

Subject: Senate News
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**Senate
News**

**February
17,
2000**

Sorry, these are so late folks but I have been very busy. The entire Senate meeting was about Post Tenure Review (PTR). President Ransdell was supposed to speak about the budget but got delayed in Frankfort. He is going to address the Senate in March.

Now, back to PTR. First, Ed Wolfe stated that the Senate had asked Betsy Shoenfelt to attend the meeting to give a brief update on the progress of the committee, to answer any questions, and to bring comments back to the PTR committee for review. He then added that he had read the proposed document and in his opinion there should be a "trigger" mechanism that triggers an individual going through the entire PTR process all the way to the Provost. The Senate Executive Committee had met and discussed a two-track system.

One track is the developmental track. In this track, all faculty would undergo a developmental PTR. The developmental PTR would be completed at the same time as the annual reviews with the department head. The review would include a review of the previous five years and will establish goals for the next five years. The purpose of the review was to encourage faculty to engage in long-term planning of their careers. Each department head would also be allowed to nominate faculty outstanding faculty for rewards.

All tenured faculty who receive less than satisfactory ratings on teaching or on the overall evaluation in two consecutive annual evaluations would enter the consequential track. The consequential PTR process will include the departmental faculty, department head, a college PTR committee, the Dean of the College, and the Provost.

Faculty undergoing developmental PTR could also request consequential PTR. Ed added that the system proposed by the PTR Committee was an inefficient way to solve the problems of ineffective annual reviews. The two-tier system is meant to streamline the process.

Betsy then outlined how the new PTR proposal differed from the original document. Differences included:

- The annual evaluations will not be included.

- The Department Head's and Dean's evaluation enter in the Stage 2 of the process.
- Documentation will include an annual summary of activities and a current vita.
- At the college level, there will be 6 people on the committee. There is some leeway on the composition of this committee.
- There are rewards.

Bulletin: Robert Dietle breaks in and asks Betsy if she is aware that there is NO budget item for rewards. Betsy said "No" and turned to Dr. Burch who replied that if rewards are part of the document, they would just have to find money for them.
Dietle: Where is the money coming from? Dr. Burch: It just will have to be found.

Back to Betsy:

- There will be an appeals procedure that will follow the Handbook.
- People undergoing Promotion do not go up for PTR that year.
- The PTR Committee is trying to incorporate the standards of the annual review.
- The committee wanted to incorporate the idea of peer review.

Comments from Faculty:

Peer reviews are used in industry but they are usually used to give feedback. Under this system, a person could lose their job.

What happens if faculty opt for retirement? They don't go through PTR.

What happens if faculty then don't retire? They go back in the line-up, first.

What about Department Heads and Administrators with Tenure? They have a similar review every 3-5 years. One person said that he knew his department head had not been reviewed with the same rigor as the PTR standards.

The question of peer review becomes tricky when you only have a few people in the department. There is basically the feeling that no one would say anything negative about another person if he/she felt that it would not be confidential and/or if he/she was going to come up for review in the next year. Betsy's reply: It would be difficult to have review in small departments.

Question about the risk to individuals that do non-main stream research. Would they be more at risk? Betsy replied that reasonable standards should extend from the college to the department.

One faculty commented on the specifics of the proposal. Quoting from the speaker's comments:

1. "Departments are expected to identify their evaluation criteria for the Department Post-Tenure Review Committee." Nowhere in the document does it say what criteria the head (chair), college Post-Tenure Peer Review (PTPR) committee, dean, and provost are to follow. Thus the specter is raised of arbitrary and capricious or disparate standards being applied to similar candidates (double or triple standards). Thus it would be well for those above to be required to adhere to the departmental standards. This does not mean that those above should not have the opportunity to review the standards in advance of their implementation, but once accepted by one they should be accepted by all.

2. The PTR committee urges that the process of review should mirror other processes by continuing up the chain whether the review below is positive or negative because this is how all the other reviews are done. As suggested by others, this is wasteful of brainpower and time. Not only that, but the heavy burden placed on the decision makers at the upper level is likely to result in both delayed decisions making and errors in decisions. One criticism repeatedly made of WKU is that it is too bureaucratic. Here is an opportunity to act in a less bureaucratic fashion and to decentralize authority, but we demur. Selectively, we are willing to break one mold (embracing post-tenure review) but not another (sending everything up the chain of command) even though it may be dysfunctional.

3. Faculty members under review (FAMURs) will be notified by October 25 of the department committee's findings and department head's recommendations and given an opportunity to respond. Respond to what? The responsibility of the committee and department head as well as all subsequent reviewers should be to provide reasons as well as a recommendation to FAMURs if the latter are to make meaningful responses, and that responsibility to provide reasons should be made explicit as part to the PTR document. As the document reads now there is no such responsibility.

