



FACULTY SENATE

Faculty Senate Meeting Agenda
January 31, 2020
1:00 PM until adjournment
DSC Ledbetter A/B/C

- I. Welcome and Roll Call
- II. Review of Minutes from November 22, 2019
- III. Announcements
- IV. Airing of Grievances (2 minute limit)
- V. Introduction of New Topics (2 minute limit)
- VI. Reports
 - A. Executive Committee - Amanda Nolen
 - 1. Interpretation of Legislation Memo (Attachment A)
 - B. Chancellor's Report - Christy Drale
 - C. Provost's Report - Ann Bain
 - D. Council Reports
 - 1. Council on Core Curriculum and Policies
 - 2. Undergraduate Council
 - 3. Graduate Council
 - E. Academic Technology and Computing Committee - Boateng
 - F. Faculty Governance Cmte - Cheatham
 - G. Planning & Finance Cmte - Cheatham
- VII. Old Business
 - None
- VIII. New Business
 - A. **Motion FS_2020_01.** Executive Committee (Legislation. Majority Vote at one Meeting, no second required) Routing of appeals to the Faculty Appeals Council (Policy 403.15)

Be it resolved that to amend the Promotion and Tenure Policy (Policy 403.15, 11/2018, 10/2018, 4/2017, and 1/2011) pertaining to the routing of faculty appeals to decisions made by either a dean or the provost as indicated in Attachment B (underline indicates addition; strikethrough indicates deletion); and

Be it further resolved that upon approval, implementation of the change will go into effect July 1, 2020.

Commentary: As indicated in the Interpretation of Legislation contained in Attachment A of this agenda, current language pertaining to routing of appeals is inconsistent throughout the policy and thus is causing confusion. After conferring with the chair of the Faculty Appeals Committee, the executive committee propose changes to the routing that allows the individual faculty member to maintain agency and authority over their own appeal rather than cede that authority to a dean or provost to submit an appeal on their behalf.

B. Motion FS_2020_02. Executive Committee (Legislation. Majority Vote at one Meeting, no second required.) Post-tenure Review (Policy 403.3)

Be it resolved to amend the Policy on Annual Review (Policy 403.3; 3/2019, 10/2018, 4/2017, and 4/1993) as it pertains to *Section II Post-tenure Review* as indicated in Attachment C (underline indicates addition; strikethrough indicates deletion); and

Be it further resolved that if approved, implementation of the change will go into effect immediately.

Commentary: The Faculty Senate approved changes to the Annual Review policy in Section I that have created inconsistencies with the process of post-tenure review as described in Section II of the policy. The proposed changes resolve those inconsistencies and aligns the policy with UA Board Policy 405.1.

IX. Open Forum

X. Adjournment

Attachment A: Interpretation of Legislation



FACULTY SENATE

TO: Ann Bain, Provost and Executive Vice Chancellor, University of Arkansas at Little Rock
FROM: Amanda Nolen, President of the UA Little Rock Assembly and Faculty Senate
DATE: January 15, 2020
CC: Faculty Senate, Faculty Appeals Committee, Deans
SUBJ: Interpretation of Legislation: Promotion and Tenure Policy (403.15)

It has come to my attention that the language contained in the Promotion and Tenure Policy (403.15) related to the process of forwarding faculty appeals to the Faculty Appeals Committee is inconsistent and thus confusing. Specifically, the process of who is responsible for forwarding the appeal to the committee is described in sections 3.E when appealing a dean's decision and 3.F when appealing the provost's decision. The process is described again (but differently) in section 3.I Appeal to Faculty Appeals Committee (FAC).

The Faculty Senate Executive Committee met on January 14, 2020 to interpret Faculty Senate Legislation as this inconsistency has imminent implications as faculty promotion and tenure materials are making their way through the review process. We agreed that for the 2019-20 academic year, the process would follow that described in 3.I:

“3. I. Appeal to Faculty Appeals Council (FAC)

The candidate has the option of submitting one and only one appeal to the Faculty Appeals Council. The appeal may be initiated after a negative decision by either the dean or provost. If the dean's decision is negative and the candidate does not initiate an appeal, he or she reserves the right to appeal after the provost's decision, providing that decision is also negative.

The appeal is in letter form. However, the candidate may include limited supporting materials that bear direct relevance to earlier decisions. The supporting materials are considered part of the appeal and are forwarded with the letter.

Appeal after the Dean's Decision. To initiate the option of appeal at this point, the candidate must notify the provost within five business days after receiving the dean's negative decision. The candidate also provides a copy of the notification to the dean. Within ten business days of receiving the dean's decision, the candidate must submit the appeal to the provost. The provost forwards the appeal to the chair of the Faculty Appeals Council upon completion of the FAC's deliberations; the chair of the FAC forwards the committee's findings to the provost.

