

UHD Faculty Senate

Minutes recorded by: Sandra Dahlberg

October 17, 2017; 2:28-4:01 pm

Room A300

Senate: Beverly Alford, Carolyn Ashe, Susan Baker, Ray Cao, Luis Ceden, Travis Crone, Sandra Dahlberg, Michael Duncan, David Epstein, Shannon Fowler, Trevor Hale, Jillian Hill, Ruth Johnson, Cynthia Lloyd, Paul Mandell, Kendra Mhoon, Creshema Murray, Mitsue Nakamura, Rebecca Quander, Vida Robertson, Jacqueline Sack, Rachna Sadana, Benjamin Soibam, Nell Sullivan, Michael Tobin, Hsiao-Ming Wang, Joan Wedes, Pat Williams, and Zehai Zhou

Regrets: Karen Kaser, Doug TeDuits

Absent: Clete Snell

Guests: Jerry Johnson, AVP Research; Akif Uzman, Dean CST; Pat Ensor, Dir. Library; Tyra Hessel, Ombuds; Azar Rejaie, A & C; Candace TenBrink, MGMT; Ryan Pepper, MS; Lucy Bowen, AA; Lisa Broysen, Library; Darlene Hodge, FS.

Call to Order: The Senate was called to order at 2:28 pm by Senate President Trevor Hale.

Minutes

Minutes of the October 3, 2017 Senate meeting were amended. Mandell made a motion to approve the minutes as amended. Fowler seconded the motion. The minutes were approved as amended.

Announcements

Hale reported that revenue figures will be forthcoming.

Hale said that he had not yet contacted the convening chairs for the subcommittees to review the administrative issues (see old business). He will do so shortly.

Rank and Tenure Policy Concerns (for discussion and votes) PS 10.A.01

Stop-the-Clock

Hale reported that, as the Senate asked, TeDuits had created language about the provisions for Family Medical and Leave Act (FMLA) and stop-the-clock provisions regarding tenure. The most important point TeDuits makes is that FMLA is not the same as stop-the-clock, but they are muddled together in the current policy draft. For instance, in the current draft of the Rank and Tenure Policy, section 3.5.1.1 (at the bottom of page 3 of 20) states that the "extension of the probationary period for new parents is limited by UH SAM 2.D.06, Section 4.4." However, the SAM referenced only addresses FMLA leave that is provided under federal law. The SAM does not address stop-the-clock procedures for tenure.

Crone stated that the draft policy was not clear on the provisions for FMLA or the implications for tenure. Sullivan said that the language of the policy should be clarified to differentiate between the provisions provided by federal law, and the procedures for extensions of tenure based on an FMLA event.

Sullivan also indicated concerns about section 3.5.1 and the present language that tenure could be extended if an assistant professor encounters “other serious personal circumstances, with or without a leave of absence.” Sullivan’s concern was that the vagueness of the language could open the door for someone to request a tenure extension because she/he needed more time to secure the necessary publications for tenure.

Crone said that the Academic Affairs Council (AAC) discussed this provision, which deans wanted so as to provide more discretion in tenure proceedings. J. Johnson said that the intent was to provide leeway for valid circumstances. Crone stated that the language of the policy provides the right to request an extension of the tenure clock for non-FMLA events, but the policy does not make approval of that request mandatory. Sullivan suggested that the word “valid” be inserted to reinforce this intent.

With the discussion period at an end, and after Hale announced the next agenda item, Sadana asked that a vote be taken on this agenda item. Hale responded by saying that voting would occur after all items were discussed.

Rank and Tenure Subcommittees

Crone expressed concern about the looseness of the language that describes how subcommittees will be formed, how long each subcommittee will serve. Crone said that the policy needs to further explain how the subcommittees would function, and the role of the rest of the tenured faculty function in relation to deliberations and decisions of subcommittees.

Sullivan said that the English faculty had discussed the subcommittees and were concerned that subcommittees for rank and tenure decisions would open the flood gates for unfair practices and grievances because there will not be consistency in the processes without a consistent committee. The subcommittees could be abused and used to create a structural unfairness because junior faculty will not know who will be evaluating them. Under the present policy, junior faculty know that all of the tenured members of the department participate in the deliberations and evaluations.

Duncan said that he cannot recall the reasons for establishing a subcommittee system and asked what in the present policy is not working.

Crone and J. Johnson said that subcommittees were introduced as a way to reduce faculty workload. J. Johnson, as a member of the Faculty Affairs Committee (FAC), said that not having every tenured faculty member in a department participate in rank and tenure decisions is a legitimate concern and that FAC was trying to limit the involvement of faculty outside the candidate’s discipline.

Sullivan said that the workload motivation inherently contradicts section 3.2.1 about the centrality of the rank and tenure process to faculty and shared governance, and reminded everyone that it was the faculty who wanted such a statement included in the revised policy (and thanked FAC for adding the statement to the policy).

Williams said that the Social Sciences faculty do not want to have subcommittees, and do not want the policy to allow for subcommittees because they are concerned about inclusivity and fairness. Quander said she supports Williams' statement that fairness and inclusivity would be jeopardized with subcommittees.

