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2007-03-02 Minutes of the Academic Senate

University of Dayton. Academic Senate

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[Approved April 20, 2007]

UNIVERSITY OF DAYTON
DAYTON, OHIO
MINUTES OF THE ACADEMIC SENATE
March 2, 2007
KU 331, 3:00 P. M.

Senators Present: D. Biers (presiding), D. Courte, D. Darrow, G. DeMarco, G. Doyle, C. Duncan, T. Eggemeier, J. Farrelly, R. Hardie, B. John, P. Johnson, T. Lasley, P. Meyers, M. Morton, J. O'Gorman, R. Penno, F. Pestello, C. Phelps, D. Poe, J. Saliba, A. Seielstad, L. Simmons, R. Wells

Senators Excused: A. Abueida, J. Biddle, M. Brill, L. Brislin, C. Chen, A. Crow, E. Elam, A. Fist, E. Gustafson, L. Kloppenberg, C. Letavec, M. Lofton, W. Luckett, I. Morgan, B. Turk

Guests: D. Bickford, P. Donnelly, Fran Pestello, M. Patterson (Faculty Board), J. Untener, K. Webb

1. Opening Prayer: Senator Poe opened the meeting with prayer.

2. Roll Call: Twenty-three of thirty-nine Senators were present.

3. Minutes:

February 9, 2007: Moved and seconded, minutes were approved as written.

4. Announcements:

Senator Biers announced that the April meeting of the Academic Senate is scheduled for April 20. It is expected that the final vote of Doc-06-10, University Promotion and Tenure Policy, will take place that day. The Senate also needs to organize for the 2007-2008 academic year. Newly elected members of the Senate will be asked to attend so that this organization can take place at the end of the meeting. If there is not sufficient time at that meeting, a meeting will be held on April 27 for members of the incoming Senate.

5. Sense of the Senate Discussion and Vote on the Resolutions Related to the Working Document on Tenure and Promotion Policy (Doc-06-10):

D. Biers introduced the discussion. Votes taken today are not final votes. They are to aid the Faculty Affairs Committee in finalizing the document. These votes will provide that Committee with a sense of whether or not specific resolutions are generally acceptable to the Academic Senate. The discussion of each issue is to provide the Committee with further suggestions. Senator Phelps facilitated the discussion and voting. For informational purposes, the resolutions as discussed are attached to these minutes.

Resolution #1: Nineteen senators voted in favor of the resolution, none opposed.

Resolution #2: Nineteen senators voted in favor of the resolution, none opposed.

Resolution #3: Nineteen senators voted in favor of the resolution, none opposed.

Resolution#4: After discussion, eight senators voted that the unit committees should consist of only elected members, thirteen senators voted in favor of allowing the unit dean up to two additional appointments, no senators favored allowing the unit dean appointments allocated on a proportional basis. Points of discussion include:

- It was suggested that the phrase “achieve balance” needs revision. Perhaps “promote’ balance. Discussion on this issue included comments that there may be other ways of accomplishing this goal. Each candidate could have an advocate to speak to a unit committee.
- The need to define “smaller unit” was raised. It was agreed that units with thirty or fewer faculty would be considered smaller units.
- The impact of the requirement of elected committees on the School of Law process was raised. It was suggested that this requirement might take that unit backwards in terms of assuring fair process for candidates.

Resolution #5A: Twenty senators voted in favor of the resolution, two opposed. Points of discussion include:

- The question was raised as to whether or not it is the Academic Senate’s responsibility to establish University-wide processes and criteria on tenure and promotion. It was affirmed that this falls within the authority of the Senate.
- The reporting responsibility of the proposed University committee needs to be clearly articulated. In particular, the relationship to the Board of Trustees needs to be clear. It was suggested that this could be a sub-committee of the Academic Affairs Committee of the Board of Trustees. It was noted that Resolution 6D is intended to address this issue by requiring reports from the President to the proposed committee and from the proposed committee to the Board of Trustees. Clearly the proposed committee needs to be logically aligned.
- 5Aii and 5Aiv seem to be in contradiction. It was noted that the first refers to inconsistency between units and the second to inconsistency of one unit with University policy.
- It was suggested that the charge of the proposed committee should include that the review of unit documents should ensure that criteria are consistent with the mission and institutional goals of the University. Models from other institutions of higher education could be consulted in this part of the review process. The University of Dayton should be sure that policies and procedures are not only legal, but also moral and in line with our mission.
- It was noted that 5Aiii allows for units to determine whether or not changes that they are making are substantive and so in need of review before the regular three year period.

