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Utah State University
Academic Freedom and Tenure (AFT) Committee

Minutes for meeting held 24 February 2016

In attendance (in person or via dial-in or videoconference): Bruce Duerden, Kathy Chudoba, Kurt Becker, Cathy Bullock, Farrell Edwards, Sterling Banks, Susan Talley, Anthony Lott, John Stevens, Michael Lyons

Meeting called to order at 2:30pm, and minutes from 01/27/16 meeting were approved.

Old Business

- Information item: Policy proposal regarding close relatives in the classroom discussed (and not passed) in 2/1/16 Faculty Senate
 - AFT committee had discussed this issue previously in our 11/16/15 meeting

- Define “arbitrary or capricious conduct” (407.5; see Appendix 2) for Guidelines *“Arbitrary or capricious” means doing something according to one’s will or whim (as in a sudden, unpredictable change). An action or decision is arbitrary if it is not supported by logic or the necessary facts, or if it is made in the absence of decision-making criteria consistent with USU policy and procedures. An action or decision is capricious if it is adopted without thought or reason, or is irrational.*
(Acknowledge partial language from <http://definitions.uslegal.com> ?)
 - Agreement to include this in the Guidelines document, with a footnote indicating language partially based on that website
 - Updated Guidelines document to be reviewed in our next meeting, where we can take a final vote before submitting it to the Faculty Senate website

- Requiring reasons for non-renewal (407.6.4) be specified (by some level of administration)
 - After a good discussion, there was clear consensus to require the reason(s) for nonrenewal be specified in any recommendation made at the department committee, department head, or dean level.
 - Discussion clarified that the faculty member does receive copies of those recommendations
 - The previously proposed changes to 407.6.4(1) are not going forward again in our proposal.
 - The proposed change to 407.6.4(2) is probably redundant
 - Some discussion addressed whether to also require the “central committee” (405.7.2(5)) to specify reasons for nonrenewal

recommendation in their report to the president. Committee felt that cases where the central committee is the first level to recommend nonrenewal are fairly rare, so faculty should have a reason before then.

- Committee voted unanimously to move forward with the proposed changes in the Appendix below.
- John will put together the full proposal document, and meet with representatives from the President's and Provost's offices (including general counsel) before sending it to the Faculty Senate Executive Committee.

New business

- Looking ahead to new chair & vice chair next year ...
 - Any AFT committee members interested in serving as chair or vice-chair next year, please contact John (who will be on sabbatical next year). If no interest is self-declared, John will start contacting possible candidates.
 - We will discuss candidates in our next meeting, and vote in our final meeting of this academic year (4/20/16).
- Other items from committee
 - Next meeting Wed 3/23/16 at 2:30pm

Appendix 1 – Possible code changes regarding nonrenewal

(Possible changes underlined and in red; note that 405.6 and 405.7 could only apply to tenure-eligible faculty)

405.6.2(1) Tenure advisory committee (TAC)

... The role and responsibility of the TAC is to provide an annual evaluation of a faculty member's progress toward tenure and promotion. The TAC is responsible for providing feedback to the faculty member with regard to progress toward tenure and promotion, and shall recommend (a) to renew the appointment or (b) not to renew the appointment (407.2.1(5)). In the final year of the pre-tenure probationary period, the committee shall recommend (a) awarding promotion and tenure or (b) denying promotion and tenure (407.2.1(5)). If the committee recommends nonrenewal (or denial), they must specify in their report the reason(s) for non-renewal (of the three allowed under 407.6.2). ...

405.7.2(2) Evaluation and recommendation by the tenure advisory committee.

The tenure advisory committee shall review and evaluate the candidate for tenure, based on the information in his or her file including external peer reviews. The committee shall make a decision with respect to its tenure recommendation by a majority vote and the names of those for and against shall be recorded. The committee members will support this decision with a letter to the department head or supervisor, and shall include in that letter a report of the committee vote by name along with appropriate summaries and interpretations of the documents, and may include both majority and minority views, if any, on which their decision was made. The letter is to be prepared by the chair of the tenure advisory committee, presenting the committee's decision, and is to be signed by the committee, and sent to the department head or supervisor prior to December 1, except that for third-year appointees the date is October 26. If the committee recommends denial of tenure, they must specify in their letter the reason(s) for non-renewal (of the three allowed under 407.6.2). Minority positions, if any, may be documented in separate letters. A copy of the tenure advisory committee's letter(s) shall be sent to the candidate at the same time that it is sent to the next level of review and placed in his or her file.

405.7.1(3) Evaluation and recommendation by the department head or supervisor.

The department head or supervisor shall, after receiving the tenure advisory committee report, meet annually with the candidate to review fulfillment of the role statement and evaluate progress toward tenure. For meetings held between either the department head or supervisor and the candidate to review the committee's evaluation and recommendation, the candidate or department head or supervisor may request the presence of an ombudsperson in accordance with policy 405.6.5. Subsequently, the department head or supervisor shall submit in writing to the academic dean, or vice president for extension, chancellor or regional campus dean, an evaluation of the candidate indicating where satisfactory progress is being made and where improvement is needed. If the department head or supervisor recommends the nonrenewal of the appointment of the faculty member, they must specify in their report the reason(s) for

non-renewal (of the three allowed under 407.6.2). This report shall be submitted by December 18 for first-year and second-year appointees, by November 10 for third-year appointees, and by December 18 during subsequent years. Copies will be provided to the candidate and the tenure advisory committee. A copy shall be placed in the candidate's file.

405.7.2(3) Evaluation and recommendation by the department head or supervisor. After reviewing the candidate's dossier and the recommendation of the tenure advisory committee, the department head or supervisor shall prepare a separate recommendation. For meetings held between either the department head or supervisor and the candidate to review the committee's evaluation and recommendation, the candidate or department head or supervisor may request the presence of an ombudsperson in accordance with policy 405.6.5. The recommendations of the department head or supervisor and the tenure advisory committee shall be transmitted to the academic dean or vice president for extension, and, where applicable, the chancellor or regional campus dean by December 15, except that for third-year appointees the date is November 10. If the department head or supervisor recommends denial of tenure, they must specify in their report the reason(s) for non-renewal (of the three allowed under 407.6.2). A copy of the department head or supervisor's letter shall be provided to the tenure advisory committee, sent to the candidate, and placed in his or her file at the time that his or her recommendation is transmitted to the next level of review.

405.7.2(4) Evaluation and recommendation by the academic dean or vice president for extension, and, where applicable, the chancellor or regional campus dean. The academic dean or vice president for extension will send his or her own recommendation, the department head's recommendation, and the tenure advisory committee's recommendation to the provost on or before January 11, except that for third-year appointees the date is November 20. The regional campus dean will also submit a recommendation for each regional campus candidate, and likewise, the chancellor of USU-Eastern will submit a recommendation for each USU-Eastern candidate. These recommendations may be submitted jointly with the academic dean's recommendation. Copies of letters from the academic dean or vice president for extension, and, where applicable, the chancellor or regional campus dean shall be sent to the tenure advisory committee and the candidate, department head or supervisor, and placed in his or her file at the time that these recommendations are transmitted to the next level of review. If the recommendation is for nonrenewal or denial of promotion and tenure, this report must specify the reason(s) for non-renewal (of the three allowed under 407.6.2).

405.12.1 Annual Review of Faculty

... For faculty with term appointments, the annual review shall also include a recommendation regarding renewal of the term appointment; if this recommendation is for nonrenewal, a report to the faculty member must specify the reason(s) for non-renewal (of the three allowed under 407.6.2).