INDIANA STATE UNIVERSITY

FACULTY SENATE, 2014-2015

October 2, 2014

Draft Minutes

Members Present: R. Guell, C. MacDonald, A. Anderson, C. Ball, K. Berlin, K. Bolinger, L. Borrero, P. Bro, B. Bunnett, C. Fischer, T. Foster, E. Hampton, D. Hantzis, M. Haque, M. Harmon, B. Kilp, A. Kummerow, I. Land, K. Lee, R. Lugar, C. MacDonald, D. Malooley, S. McCaskey, A. Morales, C. Olsen, J. Pommier, D. Richards, R. Schneirov, V. Sheets, E. Southard, M. Sterling, K. Yousif

Members Absent: S. Lamb, C. Paterson, L. Phillips

Ex-Officio Present: Provost J. Maynard, R. Crumrin, L. Maule, J. Murray, D. Underwood,

Ex-Officio Absent: President D. Bradley

Guests: L. Eberman

1. Chair Report: R. Guell
	1. The two documents I handed you include, in one way or another, the amendments that had been submitted. The list of amendments that were offered went to the Executive Committee. The one I offered became a charge to FAC for later consideration.
	2. We will offer amendments in the order specified on the agenda. One came this afternoon from R. Schneirov that we will consider at the end of this process.
2. Approval of the Minutes of September 18, 2014 D. Hantzis, A. Anderson. Approved by Voice Vote.
3. Biennial Review Reform
	1. C. MacDonald: The first amendment in the order is **“Pre-tenure faculty and instructors in their first six years of continual contracts *and tenured faculty who were on leave from the university for one academic year or longer of the period under review* may opt not to participate in this review,** but in doing so will forgo the opportunity to achieve the *Contributing Exceptionally* designation and the raise that might accompany that designation.” A. Morales, D. Malooley. Vote: 31-0-0.
		1. D. Hantzis: The italicized piece?
		2. R. Guell: The bold, underlined, italicized phrase. That was the one FAC submitted.
		3. C. MacDonald: Basically it changes the sentence to allow faculty who are on leave for a year or more to opt out.
	2. C. MacDonald: The next is that which you see in the small, italicized font below: *“Neither the results of a biennial review not any information submitted by the faculty member for a biennial review can be used in any hearing to terminate, or terminate the tenure of, said faculty member without said faculty member’s consent.”* A. Morales, J. Pommier. Vote: 2-27-2.
		1. K. Bolinger: The way this reads, it would allow me to exhume any negative information I don’t want used against me simply by putting it in my biennial review. I can’t have it used against me. Is that correct?
		2. M. Harmon: I believe that is correct, yes.
		3. R. Lugar: If you don’t say this, it could be used to terminate?
		4. C. MacDonald: No, as R. Schneirov suggested four years ago, illustrated by the sentence in the first paragraph, “The faculty performance evaluation model is not a substitute for existing faculty dismissal processes.” The intention is not to be a dismissal process.
		5. A. Morales: I just wanted to ask M. Harmon what his reasoning was for wanting that?
		6. M. Harmon: I’m not sure that the sentence C. MacDonald read to us is explicit enough. It’s for helping a faculty member improve their teaching and give raises, and no other purpose. Who knows how that will be interpreted?
		7. C. MacDonald: It specifically says, “…not a substitute for.”
		8. R. Schneirov: In practical terms, what difference would this make? Is there some information in the biennial review that could not be obtained in a dismissal review?
		9. M. Harmon: It doesn’t matter if it could be obtained elsewhere. That may be drastic but I couldn’t think of a better way to think of this as a pay increase deal and nothing else.
		10. K. Bolinger: Hypothetically, what sort of difference would your amendment make? What sort of information would not be available later? There is a separation between dismissal and review. I could submit SIRs in a negative number and say, “Now you can’t use it against me.” It would protect the grossest of incompetence.
		11. J. Maynard: It is an evaluation of scholarship and performance in the broadest sense of the word. There will be pay associated with it also, but if a pay raise doesn’t come, the review would continue. Some of us have been here when raises are unavailable.
		12. R. Lugar: I understand that, but how does this equate with tenure? If we are going through the process and we are reviewed…could you clarify?