Resolution #5B: Twenty senators voted in favor of the resolution, one opposed. Points of discussion include:

- The Law Library faculty and the University Library faculty are in two different divisions. It should be clear that the Law Library faculty are included in the Law School faculty for purposes of representation on the proposed committee.
- It should be made clear that only tenured and tenure-track faculty vote on the representatives in the respective areas.

Resolution #5C: Twenty senators voted in favor of the resolution, none opposed.

Resolution #5D: Twenty-one senators voted in favor of the resolution, none opposed.

Points of discussion include:

- There needs to be a process for appointing a member to the proposed committee if a faculty member steps down before the end of his or her term.
- There needs to be a process of implementation to ensure staggered terms.

Resolution #6A: Twenty senators voted in favor of the resolution, none opposed. Points of discussion include:

- The time-table needs to be revised. Deans and J. Untener were asked to provide the Faculty Affairs Committee, through Senator Phelps, with information and suggestions about dates and issues that should be considered in setting the time-table. It was suggested that perhaps the only University-wide date that needs to be set is for receipt of materials by a dean. Individual units could then set their own time-table prior to that date. It was also suggested that pre-tenure reviews could be done later than final tenure and promotion reviews.
- The question of granting tenure at the time of hire was raised. Since there is no probationary period, no review is required. The document may need a statement to that effect.
- The document may need a statement about faculty who move from visiting or lecturer positions to tenure-track positions.
- It was noted that what is included in a candidate's first letter of hire can be renegotiated. (6Aii2)
- It was noted that feedback to the candidate from the departmental committee should also be provided to the dean. The document should set out a cumulative process at each stage of evaluation and feedback

Resolution #6B: Nineteen senators voted in favor of the resolution, none opposed. Points of discussion include:

- The time-table needs to be revised.
- The assumption seems to be that there will be both departmental and unit committees. Units with thirty or fewer faculty should not be required to have both.
- A question was raised about the expectation that a candidate would be asked to sign a form indicating the receipt of documentation. It should be made very clear on the form that a candidate is not acknowledging agreement with the documentation.
- The forms could differ by department so long as they are consistent with unit and University guidelines.
- The role of the departmental chairperson in the review process needs to be articulated. It was also noted that a program director may sometimes be involved in the process.
- It was again noted that documentation forwarded should be cumulative at each stage of the process and that recommendations should be copied to the candidate and appropriate administrators.
- The critical points of consistency need to be articulated in this document, but there should be flexibility to account for differences in departments and units.

Resolution #6C: Nineteen senators voted in favor of the resolution, one opposed. Points of discussion include:

- The time-table needs to be revised.

- The recommendation of the unit committee should be provided to the faculty member as it goes to the respective dean.
- It was again noted that documentation forwarded should be cumulative at each stage of the process and that recommendations should be copied to the candidate and appropriate administrators.

Resolutions #6D: Nineteen senators voted in favor of the resolution, none opposed.

Points of discussion include:

- The time-table needs to be revised.
- A question was raised about providing an avenue of other input at this point. It was suggested that appropriate materials would already be included in the supporting materials.
- At what point is a file considered complete? If new information, such as publications, is available, can this be added at any point in the process?

Resolution #6E: Twenty senators voted in favor of the resolution, none opposed.

Resolution #6F: Twenty senators voted in favor of the resolution, none opposed.

Resolution #6G: Twenty senators voted in favor of the resolution, none opposed.

Resolution #7A: Twenty senators voted in favor of the resolution, none opposed. Points of discussion include:

- The time-table needs to be revised.
- It was noted that this would require the College to provide the option of its current process for a period of time.

Resolution #7B: Twenty senators voted in favor of the resolution, none opposed. Points of discussion include:

- The time-table needs to be revised.
- “as explicated above” should be identified by the section numbers in the final document.

Resolution #7C: Twenty senators voted in favor of the resolution, none opposed. Points of discussion include:

- The time-table needs to be revised.
- This will go into effect independent of #7A and #7B.

