February 2, 1999

MINUTES OF THE FACULTY SENATE

The sixth regular meeting of the Faculty Senate of the College of Charleston convened at 5:04 p.m. on Tuesday, February 2 in ECTR 116, Speaker of the Faculty, Trisha Folds-Bennett presiding. Forty-nine senators attended. Minutes of the January 19 meeting were approved.

New Business

- For the Curriculum Committee, Dottie Marban made two motions, both of which passed.

STUDIO ART

- New Courses: ARTS 334 Advanced Photography (3);
  ARTS 325 Advanced Photographic Techniques (3)

- For the Faculty Welfare Committee, Glenn Lesses presented the Revised Proposal for a Post-Tenure Review.

Mr. Lesses began by summarizing the history of the proposal. After a Post-Tenure Review was mandated by CHE, an Ad-Hoc Committee for a Post-Tenure Review was appointed. The Ad-Hoc Committee submitted a proposal to the Senate, which was provisionally accepted on April 7, 1998, and then reviewed by Academic Affairs. The charge to the Welfare Committee was to reconcile input from the Provost with the Ad-Hoc Committee’s proposal and to insure that the document complied with CHE’s “Best Practices for a Post-Tenure Review” and “Best Practices for a Performance Review System for Faculty.” The final version of the proposal, Mr. Lesses emphasized, reflects an accommodation to the Provost and to CHE. He encouraged the Senate to view the document as a framework and reminded senators of the February 15 deadline for submitting a proposal to CHE.

Discussion of the proposal focused on six areas: coordination with promotion, implementation of the review, make-up of the panel to review a department chair, materials necessary for the review packet, the role of the deans in the review, and the appeals procedure.
• **Coordination with promotion:** Idee Winfield questioned the connection between the Post-Tenure Review and the rollback to a sixth year for consideration for promotion to full professor. Mr. Lesses answered that CHE guidelines allow a promotion review to count as a post tenure review regardless of the outcome of the promotion.

• **Implementation of the review:** Lee Lindner raised concerns from his department about implementing the review as described in #10 of the proposal. Mr. Lesses responded that #10 applies only to the transition period as the post-tenure review is phased in. He agreed that the language of #10 was unclear, and, without objection, added the following phrase at the beginning of the item for clarity: “During the transitional period of three years.”

• **Make-up of the panel to review a department chair:** A number of senators questioned 3 (b), especially the determination of “the most senior tenured members of the department” who will conduct a post-tenure review of the chair. At the suggestion of Bill Moore, who first raised the question, and David Cohen, it was decided that the make-up of the panel could be decided later.

• **Materials necessary for packet:** (See Motions 1 and 2 below)

Kem Fronabarger made three motions, all designed, he said, to streamline the process. The intent of the first motion is to reduce the amount of proof required for the satisfactory rating that most reviews are expected to receive.

**Motion 1.** Change 3.a.i to read *in full* [new phrasing underlined]:

3.2.i Professional Vitae

*Narrative statement from the candidate that outlines his/her accomplishments in the areas of teaching, scholarship, and service during the preceding five years.*

*Department Chair's annual evaluations for the five years under review; or, in the event that a department Chairperson is being evaluated, the Dean's annual evaluations of the Chair for the relevant years will be submitted.*

In support of his motion, Mr. Fronabarger questioned the need for the additional material called for in the proposal (e.g. teaching evaluations and peer evaluations) when the packet for those seeking a satisfactory rating will not be reviewed by the Post-Tenure Review Committee. A number of senators including Nunan, Cudahy, Low, Diamond, Lesses, and Scholtens spoke against the motion, arguing that it violates CHE requirements specified in the “Best Practices” documents, especially the requirement for peer review.
Ned Hettinger asked why the proposal requires peer reviews of the candidate’s teaching when current practice seeks peer evaluation of service. When Bev Diamond noted that “Best Practices for a Post-Tenure Review” document indicates that peer reviews should usually evaluate the quality of research, Bob Mignone replied that CHE requires peer reviews of research for research institutions (the College of Charleston is classified as a teaching institution). Marion Doig added that a requirement for external review of research is satisfied by the proposal’s specifying *juried* publications.