		13. R. Guell: To encapsulate the reason it was not recommended at Exec is that this biennial review is all-encompassing. It has a developmental nature to it, and it has a compensation nature to it. The initial intent of the President was to start a dismissal process. We discussed this thoroughly four years ago. R. Schneirov and I decided four years ago that this is not a precursor to dismissal. Not Meeting Expectations was a developmental statement. It was also understood that a biennial review was also usually in the person’s files and in the files of the institution. Having it referenced in your review documentation did not exempt it from being used again in a dismissal process. Those Not Meeting Expectations are not on the verge of losing their jobs.
		14. D. Richards: The unanimous opposition of Exec to this was based on K. Bolinger’s argument, or was there additional reasoning?
		15. R. Guell: Both K. Bolinger and the view that the sentence C. MacDonald read that was motivated by R. Schneirov’s objections last time covered the intent we wanted covered.
		16. R. Lugar: In terms of what you just said, that helps clarify it. Is that something we do want to include? What you just said is really more clarifying to me.
		17. R. Guell: If you have a specific amendment to offer…
		18. R. Lugar: It may not be perfect, but it approaches clarity.
		19. C. MacDonald: I don’t find this statement helpful. We already have one statement. We could spend an hour wordsmithing something new; otherwise we may have to consider the next round, which will start the day after this round.
		20. A. Morales: Can we call the question?
	3. C. MacDonald: The next amendment has to do with the paragraph on evaluation of faculty with administrative assignments on page two. It adds the third bulleted point*: “3. Any Faculty member with an administrative assignment that accounted for 75% or more of her/his assignment during one academic year or longer of the biennial period under review will be excluded from participation in the biennial evaluation for that period.”* M. Harmon, A. Morales. Vote: 4-27-0
		1. R. Guell: Any comments particular to that amendment from the floor?
		2. A. Morales: Who authored it?
		3. R. Guell: FAC.
		4. A. Morales: Is the issue here truly about whether chairs or people who have 75% or more administrative assignments should be evaluated, or should be able to be financially compensated and called Exceptional?
		5. C. MacDonald: We have representatives from FAC who could answer that question.
		6. L. Eberman: The second of your two comments.
		7. D. Hantzis: I think certainly the tense voices we heard were concerned about the second. With the absence of proper review it was a concern. Administrative assignments are the purview of the supervisor. Peer review is not allowed.
		8. A. Morales: That’s not entirely true. In the English department it is different.
		9. D. Hantzis: For teaching and research but not administrative assignments.
		10. C. Olsen: Faculty review of my job as a chair we do anyway.
		11. P. Bro: If chairs are going to be reviewed by faculty, the administrative assignment should be reviewed by faculty.
		12. T. Foster: I just have one question. Points two and three say we include deans in this process?
		13. R. Guell: Deans are not eligible.
		14. T. Foster: It says “1. The evaluation of the University assignment shall be done by the immediate supervisor and shall be considered in the overall evaluation of the faculty member’s performance.”
		15. R. Guell: Deans are part of the evaluation system but they are not people being evaluated in this process.
		16. J. Maynard: According to the employee classification system, the deans and associate deans have an alternative system of evaluation. They are EAP. Faculty fellows are treated as faculty. You have your deans and associate deans who are clearly faculty but evaluated alternatively.
		17. E. Hampton: It has the potential for individuals to be disenfranchised. Seventy-five percent administrative assignment for one year and it could preclude their being evaluated.
		18. R. Schneirov: If we pass this are chairs not going to be eligible for an increase if they are rated Exceptional?
		19. R. Guell: It would be exceedingly rare for a chair to be captured in this. There are chairs for a period of time who had a zero teaching load, however, if they put in their assignment they were working on chair business…but that would be exceedingly rare. The intent is to catch the chairs that are really being almost exclusively chairs, and those fellows who are almost exclusively in their administrative unit. I think that’s FAC’s intention, not the V. Sheets’—or the J. Conant’s—of the university, but those at the very edge of the definition of faculty.
		20. R. Lugar: We have a BSW field director and an MSW field director. People who are 75% field directors…would they be excluded?
		21. R. Guell: Yes.
		22. R. Lugar: They would be penalized for having that assignment?
		23. R. Guell: I don’t like the word penalized; rather, excluded.