Resolution #7D: Twenty senators voted in favor of the resolution, none opposed. Points of discussion include:

- It should be clear that this refers to the proposed University committee.
- A clear implementation process for electing members and ensuring staggered terms should be added.
- The time-table needs to be revised.
- There should be a requirement for a date for an initial report to the Academic Senate

6. Committee Reports: Because of time constraints, no committee reports were received.

7. Adjournment: Moved and seconded, the meeting adjourned at 5:00 PM.

Respectfully submitted,

Patricia A. Johnson

Attached: Resolutions Related to Doc -06-10 as Discussed at the Meeting of the Academic Senate on March 2, 2007.

Resolutions Related to Doc -06-10 as Discussed at the Meeting of the Academic Senate on March 2, 2007.

Background.

The purpose of this document is to create consistent University-wide promotion and tenure procedures, and a university committee, established by and under the authority of the Academic Senate, which will review the procedural policies for promotion and tenure across the academic units. When following resolutions are passed, the Board of Trustees will then delegate its authority to approve promotion and tenure to the President. The Board of Trustees, however, will retain its authority to act as a court of last resort on all issues related to tenure and promotion.

Proposed University standards regarding tenure and promotion

Resolution 1. Tenure will not be granted to a faculty member whose rank is below the level of associate professor.

Purpose: The purpose of Resolution 1 is to tie the granting of tenure to promotion to the rank of associate professor or above.

Resolution 2. Faculty members who have already been granted tenure at the assistant professor level prior to implementation of this proposal will retain their tenure.

Purpose: The purpose of Resolution 2 is to protect the tenure of those faculty members who currently hold tenure and the rank of assistant professor.

Resolution 3. A candidate who successfully completes the P&T process will be granted tenure and/or promotion with his or her next contract.

Purpose: The purpose of Resolution 3 is to eliminate the preliminary tenure year.

Resolution 4. Each academic unit will have an elected, representative unit P&T committee comprised of tenured faculty members from the unit. The Dean of each unit will have the option to appoint up to two additional representatives for any given year to achieve balance. Additionally, smaller units in which all tenured faculty serve as members of the unit P&T committee will not be required to conduct elections.

Purpose: The purposes of Resolution 4 are to assure the establishment of P&T committees in each of the academic units which will review each department's criteria for promotion and tenure and the application of each candidate from the unit, and to establish the final authority in settling disagreements between the unit and departmental P&T committees.

- A. Responsibilities of the unit P&T committees
 - (i) Each unit P&T committee will review the criteria and procedures for tenure and promotion in each of their respective departments.

1. Each department's criteria and procedures for tenure and promotion will be reviewed and approved by the appropriate unit P&T committee.
 2. Any disagreements between the department and the unit P&T committee will be resolved by the appropriate Dean.
- (ii) The Unit P&T committees will review the application of each candidate from the unit and provide a recommendation regarding his or her application to the unit Dean.

Resolution 5. The Academic Senate will establish a University Committee to Review Policies and Procedures for Promotion and Tenure which has responsibility for reviewing and approving for procedural consistency the policies for promotion and tenure (P&T) for all academic units (the College of Arts and Sciences, School of Business, School of Education and Allied Professions, the School of Engineering, the Law School, and the University Libraries) and for presenting an annual report of the process to the Board of Trustees.

Purpose: The purpose of Resolution 5 is to establish a University Committee to Review Policies and Procedures for Promotion and Tenure.

A. Unit P&T Document Reviews

- (i) The Committee will approve those academic unit documents that define clear substantive and consistent procedural criteria and provide clear procedures for communicating these criteria to candidates prior to the beginning of their initial probationary contract.
- (ii) All University-wide procedural policies on P&T shall be determined by the Academic Senate and explicated in the Faculty Handbook. If the Committee notes inconsistencies between documents that are not covered by University-wide procedural policies on P&T, those procedural inconsistencies will be submitted to the Academic Senate for resolution.
- (iii) After the initial approval has been obtained by a given unit P&T committee, that unit's policies will be reviewed by the Committee every three years. Additionally, the academic unit P&T documents must be approved for procedural consistency as defined above in A.(i) by the Committee whenever substantive changes are proposed. Each academic unit P&T committee will determine whether the changes are substantive and require resubmission to the Committee.
- (iv) In the event the Committee does not approve unit documents or proposed changes thereto, and if the Dean of that unit disagrees with the decision of the Committee, the matter will be resolved by the Provost.
- (v) The Committee to Review Policies and Procedures for Promotion and Tenure will review the process and recommendations each year and will provide the Board of Trustees and the University faculty a report summarizing and evaluating yearly activities.