Sadana said that Natural Sciences has decided not to implement subcommittees if that becomes an option. Sadana said that if this provision was based on workload, she would like to see the data. She has not seen any data to support the workload concern. Robertson agreed and said that he, too, would like to see the data regarding workload and rank and tenure obligations.

Crone also wanted to see data, and he wanted to see language added to the policy to clarify recusals and abstentions, especially as they pertain to subcommittees.

Sadana concurred with Crone and added that the current policy draft does not adequately address these issues.

R. Johnson reiterated what Sullivan said about subcommittees and found them problematic because different subcommittees could come to very different conclusions than a whole tenured committee would make, and that extreme caution should guide the life-altering decisions associated with tenure and promotion.

Dahlberg and Sadana asked for a vote on these two issues. Hale said there would be a vote after all the issues had been discussed. Hale also announced that he was calling for a rising vote, and that according to Robert's Rules of Order when a rising vote is called there is no second needed, and there is no debate about the rising vote. Dahlberg and Sadana reminded Hale FSEC had decided to provide paper ballots to ensure greater voting privacy as well as to maintain a durable product to provide to AAC. Hale stated that he did not agree to the written ballot at FSEC and restated his assertion that Robert's Rules gave any senator the right to call for a rising vote. Dahlberg reminded Hale that he was not a senator; he was the presiding officer and as such was not supposed to call for a vote himself, according to her understanding of Robert's Rules. Hale reiterated that he was a senator and would call for a rising vote. Hale announced that he had already prepared a resolution that is associated with his rising vote. R. Johnson asked if the Senate could see the resolution. Hale said he would present it later.

Fulls on Fulls

Fowler and Sullivan both expressed concerns that the full professor subcommittees would mean that professors from outside a department, and a discipline, would make decisions that are now, and still should be, handled within a department.

Sadana said that the Natural Sciences discussion addressed the problem of not having enough full professors in the department to fill a full-professor subcommittee, and that the faculty did not support having full professors from outside NS making promotion decisions on NS faculty. Furthermore, the NS faculty did not want NS full professors to have to serve on other departments' committees. She said her faculty believe that associate professors are fully qualified to vote on associates going up for full professor.

Duncan said that even within departments there are often not enough, or any, full professors within a specific discipline. For instance, in English there are eight Professional Writing faculty and none are full professor.

Hale asked if the size of the faculty was the issue. The Senate answered "yes." Hale conceded that UHD is not a Research 1 institution with a large number of full professors.

Mandell addressed the Research 1 comparison and said that we do not have a sufficient number of full professors even within departments, we don't have the luxury of having tenured faculty in all of our disciplines in multi-disciplinary departments.

Baker said her main concern is the health of the academy and a diversity of ideas so disciplinary differences ~~do not~~ matter within a department. She added that the language in the draft policy seems to take power away from the associate professors. Williams concurred and said the same is true in Social Sciences, adding that associate professors are well qualified, and in some cases more so, than some full professors in a given department.

Crone said that the language of the policy draft regarding fulls-on-fulls and the subcommittee concept suggests that only associate professors vote on tenure decisions, and that seems inconsistent with faculty opinion and current practice.

Sullivan asked what problem this change in policy was trying to solve. If *quid pro quo*, as is often stated is the problem, the provisions in the draft policy do not mitigate *quid pro quo* because people will figure out how to play the long game and influence potential evaluators. This seems to assume some magical thinking that doesn't align with human motivations. Crone agreed, and said that it feels like this draft policy is creating an upper-junior class of faculty with an extended probationary period post-tenure. It may not be intentional, but could be a product of the policy if put into practice as is.

Electronic Voting

Crone asked if the discussion was to address electronic voting or electronic participation in rank and tenure deliberations. Mandell pointed out that electronic voting is not the same as electronic participation. He also asked what qualifies as participation. R. Johnson added that these distinctions and definitions are not addressed in the draft policy. R. Johnson pointed out that electronic voting is Section 3.6.8 of the draft policy for PS 10.A.01, and electronic participation is in Section 3.11.1.

Crone reminded the Senate that at the last Senate meeting the spirit of the move to electronic voting and participation was to ensure that faculty who were at conferences or with medical events were not

shut out from participating in the rank and tenure process. However, he noted that those reasons for electronic participating and voting are not spelled out in the draft. He added that the loose language would allow someone who didn't feel like coming to campus to participate remotely. If such choices are allowed, what happens if invoked by multiple people at once, and what discretion is provided to the committee chairs. Duncan piggy-backed on Crone's comments to assert the need to maintain respect for candidates by taking the rank and tenure process seriously. He added that in English it is a major *faux pas* not to show up for rank and tenure meetings.

Sullivan said that the inherent problem with electronic voting/participation is security. How to know that there is a secure transmission with Skype. There should be some way to ensure confidentiality will not be compromised by electronic processes. Crone added that there is no way to know if someone else is privy to the Skyped deliberations. Candidates are not present during face-to-face deliberations, but electronic means do not provide a similar safeguard. A candidate could be sitting in the same room as the person entering the meeting through Skype. Baker asked how electronic participation would impact privacy issues. Do all family members need to be out of the room for the faculty using Skype to participate in deliberations? Robertson said that the definition of privacy would be contextual; that a three-month old child was not a threat to confidentiality, but that may not be the situation. He added that explicit language is needed to make this a viable option.