		24. K. Bolinger: You could easily have a situation like last year when I was chairing, and serving as director. As a full faculty member this year, I would be excluded.
		25. R. Guell: That is correct.
		26. J. Maynard: In any given year there is a chair that is at least 75%. It’s not rare but it probably does happen once or twice a year. We would have to create an alternative procedure to evaluate them if not for this.
	4. C. MacDonald: On page 6, under **Teaching/Librarianship, Scholarship/Creativity, and Service,** the first sentence is changed to read “Individuals doing performance evaluations shall focus on the quality of the ~~effort and the results of that effort~~ ***work*** in each domain when determining whether the faculty member is exceeding, meeting, or not meeting expectations.” The phrase “effort and the results of that effort” has been changed to “work.” E. Southard, A. Kummerow. Vote: 30-1-0.
		1. L. Borrero: I actually proposed “the quality of work and the result of that work.”
		2. R. Guell: It was amended at Exec. If you want yours as you had written it to be considered…
		3. C. MacDonald: The phrase seemed to be equal to “work.” We understand the result of effort might be work. It ended up being redundant to our ears.
		4. L. Borrero: I just said in comments that “effort” is vague and can’t be measured. Work can be measured and reviewed.
	5. C. MacDonald: On the bottom of page 6, under Teaching/Librarianship, Scholarship/Creativity, and Service, number 1c, Does Not Meet Expectations, the end of the paragraph reads “…does not substantively cover the prescribed course content; has evaluations\* ~~somewhat to~~ well below those typical of departmental colleagues, or generally provides an ~~marginally appropriate to inappropriate~~ environment ***inappropriate*** to facilitate learning.” A. Morales, B. Kilp. Vote: 29-2-0
		1. R. Guell: In your document, it’s wrong. I forgot “an provides an environment.”
		2. C. Olsen: I think it’s clear that marginally inappropriate is vague.
		3. C. MacDonald: Several drafts ago we put in this language in an attempt to raise the bar from inappropriate to marginally inappropriate but I have to agree the language is indeed rather fuzzy.
	6. C. MacDonald: On page 7, number 3-Service, section a, first sentence: The short version of the change is that it adds “community” as a realm of service and deletes the word “meaningful.” It now reads: *“a. Exceeds Expectations: A faculty member consistently participates in service activities within the profession, discipline, community, University, college, and/or department, making a positive difference for colleagues as a result of that service in a way that is well beyond that typical of colleagues, or in other ways exceeds his/her department’s definition of Meets Expectations.”* K. Bolinger, R. Lugar. Vote: 30-0-1.
		1. R. Guell: Up on the screen it is not illustrated.
		2. K. Bolinger: I just thought there are ways faculty can contribute to the community. I’d like that to be recognized in the biennial process.
		3. M. Harmon: I agree, but the part where it says “making a positive difference for colleagues.” I’m not sure any of our colleagues benefit from that and it would be hard to prove.
		4. C. MacDonald: Perhaps to include community members.
		5. M. Harmon: Members of church are colleagues?
		6. R. Lugar: Is there a need for “colleagues?” Or just “positive difference?”
		7. R. Guell: If you would like to make an amendment to clarify M. Harmon’s point… R. Lugar, M. Harmon. Vote: 28-2-1.
		8. B. Kilp: If we include it in Exceeds Expectations, do we also include it in Meets Expectations? We have minimum requirements we expect our faculty to do in the campus environment. The community stuff exceeds that. We don’t want them excluding campus work for community work.
		9. K. Bolinger: It could be departmentally.
		10. R. Lugar: I think it makes it consistent with the award we just won for community engagement.
		11. K. Berlin: Was this offered by C. Olsen, or K. Bolinger?
		12. C. MacDonald: I could clarify. It started with C. Olsen’s amendment to take out “meaningful” and K. Bolinger added “community.”
	7. C. MacDonald: The last on this list…just above Improvement Plans on page 8, under “Compensation Adjustments for Exceptional Performance.” Substitute “These increments will be added to base pay” with “These awards will be made as one-time stipends.” M. Harmon, R. Lugar. Vote: 11-20-0
		1. R. Guell: This amendment was offered by so many I will not give any one person credit. It was in the original FAC recommended for last year.
		2. M. Harmon: Why? What was Exec thinking?
		3. R. Guell: I will ask V. Sheets to speak to that. There was a 6-3 vote against this in Exec.
		4. V. Sheets: I will read what I wrote about that:

I strongly support language that supports all adjustments (including “merit-based” adjustments to faculty deemed “Exceptional” going to base.

I have heard several arguments against tying this review to pay increases, and in particular, against making “merit increases” to base pay. The arguments I’ve heard include:

A. It breeds resentment when undeserving colleagues get pay increases. With all due respect to my colleagues, I find this statement offensive. First, I believe faculty take evaluations of each other seriously, and to believe that those who are identified as exceptional are anything but it problematic. Moreover, I believe my successful colleagues deserve accolades—not resentment for their achievements.

Now, in fairness, what I believe my colleagues really mean is that there are more deserving colleagues that can be “rewarded” through this system (due to the artificial cap on the top end). While I acknowledge that many if not most of us gdo far more than necessary to “met expectations,” I also believe that we have to place a limit on the number of “awards” to make them meaningful, which means that the distinctions between people getting and not getting recognized may be small. However, if it is really true that two colleagues are so close in contributions that it is only by “chance” (e.g., one has a paper come out in June while another’s paper comes out in August—in the next review cycle) that one gets ranked in the category to get a “merit” increase, the differences will even out as both should be rewarded, though in different periods. Ultimately, BOTH will be better off having received their “award” as a base adjustment (that will also increment their summer pay and retirement) than getting a stipend.

At least one of my colleagues who favors a “stipend” approach for this reason acknowledges that balancing-out will occur in the long-run, but has objected to the base increases because he believes we will not have this policy in the “long run.” I don’t claim any psychic ability, but my observation of the current direction of higher-ed suggests that this type of review (including a link to pay) is here to stay. While I acknowledge that we may not always have the money to offer increases for exceptional achievement, this policy assures that those determined “exceptional” during periods when there isn’t the money will get a share the next time there is, resolving what was a legitimate criticism to one of our former merit pay policies. This is by far the fairest system we’ve constructed (not to mention the least onerous).

B. I’ve also heard it suggested that the merit awards should be stipends rather than base because they are being given only for work in the last two years. It is said that we should not reward “temporary” behavior with “permanent” adjustments. But I question that. Many of the things that led to identification of someone as “Exceptional”—like getting a big grant in the sciences, getting a major book published in the humanities, or getting a major award for teaching of your discipline—are one-time things that may have happened in a particular review cycle—but that are the result of work over a much longer period. To offer only a short-term stipend, to me, trivializes our work and disincentivizes effort toward longer-term and larger-scale projects. Notably, the payoff to our institutional reputation from such faculty efforts extends beyond two years; why shouldn’t the reward go to the faculty member? Unlike the private sector, our system provides very few opportunities to gain salary increases for good performance, and enabling good faculty to do so will help us to remain competitive in retaining them.

As I see it, the only people who benefit from awarding increases as stipends is the administration –who would not need to increment the salary pool (which is the aggregate source of even our standard or across-the-board increases)—because the stipends could be paid out from one-time only (rather than permanent) dollars. This by itself may justify keeping adjustments to base. You know, it will be a real shame to tell my best faculty that the only way they can get a raise beyond the standard adjustment is to become an administrator.