- B. Committee Composition
- (i) The Committee shall consist of fifteen tenured faculty members, with seven from the College, (two from the Humanities, one from the Arts, two from the Natural Sciences, two from the Social Sciences), two respectively from Business, Education, and Engineering, and one each from the Law School and the Library.
 - (ii) The Academic Senate will be responsible for oversight of the elections and appointments of faculty members to the Committee. The representatives from the Humanities will be elected by all tenured and tenure-track faculty from Humanities. The representatives from the Arts will be elected by all tenured and tenure-track faculty from Arts. The representatives from Social Sciences shall be elected by all tenured and tenure-track faculty from Social Sciences. The representatives from Natural Sciences shall be elected by all tenured and tenure-track faculty from Natural Sciences. All other members shall be elected by their respective academic unit faculties.
- C. The Committee shall elect a chair from those duly elected. The chair shall serve for one year, and may serve consecutive terms.
- D. Members shall serve three-year terms (maximum of two consecutive terms, with staggered terms within and across units); all members will be tenured with rank of associate professor or professor and cannot hold an administrative appointment (including Department Chairs, Assistant and Associate Deans, Deans, and other full or part-time administrators with line authority).

Resolution 6. Common process for pre-tenure review and the University application and review process for promotion and tenure will be established.

Purpose: The purpose of Resolution 6 is to establish a common process for pre-tenure review, University application and review for promotion and tenure, and feedback from those evaluations to be shared with the candidate, departmental chairperson or P&T committee, and the appropriate Dean.

- A. Pre-tenure review.
- (i) During the pre-tenure period, every candidate will receive a minimum of two reviews of his or her teaching, scholarship, and service by his or her department, with the final review conducted the year prior to the final departmental tenure recommendation.
 - (ii) Candidates who have received credit toward tenure due to prior service
 1. Those candidates who are given 2 or fewer years credit toward tenure will receive two comprehensive reviews as described in A(i).
 2. Those candidates receiving 3 or more years credit toward tenure will receive a minimum of one review of his or her teaching, scholarship, and service by his or her department, with the final review conducted the year prior to the final

departmental tenure recommendation. The number of and timing of the review(s) will be explicated in the candidate's first letter of hire.

- (iii) A candidate will submit his or her review materials and supporting documentation for review to the responsible persons (e.g., departmental chairperson, departmental P&T committee) at the departmental level no later than October 1.
- (iv) After giving adequate consideration to the materials, each department will provide written feedback to the candidate regarding his or her progress toward tenure. In addition to a statement regarding progress toward tenure, feedback will include comments of a developmental nature, in line with the departmental criteria for tenure, indicating areas of concern and suggestions for improvement. This feedback will be provided to the candidate no later than November 1.
- (v) The candidate's review materials and supporting documentation and the written feedback will be forwarded to the appropriate unit Dean no later than November 1. The Dean will then review the materials and provide written feedback to the candidate no later than December 1.

B. Departmental Application and Review Process

Each academic department will develop a Procedural Form that itemizes the P&T steps that are to be followed in the department and unit. As steps are completed, the responsible persons (e.g., departmental chairperson, departmental P&T committee, chairperson of the unit P&T committee, and Dean) in the unit will provide his or her signature, acknowledging that steps were completed in accordance with the department and unit procedural policies and indicating the date on which steps were completed. Candidates will be provided an opportunity to sign, acknowledging receipt of written documentation and the date upon which it was received.

- (i) The specific administrative process for submitting material, including to whom, must be specified in each academic department's P&T policies.
- (ii) A candidate will submit his or her application and supporting documentation for promotion and/or tenure to the responsible persons (e.g., departmental chairperson, departmental P&T committee) at the departmental level no later than September 1.
- (iii) After giving adequate consideration to the application, each department, in accordance with its unit P&T procedures, will make a P&T recommendation in writing to the appropriate unit P&T committee by October 1 and will explain to the candidate, in writing, the reasons for the recommendation.
- (iv) If the candidate chooses, he or she can respond in writing. This response will be forwarded with all related materials to the unit P&T committee.