Although Jim Carew and Kem Fronabarger argued that annual evaluations already assess what is asked for in the Post-Tenure Review and that chairs can be considered a peer reviewer, Mr. Lesses argued that the Post-Tenure differs from an annual evaluation: it looks at a career from a period of years, a diachronic look not provided by a sum of annual evaluations.

The motion failed.

**Motion 2** Change 3.a.ii to read *in full* [new phrasing underlined]:

3.a.ii In addition, candidates seeking a “superior” rating (see provision 5) must also furnish clear evidence of *continued* quality teaching (*continued* professional competency in the case of librarians), service to the College, and continued quality scholarship. Peer refereeing is one criterion of scholarly quality; therefore the evidence must include at least two published scholarly articles and/or books (or otherwise juried publications, or professionally evaluated performances or exhibits in the arts). Evidence is to be compiled for the intervening period between promotion evaluation and/or post-tenure review.

Computer generated student teaching evaluations (summary pages with with numbers) for all evaluated courses taught by the candidate during the five years under review must be submitted.

[*In the event of subsequent approval of teaching portfolios as part of the post-tenure review process, they may be submitted as evidence for continued quality teaching.*]

Mr. Lesses pointed out that the language in the proposal was intentionally selected from the *Faculty/Administration Manual* so that the criteria would be the same. While Jane Clary supported the addition of the word “published,” John Newell, Bev Diamond, and Bob Mignone argued in favor of maintaining the language in the *Manual* specifying the requirements for promotion to full professor.

The motion failed.
• The role of the deans in the process: Mr. Fronabarger’s third motion proposed changes in phrasing about when deans step into the process.

Motion 3: Change 3.c as follows:

The department Chair (or the departmental panel) will forward the candidate’s packet. . . continue as written in the original proposal until the penultimate sentence. . . Deans may choose to review the packets and forward a recommendation. Normally the Deans will not review satisfactory recommendations unless the candidate requests the Dean to do so. . . continue as written in the original proposal.

Most discussion of this motion concentrated on the change from “deans may choose to review the packet and write a letter of evaluation” to “normally the deans will not review satisfactory recommendations unless the candidate requests the dean to do so.” Deanna Mc Broom pointed out that the difference is at whose volition the packet is reviewed: in the Faculty Welfare proposal the dean chooses; in the motion the candidate does. Phil Jos, Bob Perkins, Bev Diamond, and Brian Scholtens spoke in support of the dean’s role in the process to insure against unfair evaluations and to provide oversight.

Peter McCandless observed that the dean’s role would change with the three possible outcomes of the review—superior, satisfactory and unsatisfactory. To clarify the dean’s role, Mr. McCandless made the following friendly amendment to the motion:

Deans will review packets and forward a recommendation in cases of superior unsatisfactory ratings. Deans will not normally review satisfactory recommendations but will do so at the request of the candidate.

The amendment passed.

Bill Moore moved the addition of the following (underlined) words to the first sentence of 3.c

The department chair (or the departmental panel) will inform the candidate of the departmental recommendation and forward the candidate’s packet. . .

The motion passed.

• The appeals procedure: Questions arose during the discussion about appeals open to candidates denied a superior rating. Mary Beth Heston moved the following addition to 6.b in the proposal (new phrasing underlined):
6. (b) A candidate wishing to appeal an unsatisfactory rating or denial of a superior rating must submit a written appeal to the Faculty Hearing Committee within ten days of notification ... 