* + 1. R. Guell: I will ask that L. Eberman speak to FAC’s view as a result of their survey.
		2. L. Eberman: It stated that faculty’s perceptions are that they wanted it to be a one-time pay; that base salary is rewarding someone in perpetuity. It’s the counter to that argument. I cannot give you a percentage, but this is a strong theme.
		3. K. Bolinger: I think you made some logical errors in your argument. If I’m number three, there’s an assumption that I will be the next guy. I could be number three in perpetuity. When you reward those whose work is excellent there is an assumption that there is an equal distribution of excellence in each department. One or two in one department will only be rewarded; another department will have none who are deemed excellent and will still reward one or two. If we get rid of the resentment and the artificial distribution I could support it. I can’t support it now.
		4. A. Morales: I disagree, that is, with the whole “resentment” issue. I would like to say there’s plenty of resentment anyway; that’s not going away. I can resent colleagues in other colleges that get paid better because of the market they’re in. This reward is meaningful. It’s not just a pat on the back, and it doesn’t put me in a new tax bracket. I don’t think the resentment argument flies.
		5. C. Olsen: There are, in theory, plenty of reasons to resent people. My main objection is that this will not balance over time. In our own department the last time we did this, because of the quirk of timing and the new President that came in and stopped merit pay, I have two colleagues who came in at the same time as me, and I have made forty thousand more than them over the last decade. I just can’t defend that.
		6. V. Sheets: As a partial response to what K. Bolinger suggests, I understand we changed a policy. A department isn’t guaranteed a certain number because the college makes the decision. It will be corrected at the college level. I just think all faculty are better off when any faculty pay goes up; it looks good with recruiting, etc.
		7. J. Maynard: This should be a reward. The Board of Trustees feels strongly about that. It may free up a few dollars for something else, but I’ve listened to the argument and I understand both points. I’m compelled to believe that base adjustment isn’t a lot of money. It’s not the best I’ve ever seen, but ride the pony while you can. We may have a President in the future that will change it and make us all sick.
		8. B. Kilp: I understand all the arguments. I agree there is no other way to get a raise unless you change your job titles. If they’re number three and won’t get the bonus every year, the real adjustment should be opening up the playing field for more exceptional teachers. It’s not about how much money someone gets, it’s about fairness.
		9. D. Hantzis: What was the average amount for the awards last year? The base addition?
		10. R. Guell: Everybody who received a base adjustment got $1500 added to their base. Are we ready for the vote?
	1. R. Guell: We have one amendment I received late from R. Schneirov. It would be to substitute the paragraph that is on page 9: “Compensation Adjustments for Contributing Below Expectations.” C. Olsen, D. Hantzis. Vote: 13-18-0

*“Compensation Adjustments for Contributing Below Expectations.” Faculty who receive overall evaluations of Contributing Below Expectations [through two consecutive] biennial review[s] will [become] ineligible for any salary adjustment [at the time of the second review] and may remain ineligible for any [subsequent] adjustment until achieving at least a Contributing designation in a biennial review. These faculty, however, may request a review (using the same biennial review procedure) in the year [following a negative review]. At that time, if the faculty member is judged to be Contributing then he/she will be eligible for a salary adjustment [if he/she had become ineligible as a result of two consecutive negative reviews].”*