C. Unit Application and Review Process

- (i) The specific administrative process for submitting material, including to whom, must be specified in each academic unit's P&T policies.

- (ii) After giving adequate consideration to the applications, each academic unit P&T committee will make P&T recommendations in writing to the appropriate academic Dean by November 30.
- (iii) Each academic unit Dean will inform candidates in writing regarding his or her recommendation by December 30 and will explain to the candidate and the appropriate departmental chairperson or P&T committee the reasons for his or her recommendation.
- (iv) Candidates, departmental chairpersons, or departmental P&T committees who wish to submit a written response to the Dean have until January 15 to do so.
- (v) The Dean will send a recommendation in writing to the Provost, along with the completed Procedural Form, and any candidate's, departmental chairperson's, or departmental P&T committee's response(s). The Dean will also inform the candidate and the respective departmental chairperson or P&T committee of his or her recommendation, no later than the first business day following January 15.

D. Provost Recommendation Process

- (i) Candidates, unit promotion and tenure committees, departmental chairpersons, and departmental promotion and tenure committees have until January 30 to file a written challenge with the Provost. Such challenges must specify the grounds for the challenge.
- (ii) The Provost will review all materials and make recommendations to the President no later than March 10. Each candidate will be informed in writing of the Provost's recommendation.
- (iii) Candidates, departmental chairpersons, departmental P&T committees, or Deans who wish to submit a written response to the Provost have until March 24 to do so.

E. Final Administrative Authority

- (i) Final administrative authority rests with the President. Each candidate will be informed in writing of the President's decision by April 10.

F. Mediation and Appeals

- (i) If the candidate chooses to appeal the President's decision, he or she may use the mediation process in accord with the Faculty Handbook, Section IV.E. If mediation does not resolve the complaint, the candidate may make use of the appeal processes set out in the Faculty Handbook (Sections IV.C.1, IV.E, and XIII.E).

G. Report to the Board of Trustees

- (i) The University P&T Committee will receive a written summary of the President's decisions on promotion and tenure. That summary report will also minimally include statistics regarding gender and minority status)
- (ii) The University P&T Committee will review the processes, recommendations, and Presidents summary report and will provide the

Board of Trustees a report summarizing and evaluating yearly activities at the spring meeting. This report will also be provided to the University faculty.

- (iii) The President will provide the Board of Trustees with a report of promotion and tenure actions at the spring meeting.

Resolution 7. Implementation of the University application and review process for promotion and tenure.

Purpose: The purpose of resolution 7 is to establish a plan for implementing the proposed application and review process. It specifically addresses faculty who are currently in their probationary period.

- A. Faculty members who have received 3 or more probationary contracts prior to May 15, 2008¹ will be evaluated relative to the procedure and criteria for tenure and promotion which were in place at the time of their most recently affected probationary contract. If a faculty member in this position chooses to be evaluated relative to the resolutions presented here, he or she must inform the appropriate departmental chairperson and departmental promotion and tenure committee in writing within six months of the passage of these resolutions.
- B. Faculty members who have been granted the rank of associate professor as of May 15, 2008¹ will follow procedures for promotion to full professor as explicated above.
- C. The elimination of the provisional tenure year will be implemented with contract distributed in Spring 2008, the first set of contracts distributed following the approval of these resolutions.
- D. Work of the Committee
 - (i) Elections for Committee members will be conducted in Fall 2007¹.
 - (ii) Each academic unit will submit its procedural policies for promotion and tenure by February 2008¹.
 - (iii) The University Committee to Review Policies and Procedures for Promotion and Tenure will review all tenure and promotion procedural policies by May 15, 2008¹.

¹ Dates assume passage of the above resolutions by Fall 2007.

Appendix

Current number of faculty in each of the areas represented by the Committee

- Arts and Humanities – 118
 - Arts – 29
 - Humanities – 89
- Social Sciences and Natural Sciences – 105
 - Social Sciences – 41

- Natural Sciences – 66
- Business – 44
- Education – 46
- Engineering – 59
- Law – 20
- Libraries – 20
 - Law Library – 5
 - Roesch Library – 15