Mr. Lesses commented that the Faculty Welfare Committee used language from the Manual in developing the appeals procedure. Pointing out that the Hearing Committee deals only with cases in which a faculty member is being dismissed, Mr. Mignone suggested that appeals for denial of a superior rating should be heard by the Grievance Committee. When some senators suggested that an appeals procedure for denial of superior rating needed to be a separate item in the proposal, Mr. Nunan argued that such a major revision would require that the document be remanded to the Welfare Committee. The Parliamentarian ruled that remanding would mean that there would be no proposal to meet the February 15 deadline. Ms. Heston withdrew her motion, but the Speaker asked the Faculty Welfare Committee to consider a revision to the proposal that would address an appeals procedure for denial of a superior rating.

Following is the Post-Tenure Review Proposal as amended by the Senate that will be submitted to CHE.

POST-TENURE REVIEW PROPOSAL

1. A new standing faculty committee will be created, the 'Post-Tenure Review Committee'. Its membership will be constituted in accordance with the same criteria as the currently existing college-wide T&P Committee, but with no ex-officio members. Its members will be selected through the same process as well (i.e., via the Nominations Committee and the Senate, like other standing committees).

2. The charge of this committee will be to conduct all institutional-level post-tenure reviews (excluding promotions) which fall during its term of office.

3. A post-tenure review will be conducted for each tenured faculty member during the sixth year since her/his previous extra-departmental review, via the following set of procedures:

   (a) In the fall, all candidates will submit to their department chair a packet of materials that must include:

      (i) Professional Vitae*

      Statement from candidate on teaching, research and service, addressing past five years and future plans and goals.*

      Computer-generated student teaching evaluations (summary pages with numbers) for all evaluated courses taught by candidate during five-year interval under review.*
Department chair’s annual evaluations (both numerical summaries and narratives) during five-year interval under review. In the event that a department chair is being evaluated, the dean’s annual evaluations of the chair will be included instead.

Two letters from intra- and/or extra-departmental peers, concerning aspects of candidate’s teaching (or, for librarians, professional competency).*

[* In the event of subsequent approval of teaching portfolios as part of the post-tenure review process, starred elements may be incorporated as components of those portfolios.]

[**In the event of subsequent approval of peer teaching evaluations as part of the post-tenure review process, these letters will include peer teaching evaluation comments.]

(ii) In addition, candidates seeking a ‘superior’ rating (see provision 5) must also furnish clear evidence of exemplary teaching effectiveness (exemplary professional competency in the case of librarians), leadership in service, and continuing quality scholarship. Peer refereeing is one criterion of scholarly quality; therefore, the evidence must include at least two scholarly articles and/or books (or otherwise juried publications, or professional evaluated performances or exhibits in the arts). Evidence is to be compiled for the intervening period between promotion evaluation and/or post-tenure reviews.

(b) This packet will be reviewed by the department chair during the fall semester of the sixth year, to determine whether the candidate’s performance warrants an ‘unsatisfactory’ rating. In that event, the department chair will add a substantive evaluation letter to the packet, explaining his/her reasons for flagging the candidate’s performance as unsatisfactory. Department panels will be convened only in the case of review of the chair.

When the department chair herself/himself is up for post-tenure review, the most senior tenured member of the department (other than the chair) will convene, and chair, a departmental post-tenure review panel consisting of three tenured faculty (including the panel chair). Panel members will normally be drawn from the home department. No tenured faculty member concurrently subject to post-tenure review may serve on this panel. The panel will exercise the same responsibility with respect to the department chair’s candidacy that the chair exercises in all other cases.

(c) The department chair (or the departmental panel) will inform the candidate of the departmental recommendation and forward the candidate’s packet with either a brief acknowledgment of the chair’s (or panel’s) concurrence with the candidate’s self-evaluation, or a detailed negative evaluation letter, to the candidate’s dean by the first Monday in December. Deans will review packets and forward a recommendation in cases of superior or unsatisfactory ratings. Deans will not normally review satisfactory recommendations but will do so at the request of the candidate. The dean must forward the packets to the Post-Tenure Review Committee by the first day of the beginning of the Spring Semester.