* + 1. R. Guell: So the import of this, I believe, is to make the person permanently ineligible until they were deemed contributing and also had a re-review.
		2. C. MacDonald: It takes two reviews to be ineligible.
		3. R. Guell: This was offered by R. Schneirov on behalf of L. Phillips.
		4. R. Schneirov: The intent of this is to give a faculty member who is judged “Contributing Below Expectations” more time before the penalty kicks in. In other words, if an employee has to go through a new agenda for performance evaluation, you have to give that person more than one year before something punitive kicks in. When they don’t get a salary increase, they are not able to keep up with inflation. It is a pay cut almost right away.
		5. R. Guell: I didn’t see that element. The first is to delay the no salary increase period until you receive a second review of “Below Expectations.”
		6. D. Hantzis: Those are not changed. The only changes are two consecutive reviews.
		7. R. Guell: You think the only import is to push back the salary consequences.
		8. R. Schneirov: In general, studies of workplace performance improvement, not at just the university level, show that the carrot is better than the stick. A fair amount of stick, a plan for improvement—that is a pretty god stick to push you forward but to have in addition to that this, in effect, pay decrease following within a year, I think is punitive. Punitive is not the way to go to improve behavior.
		9. R. Guell: A designation and improvement plan would be a good stick. The reason for my charge to FAC was the improvement plans developed were largely a joke. Seriously, a couple of people who were judged “Below Expectations” in research simply said they’ll start doing some research. That was their plan. I just want everyone to understand that people who were judged below expectations and were conscientious about it would know what they needed to do and produce a true plan. Those who are not really didn’t do a conscientious plan.
		10. K. Bolinger: Having just seen this now, I think as far as not developing a plan, that would lead them to do poorly in the second review. I agree with R. Schneirov that being identified to define a plan, to remediate in those two years, is sufficiently a stick. One of the other results was hesitancy last year and the year before to put people in that. If the consequence isn’t also pay the chairs could be more comfortable in saying, “There are problems and we want to make you become a better faculty member.” It allows for true remediation.
		11. A. Morales: A legitimate plan should be made, but that’s not what this is saying. I find it unlikely that someone “Contributing Below Expectations” is going to be in the top three for salary adjustment. If you use that logic on that amendment you have to use it on this amendment. Two reviews isn’t really necessary. If you’re doing that poorly you’re never in the running in the first place.
		12. K. Bolinger: We’re talking about the people at the bottom.
		13. A. Morales: You said they’re not getting an adjustment as soon.
		14. K. Bolinger: Not on the first designation of “Contributing Below Expectations.” On the second.
		15. A. Morales: They’re not getting a pay cut. They’re just not getting a raise.
		16. E. Hampton: They’re not eligible for the regular pay raise.
		17. K. Yousif: I just want to remind everyone of the two rounds we’ve gone through were quite low. The bar we had for the last two rounds was incredibly low for “Contributing Below Expectations,” like you have a syllabus, you have office hours, you take attendance. I object to having another two years to not having a syllabus, to not having office hours. We should be able to ask in the middle of the evaluation period for re-review.
		18. R. Schneirov: That is very low. It emphasized remediation. It gives a chance to put more in this category of below expectations. We’re not punishing the person, we are giving them a chance for remediation. They could still be denied a pay increase. The basis is to shift emphasis to the positive and asks them to be professional.
		19. B. Bunnett: As chair, K. Bolinger, you were reluctant to give someone a below review for fear that the punishment was too severe, is that right?
		20. K. Bolinger: That’s in the back of your mind when dealing with them. As undeserving of compensation. If I could be honest and say, “There are areas you need to improve in…”
		21. B. Bunnett: There were only three in the entire university.
		22. K. Bolinger: There were probably more who could have used a positive remediation.
		23. B. Bunnett: It just perpetuates.
		24. D. Hantzis: The reward in perpetuity works in reverse when you don’t get an increase one year. I don’t believe even the most recalcitrant faculty should be punished forever. It matches AAUP’s request to treat each other humanely. And professionally I don’t care if it’s one year or six months. We shouldn’t punish one forever for mistakes made in one year.
1. Motion to Pass the Recommendations as they Stand: Vote: 29-2-0
	1. R. Guell: I want to start first by briefly acknowledging that I was intensely frustrated. I want to thank R. Lugar, who reminded me that I had set up this date to meet here. It strikes me that having a backup date when we can’t see the forest for the trees is a good idea. M. Wiant will have a backup date for every Senate meeting we have for the rest of the year.
		1. B. Bunnett: If in future could we meet in a room such as this one where we would have a projector if we needed it?
		2. R. Guell: This room in particular is terrible, but it’s a good idea to have the equipment available.
2. Adjournment 4:48pm