Appeal after the Provost's Decision. To initiate the option of appeal at this point, the candidate must notify the chancellor within five business days after receiving the provost's negative decision. The candidate will also provide a copy of the notification to the provost. Within ten business days of receiving the provost's decision, the candidate must submit the appeal to the chancellor. The chancellor forwards the appeal to the chair of the FAC. Upon completion of the FAC's deliberations, the chair of the FAC forwards the committee's findings to the chancellor.”

The executive committee will bring the matter to the faculty senate as soon as possible to make the necessary changes to unify the appeal process moving forward.

Attachment B: Routing of Faculty Appeals

Policy 403.15 Promotion and Tenure Policy

1. Faculty Roles

...

2. Policies for Promotion and Tenure

...

3. Procedures for Awarding Promotion and Tenure

The procedure for recommending promotion and tenure begins at the department level (see [Board Policy 405.1, III and IV.A](#)). (Note: If the college or school does not have departments, the promotion and tenure document for the college and school will typically establish a committee that serves the function of the department in the review process, including providing tenure-track faculty an opportunity to review recent successful tenure applications.) This evaluation of promotion and tenure applications is based on written departmental guidelines that are consistent with these rules and established by the department and approved through administrative channels. The departmental recommendation is particularly important because it evaluated the candidate's dossier against the standards of the discipline.

Departmental promotion and tenure documents must be consistent with guidelines established in college, university, and the University of Arkansas System. These documents must also be consistent with applicable laws. When there is a conflict, the law or higher level policy will be enforced.

The granting of tenure requires documented evidence of sustained achievement, as well as evidence of potential for sustained tenure accomplishment over an entire career.

3. A. Process before Tenure

Departmental, college, university, and system-wide written criteria for promotion and tenure decisions shall be presented to the faculty member at the beginning of employment (see [Board Policy 405.1](#)).

In preparation for promotion and tenure, the chair may assign the tenure-track faculty member with a mentor. The mentor will provide guidance on developing a research agenda and building a dossier. All faculty of the department are similarly encouraged to support tenure-track faculty by providing an opportunity to review recent successful tenure applications.

A mid-tenure review by the departmental Promotion and Tenure Committee (PTC), the department chair, and the employee is mandatory. The review, typically completed by May 15 at the end of the third year in rank, will follow procedures delineated in the departmental and college policies. An external review of the candidate's scholarship may be required only

if procedures for external review have been established in the department's approved promotion and tenure policy. After the review has been completed, the PTC will send a report to the chair. The chair will meet with the faculty member to answer questions about the review and then forward the report with a cover letter to the dean.

3. B. Recommendation of the Departmental Promotion and Tenure Review Committee (PTC)
All departments shall have a promotion and tenure review committee (PTC). Only tenured faculty members and administrators who hold tenure shall serve on the PTC. Only faculty who hold a rank equal to or above the rank sought by the applicant shall participate in the promotion review process. No administrator, such as the department chair, college dean, associate dean or assistant dean, may serve on the PTC to review any case for which he or she has participated as a reviewer within that academic year.

The department's promotion and tenure document should define a mechanism for supplementing the PTC when it has less than three members at the appropriate rank. (For example, if the PTC must vote on a candidate's promotion to professor, the PTC would need at least three members on the committee at the rank of professor.) If there is no mechanism for adding members, the faculty of the department, in consultation with the chair, will provide the dean with a list of at least four names, from which the dean will select the remaining members. Typically, the chair of the PTC should be a member of the academic unit.

The PTC shall present its recommendation in a letter to the chair. All members of the PTC shall sign the letter. Significant minority opinions may be identified but need not be attributed to individual members of the committee. Separate minority reports may be written and submitted as attachments to the PTC's letter; a minority report must be signed by the members of the PTC who endorse it.

3. C. Recommendation of the Chair

After reviewing the candidate's dossier and the PTC's recommendation, the department chair will make an independent recommendation. As discussed, the chair shall not serve on the PTC. The chair will meet with the candidate to review the recommendation of the PTC and the recommendation of the chair. At this time, the chair provides a copy of each recommendation to the candidate. After the meeting, the chair will forward the PTC's recommendation and any minority report(s), the chair's recommendation, and the candidate's dossier to the dean.

After receiving the chair's decision, the candidate has the absolute right to initiate a rebuttal within five business days (sec III. H.). The candidate shall suffer no negative consequences for submitting a rebuttal.