Williams added that the Social Sciences faculty feedback he received was against electronic participation and voting, in any way. Cao had the same objections, especially as his expertise is in IT and he is too aware of the threats of hacking and other intrusions.

R. Johnson asked if electronic participation/voting at the department level would mean that electronic participation/voting would also be allowed on the University Rank and Tenure Committee. She said that if you are on University Rank and Tenure, you should show up in person and alternatives would create problems.

Murray asked that the issues of electronic voting and electronic participation be separated as they are two very different issues. She asked Hale to do so when Senate votes on these points.

Fulls only on the University Rank and Tenure Committee

Fowler asked if only full professors would be allowed to serve on University Rank and Tenure, why then are only full professors on the departmental subcommittee for associates seeking promotion to full professor if a broad perspective is needed. Sullivan asked if we could have full professors only at University Rank and Tenure as an imprimatur. Sadana added that if most faculty are not supportive of fulls on fulls at the department level, we do not need full professors only at University Rank and Tenure. Williams stressed that associate professors are well qualified for departmental decisions about promotion to full professor and at University Rank and Tenure. Crone said that if University Rank and Tenure is just making recommendations to the provost, since it does not have an official vote, then having only full professors on University Rank and Tenure making decisions about who is promoted to full professor is okay. But if only full professors are also making tenure decisions on University Rank and Tenure, then the committee membership should be to associate professors as well as full professors.

Voting

Hale then presented to the Senate his resolution regarding the draft Rank and Tenure policy and asked that each point be voted upon. Sadana asked why he was not conducting a written vote in accordance with what FSEC had decided. He responded that he did not agree to the written vote. Sadana then asked what his objective was for issuing a rising vote instead of a written vote. Hale responded that he did not need to provide a reason for calling a rising vote. He reiterated that the process was not debatable, according to Robert's Rules.

Sullivan made a motion to use a written ballot, but Hale repeated his claim that Robert's Rules do not allow such a motion when a rising vote has been called. Sullivan again tried to make a motion to amend Hale's rising vote, stating that the nature of the vote should be decided by the senators. Hale said that if Sullivan spoke out again, he would have to censure her. Sullivan responded, "then censure me. I have a responsibility to represent the faculty who elected me to this Senate." Sullivan added that Robert's Rules require all motions to be seconded, that motions that are not seconded do not move forward, and that his rising vote did not have a second. Hale restated that rising votes do not need a second, are not subject to debate or amendment. Hale said that once a rising vote is called by a senator, and he considers himself a senator, then the rising vote and only the rising vote advances. Sullivan countered that her understanding of Robert's Rules did not allow for an undemocratic procedure, that the voting process had to be supported by a majority of those who were going to vote. Hale, again, told Sullivan that if she continued to speak out that she would be censured. Hale ignored the motion for a written ballot.

Several senators expressed concerns with the wording of Hale's resolution. Several senators noted that the language of Hale's resolution assumed a favorable vote towards the language in the draft Rank and Tenure policy and insisted that the language of Hale's document be changed for each item to be voted upon, including the separation of electronic participation and electronic voting. Senators insisted that the document be titled "Votes from the UHD Faculty Senate on October 17, 2017 regarding the Draft Policy for PS 10.A.01." The language for each voting item and the vote counts are below:

Item 1—Stop-the-Clock: By a vote of **28** for, **0** against, and **0** abstentions, the UHD Faculty Senate voted to include new language in PS 10 A 01 to clearly differentiate FMLA provisions and extension of the probationary period procedures (especially the reference to SAM 2.D.06 Section 4.4).

Item 2—Subcommittees: By a vote of **24** for, **1** against, and **3** abstentions, the UHD Faculty Senate voted to eliminate the option of subcommittees from the policy (e.g. as established in section 3.10) [of the draft of PS 10.A.01].

Item 3—Fulls on Fulls: By a vote of **24** for, **0** against, and **4** abstentions, the UHD Faculty Senate voted to remove provisions for only full professors voting on associate professors applying for full professor (e.g. section 3.10.1) [of the draft of PS 10.A.01].

Item 4—Electronic R & T Voting: By a vote of **17** for, **5** against, and **6** abstentions, the UHD Faculty Senate voted on removing provisions for electronic voting [in the draft of PS 10.A.01].

Item 5—Electronic R & T Participation: By a vote of **16** for, **10** against, and **2** abstentions, the UHD Faculty Senate voted on removing provisions for electronic participation in R & T deliberations [in the draft of PS 10.A.01].

Item 6—Fulls only on University R & T: By a vote of **23** for, **0** against, and **5** abstentions, the UHD Faculty Senate voted to remove the provisions that the University Rank and Tenure Committee be comprised solely of full professors (e.g. section 3.18) [of the draft of PS 10.A.01].

The meeting ended at 4:01 pm without a formal adjournment.

The next Senate meeting is on November 7, 2017.