be disclosed to the accused.

All evidence should be duly recorded.

After the evidence is presented, the administration and the accused should be allowed a reasonable time to sum up and make oral arguments; the committee may, if it likes, require written briefs. When the committee is satisfied that each side has had its full say, it should make its findings of fact and recommendations in private conference.

The hearing committee should make explicit findings on each of the formal charges presented, and should give reasons for each finding. The faculty member and the Provost should immediately be given a copy of the findings of fact and recommendations, together with a transcript of the record if requested. No publicity should be given out about the hearing or about the committee's action until it is final; then, only the President should have the authority to make the formal announcement of the committee's findings and recommendations. (It is recommended the following sentence be added to this paragraph: "The President will review the recommendation, giving great weight to the judgment of the committee, and will transmit it to the Board of Regents, stating his concurrence or disapproval.")

6. The Regents' Decision

Since the Board of Regents has the final power in matters of dismissal, it may choose to review the case. If a decision has been reached to dismiss a faculty member with tenure, or terminate during its term the appointment of a faculty member without tenure, the Board shall grant any request for review. While the Board will determine the procedure to be followed at such a review, the faculty member shall on request have a right to be heard orally, as specified in the Regents Procedural Guide.

7. Suspension of the Faculty Member

Suspension of the faculty member during the proceedings involving him is justified only if immediate harm to himself or others is threatened by his continuance. Unless legal considerations forbid, any such suspension should be with pay.

The following letter to the Board of Regents from President Kamerick summarizes changes the president requested for approval and which already had been incorporated into the document:

In November, 1959, the Faculty Senate at the University of Northern Iowa developed a "Procedure for Handling Faculty Dismissal Cases," as it was called. This procedure was approved by the Board of Regents in December, 1959. In 1967, several modifications to this procedure were written into the Faculty Manual, but insofar as I am able to ascertain from consulting the minutes of the Board of Regents, these recommendations were not submitted to the Board for approval.

Therefore, these changes and others are being submitted now for your approval. In addition to that, the changes recommended by Mr. Baker on page two of his communication are also being recommended for approval, in order to safeguard due process and define more clearly the burden of proof. Third, the adoption of a procedure for imposing discipline short of dismissal on faculty members does mean that someone will need to decide which of the procedures should be invoked. It is likely that that decision should rest with the same person, namely the provost of the university, and that change has been incorporated.

I believe it's fair to say that nothing substantive has been changed in making these recommendations to you and in many cases the changes amount to little more than the corrections of terminology. Probably, then, there is no need for options. However, in describing these suggested changes where they amount to more than terminology (for example, one sentence has been recommended for deletion by Mr. Baker) this is pointed out. He has also defined more precisely the nature of the proof to be demanded, and this is pointed out. One line has been added to provide for transmittal of the committee recommendation to the Regents, and the paragraph on the Regents' review has been slightly altered to bring it into conformity with the Regents' Procedural Guide.

In summary, then, the changes are:

1. The Provost has been substituted for the President throughout the document.
2. The burden of proof has been defined.
3. Regular transmittal to the Board has been written into the procedure.
4. The Section on Hearing Procedure has been brought into conformity with the Procedural Guide.

President Kamerick stated to the board that the above procedure is for dismissal for both faculty members who hold tenure and for those who do not hold tenure.

Mr. Baker, by letter to President Kamerick, noted:

Concerning the Procedure for Handling Faculty Dismissal Cases, I observe as follows:

1. Section 320(5) would be better if the hearing were open, unless the faculty member requests in writing that it be closed. The language could be substantially the same as the opening of Section IV of the Procedure for Imposing Discipline. I am not sure of the reason for the last sentence of the first paragraph of 5, and would recommend it be struck.
2. In the second paragraph of 5, I have added the language concerning preponderance of the evidence in the same manner I recommended it in the Procedure for Imposing Discipline. If you do not add this language, there is a question as to the exact burden of proof being placed upon the administration.
3. In that same second paragraph, in the sentence dealing with the right to question the witnesses, I would recommend the words "within reasonable limits" be struck. Both parties should have the unlimited right to question witnesses, so long as the questioning is material to the hearing. If the questioning becomes irrelevant or immaterial, I believe the chairman of the committee would have the implied right to prohibit those questions.

MOTION TO AMEND PROCEDURE:

Mr. Shaw moved the document be amended in the first sentence of the preamble, adding "for cause" following the words "from employment". Mr. Wallace seconded the motion, and it passed unanimously.

Discussion then centered on the following language of Section 5 of the procedure entitled The Hearing: "While formal rules of evidence and court procedure are not necessary, the committee establishing its own, the accused should have the right to confront adverse witnesses unless unusual circumstances cause the committee to decide otherwise. In every instance in which the committee does decide otherwise, all the evidence and the identity of the witness must be disclosed to the accused."

Regent Zumbach stated that the right to cross examine your accusers is very important. Mrs. Petersen noted that they do have the right except in very unusual circumstances.

Regent Wallace suggested the board add "this decision of the committee may be appealed to the president" before the last sentence of the above. Regent Shaw stated the board must be careful, however, in inserting this statement in this place only. Mr. Martin, UNI, stated that if we pressed the president of the university with too many procedural appeals before the entire case is transmitted for his review, some might allege that his judgment had been tainted. Mrs. Petersen added that she felt the board wanted a workable procedure and if we give that right of appeal on every single matter of procedure, people could obstruct anything. Mr. Jones, UNI, stated that the committee is made up of five faculty members who are willing to fall over backward to protect the rights of the accused. Mr. Poage, UNI, also concurred with Mr. Thompson and Mr. Jones. Extensive discussion was held on this point.

MOTION:

Mr. Wallace moved the board approve the "Procedure for Handling Faculty Dismissal Cases" as amended with presidential changes. Mrs. Collison seconded the motion, and it passed unanimously.

D. Constitution of the Faculty of the University of Northern Iowa. The board was requested to approve, with recommended changes, the following faculty constitution. President Kamerick, by way of letter to the Board of Regents, stated his recommended changes in the constitution.

From previous correspondence in which you have shared, you know that members of the faculty at the University of Northern Iowa have been engaged for some time in drafting a constitution. Prior to my own arrival on campus, a Constitution Committee was formed in 1970 (apparently in consequence of local and national events) and since that time has worked very diligently to produce a constitution for the faculty.

The constitution has gone through several stages of refinement and is now presented to the Regents. Accompanying the constitution are several communications, some critical and some only informative.

More than a year ago I wrote to the faculty as follows:

As must be obvious, a faculty constitution as comprehensive as this inevitably defines not only the role of the faculty in university governance but also, by one means or another, partially defines the role available to other constituencies, principally the students, the administration, and, to a lesser degree, the governing board.

Thus, a decent regard for democracy requires that those who are affected by actions have, at a minimum, the opportunity to comment. I have a letter from the President of the Student Senate asking that the Student Senate be provided an opportunity to comment on the final document before it is presented to the Board of Regents. This opportunity will be provided to the Student Senate, to the Administrative Council, and to the collegiate administrations, deans, and department heads. However, the final document, as (and if) approved by the faculty, will be sent to the Board along with Student Senate, Administrative Council, and collegiate administration recommendations. I shall write a covering letter, as normally required.

You will find some of the correspondence referred to above, following the Faculty Constitution. You will also find there a faculty-wide expression of opinions on the Constitution conducted by our Institute for Social Research.