

University Of Washington
Faculty Council on Faculty Affairs
9:00 a.m. – 10:30 a.m., Feb. 7, 2012
142 Gerberding

Meeting Synopsis:

1. Approval of agenda
2. Review and approval of minutes
3. Openness in P&T - Guest: Kellye Testy, Dean of Law, Chair of the Board of Deans
4. Contributions to Diversity Language – Update
5. Adjournment

1. Call to Order and Approval of Agenda

Discussion started at 9:07 a.m.

2. Review and Approval of minutes

Minutes from the January 10, 2012 meeting were edited and approved.

Minutes from the January 24, 2012 meeting were approved.

3. Openness in P&T - Guest: Kellye Testy, Dean of Law, Chair of the Board of Deans and Chancellors

Christie welcomed Dean Testy who was invited to present comments from the Board of Deans and Chancellors (BODC) on the proposed legislation on openness in Promotion and Tenure. Testy began by thanking the Council for the opportunity for input and described the membership of the BODC. In her summary of their discussion, she commented that while a typical initial response to legislation aimed at providing increased openness and transparency is “I’m for it!”, upon further reflection one may wonder if the system is broken and there is a need for change. She presented the view, as an attorney, that “bad cases make bad law” and that changes should not be based on unusual cases. The Deans reported they believe the current system is working fairly well; they are however open to and indicated they would benefit from workshops on best practices related to promotion and tenure disclosure. Concern was raised by the Deans that written disclosure of vote totals or recommendations might hurt candidates who were denied promotion in that such information would be open to disclosure through a public records request and could impede future employment opportunities. An additional concern was that the proposed steps for disclosure and response by candidates would lengthen the promotion process and in doing so would allow candidates less time to prepare their materials for promotion. The Deans raised questions about what response would be required if the candidate introduced new information into the process, eg. How far back in the process do you go? Who has to reconsider the information? Cameron added that more staff would be needed at the unit and provost level to support these additional processes. A final point raised by Testy was a concern that adding a requirement for additional disclosure of recommendations might erode standards of rigor for promotion. She suggested that if a decision-maker made a recommendation or decision counter to prior recommendations and thus would be “standing alone” this position could work against rigor in the process. Disclosure could

prevent frank discussions and honesty in communication. Cameron provided an example to support the concern about openness interfering with rigor; she mentioned the situation in which faculty offer no negative points of view during a discussion of promotion for a candidate, but subsequently vote against promotion. Testye mentioned that one dean had reviewed the proposed policy with the elected faculty council of the college and the majority were against the process. She suggested that FCFA should discuss the proposal with all elected faculty councils. She ended her summary by reiterating that the deans did favor more discussion about best practices in promotion and tenure processes.

In the discussion that followed, a question was raised that if the deans believe they support and practice sitting down with the faculty member to inform them about not supporting promotion, why would they object to legislation to codify this practice? Testye indicated this was not discussed, however the focus of deans' concerns was on getting involved in a process of the candidate disputing the chair's or dean's recommendation. A council member asked, if reasons for negative recommendations or votes are justified, why is there concern about disclosing those reasons to the candidate? And would a candidate then be able to remediate the area of concern? Cameron responded that such remediation should occur as the result of prior feedback from the chair during regular conferences; that at the point of a promotion decision, an opportunity for remediation was too late.

In response to the point that change was not needed because lack of disclosure was rare, Killien indicated that the situation may not be as rare as some believe; she is currently gathering data on complaints received about this by the Secretary of the Faculty and the Ombudsman. She asked what the acceptable threshold for non-disclosure is. In response to the comment that faculty may have been given information but deny hearing it, Killien suggested that written notification may decrease the risk of a faculty member misunderstanding what they had been told.

Council members agreed that the central questions are 1) should there be more points in the process where candidates are notified of the status of their promotion recommendation, (eg. The recommendation made by the chair, the recommendation made by the college council, the recommendation made by the dean), and 2) should there be more points in the process for the candidate to respond to negative recommendations? Testye suggested that deans might support more points for disclosure but would be less supportive of providing the candidate additional opportunities to respond. One council member responded that it seems odd that after requiring disclosure of and response to the peer evaluation at the initial stage of promotion reviews there is suddenly a "brick wall" where no information is required to be disclosed to the candidate until a final decision is made by the Provost, and that this decision is conveyed to the Dean but not to the candidate by the Provost. He suggested that perhaps one more opportunity in the process for the candidate to respond, after learning the recommendation of the dean, would be sufficient. Currently the candidate's response to the peer evaluation at the department level is forwarded to the next level of review, and that if an additional response opportunity was added, then this response would also just go forward to the next level and not require any "re-do" of prior decisions or recommendations. He also suggested that he found it problematic that the candidate would not be aware that issues or concerns were being raised at a higher level that didn't come up at the lower level of review. Cameron suggested that if the candidate