3. D. Recommendation of the College Review Committee (CRC)

A college may develop written criteria, policies, and procedures for promotion and tenure through its governance structure consistent with this policy. Such criteria may include a college promotion and tenure review committee (CRC), which will advise the dean on recommendations about reappointment, tenure, and promotion. Colleges shall have procedures ensuring that a faculty member abstain from vote on a CRC if a candidate from his or her department is undergoing review and the faculty member on the CRC has served on the PTC. No faculty member may vote in the same case as a member of both the PTC and the CRC.

When a CRC exists, it reviews the candidate's dossier, the PTC's recommendation and any minority report(s), the chair's recommendation and the candidate's rebuttal (if any); it then makes an independent recommendation to the dean (who will not serve on this committee) and provides a copy to the applicant. All members of the CRC shall sign the recommendation. Significant minority opinions may be identified but need not be attributed to individual members of the committee. Separate minority reports may be written and submitted as an attachment to the report of the committee; a minority report must be signed by the members of the CRC who endorse it.

3. E. Recommendation of the Dean

If the candidate initiates a rebuttal after the chair's decision, the dean will forward the rebuttal to the CRC (where applicable per 3.D) before it begins deliberations. After reviewing the candidate's dossier, all recommendations (those of the PTC, department chair, and CRC), and the candidate's rebuttal (if any), the dean will make an independent recommendation to the provost.

After receiving the dean's decision, the candidate has five business days to initiate either a rebuttal, if he or she did not do so after the chair's decision (see 3.H), or an appeal (see 3.G.I), but not both.

If the recommendation is positive, the dean informs the candidate. If the candidate does not initiate a rebuttal, the dean forwards his or her recommendation to the provost with the candidate's completed application forms, statement, curriculum vita, letters of evaluation (annual reviews, peer reviews, and letters from external evaluators, when appropriate), and the recommendations of all prior review levels. The remainder of the applicant's dossier shall be retained in the dean's office until the review process is complete. If needed for their decisions, the provost and chancellor may request the complete dossier be forwarded.

If the recommendation is negative, the dean shall meet with the faculty member to review the recommendation.

If the candidate initiates a rebuttal after the dean's decision, the dean forwards the candidate's dossier and the rebuttal to the CRC or provost (see 3.H).

~~If the candidate initiates an appeal at this point, the dean forwards the appeal to the chair of the Faculty Appeals Committee (FAC). The dean will provide the FAC with access to the candidate's dossier, including the summary materials. When the FAC has completed its deliberations, the chair of the FAC forwards the committee's findings to the provost with a copy to the dean. At this time, the dean forwards the summary materials to the provost.~~

3. F. Recommendation of the Provost

After reviewing the candidate's summary materials, the rebuttal (if any) and the appeal (if any), the provost will make an independent recommendation to the chancellor and inform the candidate of the recommendation.

After receiving the provost's decision, the candidate has five business days to initiate an appeal, if he or she did not do so after the dean's decision (see 3.G I).

If the candidate initiates a rebuttal or appeal after the dean's decision, the provost considers it in arriving at his or her decision.

~~If the candidate initiates an appeal at this point, the provost forwards the appeal and the rebuttal (if any) to the chair of the FAC. The dean will provide the FAC access to the candidate's dossier. When the FAC has completed its deliberations, the chair of the FAC forwards the committee's findings and summary materials to the chancellor. The chair of the FAC also provides a copy of the committee's findings to the provost.~~

~~At this time, the provost forwards the summary materials, the rebuttal (if any), and the findings of the FAC (if any) to the chancellor.~~

3. G. Recommendation of the Chancellor

After reviewing the summary materials, the rebuttal (if any), and the appeal (if any), the chancellor will make an independent recommendation to the president and inform the candidate of the recommendation.

3. H. Rebuttal

The candidate may submit a rebuttal even if the decision of the chair or dean is positive. The purpose of a rebuttal is to provide the candidate with an opportunity to correct errors made in the preparation of his or her dossier, critique perceived misinterpretations of the dossier or provide context that might alter the recommendation at subsequent levels of review. The rebuttal is in letter form. However, the candidate may include limited supporting materials

that bear direct relevance to earlier decisions. The supporting materials are considered part of the rebuttal and are forwarded with the letter.

The rebuttal is not an appeal; it does not prompt a reconsideration of decisions by previous reviewers. It is, rather, an opportunity to provide a supplement to the record that is considered at subsequent levels of review.

