

Faculty Handbook Revisions Committee  
May 27, 2015

**Members Present:** David Sollars, Cynthia Waskowiak, Marc Fried, Monica Scheibmeir, Randy Pembroke, Matt Arterburn

**Discussion:**

The Committee began by looking at the tenure termination section. This is being examined as part of the overall revision, to make sure we are okay with the procedures, and because some of it seemed awkward as it was used a couple years ago. A couple things were pointed out as initial concerns: there is no “for cause” reason for safety of students or campus; it seems weird that we fire a faculty member and then look at options; it is very awkward the president initially terminates the faculty member then looks at it again in the informal stage; in the last step, the faculty member has a direct conversation with the regents and the president is uncomfortable not being there; and the charge of the faculty committee in the informal stage is to determine if the president made a mistake in firing the faculty member. It would seem to make more sense to have a committee review a concern, then make or recommend a decision.

We focused on how this termination process should begin, with a suggestion that it probably should not start with the president. Instead, a faculty member should be terminated by their supervisor, possibly with the option to retire or resign, then have some appellate process. It makes more sense for a dean to recommend termination then have the VPAA and President concur or disagree than to have the current situation where the president agrees/disagrees with themselves.

The Committee discussed that if the dean does an initial letter, do they consult with Randy or does he stay out of the decision so that he's impartial for appeal. Marc opined that Randy will only have the Dean's perspective and if there is an appeal, Randy gets to hear the other side and can still make a decision. This prevents the gathering of committees and extra use of time. Some wondered if faculty would feel they get a fair or thorough shot with Randy if he's involved in the initial discussion or decision with the dean about firing. We should determine how many steps we want in the process and who starts a termination. Simpler is usually better and takes less time.

A Committee member asked what the informal and formal parts mean. During the informal procedure, attorneys can be involved and having discussions as well, and the procedure seems to read differently than it functions. Currently, there's an issue and lots of people have lots of discussions, but the first step is still that you're fired, then you sit down and talk. The informal part isn't quicker but it allows a less public process, kind of like an early resolution process. To most, it all feels formal. It is also frustrating because even after all this communication and committee review, it can still go to legal process, so sometimes we keep people around longer than necessary because we don't want to follow this process.

The Committee then discussed making the informal process first because it is easier to have a conversation that termination is a possibility later. One dean liked having termination first because from a dean's perspective, this shouldn't be new news to the faculty member and there is something to be said for dropping the sword. Sometimes faculty will respond to the threat of termination and make improvements.

The decision to terminate doesn't come lightly, it comes after experience or some event. Most deans don't want to do it because termination takes time, hiring takes time, budget concerns complicate the situation. Tenure is not supposed to protect you from incompetence. In a perfect world, an investigation should've happened before this process even starts but this protects faculty from a dean who doesn't like a faculty member or makes an arbitrary decision, as there is no assurance that all deans do the behind the scenes stuff the same or adequately. The termination process is a check on the dean if they are allowed to fire someone immediately, and make sure the firing is for incompetence not because research is unpopular or controversial.

Currently, faculty continue teaching while the termination process moves forward. The Committee discussed concerns with this, primarily if we are firing someone for being a terrible teacher, it is a problem with letting them continue to teach. Others believe they should have the opportunity to continue, but someone pointed out that usually this is a pattern of behavior. We wondered if we can we remove faculty from teaching duties pending investigation. The sense was that there would be a lot of pushback from faculty, so someone wondered about an alternative work schedule or allowing them to teach some courses that are the least critical for a degree so there would be less risk of graduates getting improper information. We have to keep accreditation.

The Committee agreed that it should be a different process. We could start from scratch by thinking of situations where we'd want to terminate and decide what should happen and who should be involved. Define truly dismissible. It is easier to start from scratch than to try to re-work the current policy. There is also some consensus to focus on process and adding timelines. It needs to have direction for deans, line out what happens as for continuing to teach and when faculty first get a letter. We should keep the formal process as is.

David brought language for sabbaticals for us to think about later this year when we discuss that item. Matt collected information on lab teaching load from other schools and distributed that for our review when we discuss that topic later this year.

**Decisions:**

- The information process should be revised to add timelines and a different start
- Keep the formal process as is
- Cynthia will create a flow chart of an informal process for the next meeting based on the Committee's consensus

- We will present the flow chart, after approved, to the President and a faculty group for input before continuing revisions to tenure termination process

**Next Meeting: Wednesday, June 10 at noon, Baker room, BTAC**