(d) The Post-Tenure Review Committee shall review and forward its recommendation to the Provost by the end of February. Normally, the committee will not review
satisfactory recommendations unless the candidate requests the committee to do so.

(e) The Provost may make a recommendation and will forward all recommendations to the President.

(f) Upon receipt of the recommendations of the department, the appropriate dean, the Post-Tenure Review Committee, and the Provost, the President shall make a final determination and inform the candidate, the Provost, the dean, and the department chair in writing of his/her decision by March 15 or within two weeks of receipt of the recommendation. In the course of deliberation, the President shall have access to all materials used in the evaluation.

4. Evaluations of the Post-Tenure Review Committee can take one of three forms:

'Superior'
Candidate has continued to perform at the level expected for promotion to the rank of Professor, or Librarian IV, in accordance with the standards of the Faculty-Administration Manual. Tenured Assistant and Associate Professors or Librarians who lack a terminal degree but who otherwise meet the standards of promotion to the rank of Professor or Librarian IV are eligible for superior ratings.

'Unsatisfactory'
Candidate has exhibited evidence of habitual neglect of duty, which means consistently and regularly failing to fulfill the terms and conditions of appointment, as laid out in the Faculty-Administration Manual’s section on “Termination of Tenured Faculty Members for Cause” and Termination Procedure.

'Satisfactory'
All other candidates.

5. Whenever the Post-Tenure Review Committee assigns a rating of ‘superior’, such a rating must be accompanied by a permanent merit increase normally not less than that given for promotion to the rank of Professor, effective the academic year following the year of evaluation.

6. Whenever a candidate receives a rating of ‘unsatisfactory’:

(a) The case will be remanded to the existing departmental panel, or a new one convened for the purpose (in the latter case, including the department chair and two other tenured departmental faculty), to devise a remediation plan in consultation with the candidate. This plan must be submitted to the college-wide Post-Tenure Review Committee for approval within twenty-one days of the President’s final determination of an unsatisfactory rating. The Post-Tenure Review Committee must approve or, in consultation with the department panel, modify the plan within fifteen days.

(b) A candidate wishing to appeal an unsatisfactory rating must submit a written appeal to the Faculty Hearing Committee within ten days of notification of a unsatisfactory rating. The rating may only be appealed when the faculty member alleges the rating was based upon:
(1) discrimination, defined as differential treatment based upon race, religion, sex, national origin, color, age, or handicap; or
(2) violation of academic freedom as it relates to freedom of expression; or
(3) violation of due process as provided in the College’s published rules, regulations, policies and procedures.

7. Ultimate ratification of satisfactory completion of a remediation plan rests with the college-wide Post-Tenure Review Committee, as constituted at the time of the deadline originally assigned for completion of remediation. In the event that the Committee concludes that the candidate has failed to complete the remediation plan to its satisfaction, the Committee will notify the candidate, the department chair or panel, the provost, and the dean of the candidate’s school that the Committee has concluded that proceedings for revocation of the candidate’s tenure ought to be instituted, in accordance with the guidelines of the Faculty/Administration Manual.

8. The Post-Tenure Review Committee operates on a presumption of satisfactory performance. That is, the burden of proof (clear and convincing evidence) for a superior performance lies with the candidate, and the burden of proof for an unsatisfactory performance lies with the department chair or departmental panel. The Post-Tenure Review Committee can request additional information at any time during their deliberations.

9. The normal minimal period for initial eligibility for promotion to Professor shall be reduced from seven years to six (in order to be consistent with the legislatively mandated post-tenure review period of six years).

10. During the transitional period of three years, those eligible for consideration for ratings should be limited to one third of those holding the rank as tenured faculty for six years. Moreover, those eligible in the first round of eligibility should be limited to that third that has been in rank the longest.

Adjournment

With no further business, the meeting adjourned at 6:35 p.m.

Respectfully submitted,

Kathy Haney
Faculty Secretary