gets another chance to respond, then the Dean should have another opportunity to respond. Testye suggested that any policy revision should make clear that the process doesn't start over if there is new information arising from a candidate's response, and that there is a need to balance the duration of the entire process with the number of steps required. Christie suggested that there may not be a need for providing reasons in writing for decisions that concur with those from the prior level of review, but that if the decision differs, then it is appropriate to provide reasons, in writing. Testye reiterated that she wouldn't want to put reasons in writing because it might hurt the candidate if it becomes public record. Christie responded that the appearance of fairness in the process is important to candidates and that cases have occurred at other Universities and perhaps at this one (in the past) where fairness was questioned. Killien pointed out that the time and money costs of providing additional disclosure to candidates needs to be evaluated against the costs associated with dispute resolution including conciliation and adjudication.

A question was put to Cameron about the timeline for the promotion process. She responded that the deadline for submissions to the Provost for mandatory promotions was December 15, and that for non-mandatory promotions was February 1. Her office deals with 200-400 promotion reviews annually, but she does not keep data on how often a dean's recommendation differs from prior recommendations or how often the Provost's decision differs from that of the Dean. She indicated she would not want additional information submitted from the candidate after the December or February deadlines, but acknowledged that the Provost's office may seek more information from Deans after those deadlines in cases where recommendations are not uniform. Her office also may ask the Dean what the candidate has been told. Christie remarked that this proposed legislation would help clarify what the candidate has been told.

Christie closed the discussion on this agenda item by indicating he would bring to the next meeting options for the Council to consider related to disclosure of recommendations by the Chair and Dean, meetings with candidates, and the opportunity for candidates to respond. Killien asked what, if any, additional data would be useful to the Council. Christie suggested that in addition to data on the frequency of faculty complaints related to disclosure, it would be helpful to know the number of decisions that are reversed at the level of the dean and at the level of the provost.

4. Update on diversity legislation.

Council member Buck summarized the discussion that occurred at the January Faculty Senate meeting. He commented that few senators spoke in support of the FCFA's position about not adding diversity language to the *Faculty Code* section on promotion and tenure. At the meeting, FCWA presented a statement in support of the proposed legislation by FCMA. He perceived that the Senate members largely supported FCMA's statement. Ultimately a motion was passed to refer the matter to a special committee to examine the issue further and report back to the Senate. He also commented that it was unfortunate that there was no opportunity for comment by attendees who were not Senators. Killien agreed this needs to be addressed in future meetings. Landis, who attended the meeting, concurred that there were more statements in support of the legislation than against. She perceived faculty

wanted to enable diversity work but that there was concern that diversity contributions would be required.

Christie thanked Buck for presenting FCFA's concerns in Senate and observed that it couldn't have been easy to represent a different opinion. Cameron remarked that faculty who spoke against the legislation indicated they found it hard to do so. Landis said she has asked her own school's diversity council to look at the language in the legislation and noted that one issue is that diversity isn't defined. Council members Landis and Vaughn have been appointed to the special committee that will be working further on this legislation.

Killien outlined future opportunities for the council's input. Committee representatives should bring status reports to and get input from the Council. Council members can attend and speak at future Senate meetings. Additionally, when legislation goes forward for faculty vote, a statement of pros and cons accompanies the legislation and she will ask this council to assist in drafting those statements. However, the status of the legislation is that any changes will be brought back to the Senate and will not come back to the council for action.

5. Additional agenda items:

Qualification for Appointments at Specific Ranks and Titles - Language Review

Duration of part time lecturer appointments

Post-tenure counseling

These agenda items were deferred to future meetings due to time constraints.

6. Adjournment

The meeting was adjourned at 10:28 a.m. by Chair Christie.

Minutes by Marcia Killien, Secretary of the Faculty. Secfac@u.washington.edu

Present: **Faculty:** Christie (Chair), Bryant-Bertail , Buck, Landis, O'Brien
President's Designee: Cameron
Ex-Officio Reps: Anderson, Serin, Sukol

Absent: **Faculty:** Vaughn, Huber, Ricker
Ex-Officio Reps: David