You state that the document provides for notice to them throughout the process. On reading the document again, there appears in fact to be a period from October 25 to January 15 wherein a faculty member may not be notified of adverse recommendations taken by the college post-tenure committee and dean. It appears that the candidate would not be notified until the provost had acted. Indeed, the obligation to notify unsuccessful FAMURs of the provost's recommendation is only implicit, at least in the document version at hand, wherein it speaks of a right of appeal if the "faculty member disagrees with the decision of the provost." Where in the draft document is the explicit obligation to notify FAMURs of adverse recommendations in a timely manner?

4. What is the wisdom of simply stipulating that appeals may be through "the established University mechanism" in the Faculty Handbook. There are two reasons for concern. First, the existing mechanism may be inadequate. Second, the Faculty Handbook, even to the extent that it is controlling, may be revised at will by the Administration, and those revisions may be less than benign. Therefore, the protections afforded to FAMURs under the PTR process are vulnerable to revisions in the Faculty Handbook for which there is no recourse. Caution is advised. Some examples from the 14th edition of the Handbook:

Inadequacy. I assume that a dismissal after PTR would be subject to the "Procedure for dismissal for cause" as set forth in the WKU Faculty Handbook, latest edition, and that appeal of a finding of a deficiency and need for remediation would be appealed under the "Faculty Grievance Procedure." In dismissal grievances, FAMURs may employ counsel to represent them in a formal hearing. This is only right. In regards to a grievance related to less than dismissal, there is not even a guarantee of a hearing; if there is hearing there is no mention of whether it is to be formal. There is no mention of right to counsel. Yet a finding of inadequacies severe enough to require remediation, not to mention the program of remediation itself, could be extremely consequential for a faculty member. Emotionally involved, unused to adversarial proceedings, naive in regard to marshaling his/her own defense, an otherwise meritorious faculty member (who for example was supported below but denied above) is at the mercy of circumstances beyond his or her ability to cope. The potential consequences of a negative PTR are consequential. It seems to me that FAMURs ought to have a right to a professional representation, in the interests of fairness.

Vulnerability. This is an example of the kind of thing that can happen. The twelfth edition of the Faculty Handbook laid out a six part procedure for conducting a formal evidentiary hearing including cross examination of witnesses (pp. 21-22). The thirteenth edition provided for the same procedure. The procedure in the fourteenth edition of the faculty handbook contains seven points, not six. The new point, at position 4, reads "Although both parties may seek outside advice as needed, neither will be formally represented by legal counsel at these hearings" (p 22). This change severely hampers the ability of a faculty member to present a case and is grossly unfair in my opinion – but that is not the point. The point is that the change to the faculty handbook was made without meaningful input from the faculty and maybe without their knowledge. From this example it follows that to designate the Faculty Handbook appeal process as the PTR appeal process is perhaps injudicious when the former is subject to revision at any time with no faculty input. If the appeal process in the current faculty handbook is acceptable, why not simply paste it into the PTR document as is so that it will not be vulnerable to hushed revision?

The faculty commented Betsy and her committee for her effort and suggested that the faculty have the opportunity to vote on the document. Betsy recommended that the faculty vote on separate sections of the document.

Robert Dietle rose to his feet and proposed a motion that the Senate recommend the two tier system described in the first section of these minutes. Stan Cooke asked where the motion came from. Dietle replied from the Executive Committee of the Senate. The motion was in draft form and open to discussion. Stan stated that he felt that the Chair should not state his opinion from the floor and his duty was to direct the meeting. A faculty member pointed out that everyone may have a different opinion of what leadership entails but let's not lose sight of the motion. Should we have a two-tier system? After some discussion, the Senate voted in favor of a two-tier system.

Now, my apologies to Ed and Stan. I am exhausted. I am doing too much right now. The day after the meeting Ed wrote a response to Stan. He asked me to send it to all the Senators. In my haste, I send the reply to all faculty. The good news – people did read the email and suddenly became interested in the meeting. The bad news is that the memo was out of context. Stan was just stating his views, Ed was just stating his views, and I am sure they will go hunting and fishing together this summer. There were no shouting matches but it does give one pause. You might want to think about what qualities you want in a leader for this new university governance structure. In the three years that I have been at WKU, I have experienced two very different styles of faculty leadership.

Finally, I have talked to the poodles about PTR. At first they thought it stood for Poodle's Treats and Rewards. When I explained that there was no money in the budget for this item, they became quite chagrined. They have decided to stick with their regular annual reviews with a slight modification – they want to peer review each other.