Rebuttal after Chair's Decision. To initiate the option of rebuttal at this point, the candidate must notify the dean within five business days of receiving the chair's decision and provide a copy of the notification to the chair. Within ten business days of receiving the chair's decision, the candidate must submit the rebuttal to the dean. The dean forwards the rebuttal to the CRC before that committee begins deliberations or to the Provost if no CRC exists. The rebuttal is also forwarded with the summary materials to each subsequent level of campus review.

Rebuttal after the Dean's Decision. To initiate the option of rebuttal at this point, the candidate must notify the provost within five business days of receiving the dean's decision. The candidate also provides a copy of the notification to the dean. Within ten business days of receiving the dean's decision, the candidate must submit the rebuttal to the provost. The rebuttal will be forwarded to the chancellor with the provost's recommendation.

3. I. Appeal to Faculty Appeals Council (FAC)

The candidate has the option of submitting one and only one appeal to the Faculty Appeals Council. The appeal may be initiated after a negative decision by either the dean or provost. If the dean's decision is negative and the candidate does not initiate an appeal, he or she reserves the right to appeal after the provost's decision, providing that decision is also negative.

The appeal is in letter form. However, the candidate may include limited supporting materials that bear direct relevance to earlier decisions. The supporting materials are considered part of the appeal and are forwarded with the letter.

Appeal after the Dean's Decision. To initiate the option of appeal at this point, the candidate must notify the provost within five business days after receiving the dean's negative decision. The candidate also provides a copy of the notification to the dean. Within ten business days of receiving the dean's decision, the candidate must submit the appeal to the ~~provost~~ chair of the FAC. ~~The provost forwards the appeal to the chair of the Faculty Appeals Council~~ Upon completion of the FAC's deliberations, the chair of the FAC forwards the committee's findings to the provost.

Appeal after the Provost's Decision. To initiate the option of appeal at this point, the candidate must notify the chancellor within five business days after receiving the provost's negative decision. The candidate will also provide a copy of the notification to the provost. Within ten business days of receiving the provost's decision, the candidate must submit the appeal to the ~~chancellor~~chair of the FAC. ~~The chancellor forwards the appeal to the chair of the FAC.~~ Upon completion of the FAC's deliberations, the chair of the FAC forwards the committee's findings to the chancellor.

Attachment C: Annual Review Policy (403.3) – Post-tenure Review

II. Post-Tenure Review

Post-tenure review is a mechanism to ensure that the university can maintain a faculty capable of fulfilling the university's mission effectively. It should encourage productivity, reward exceptional performance, and offer correction of unsatisfactory performance without changing the due process and tenure rights of faculty as enumerated in the current UALR Faculty Handbook.

~~Annual review is conducted for all faculty. Criteria, standards and procedures are specified in policies set forth by the trustees, UALR administration, faculty senate, and academic units. The reviews are used for determining salary increases, promotion, tenure, and assisting faculty in professional development. Faculty also have appeal processes as outlined in departmental governance documents and the UALR Faculty Handbook.~~

~~Annual reviews for tenured faculty will be used for post-tenure review. Departmental level academic units will define overall unsatisfactory performance for tenure faculty. If a tenured faculty member receives two unsatisfactory reviews in sequence or three such reviews in five years, If a faculty member receives an overall evaluation of unsatisfactory from the departmental tenure committee as described in section I.A.11 of this policy, then the faculty member, departmental tenure committee departmental group charged with peer review, the chair, and the dean shall prepare a professional development plan supported by appropriate resources. The plan must contain measurable benchmarks for progress. The plan shall cover up to three years one calendar year with the possibility of a one year extension. During the time period of the professional development plan, progress toward successful completion of the plan will become part of the annual review process for the faculty member. If the faculty member receives an overall satisfactory annual evaluation during the plan, the plan will be considered successfully completed.~~

~~If the faculty member receives ~~two~~ an additional overall unsatisfactory reviews evaluation during the professional development plan period, the department chairperson ~~with majority vote of the annual review committee (I.A.4)~~ departmental group charged with peer review, and the dean may initiate a process for terminating with cause the tenured faculty member as specified by ~~the UALR Faculty Handbook~~ UA Board of Trustees Policy 405.1 Appointments, Promotion, Tenure, Non-Reappointment and Dismissal of Faculty.~~

CLEAN COPY W/ PROPOSED CHANGES:

Post-tenure review is a mechanism to ensure that the university can maintain a faculty capable of fulfilling the university's mission effectively. It should encourage productivity, reward exceptional performance, and offer correction of unsatisfactory performance without changing the due process and tenure rights of faculty.

If a faculty member receives an overall evaluation of unsatisfactory from the departmental tenure committee as described in section I.A.11 of this policy, then the faculty member, departmental tenure committee, the chair, and the dean shall prepare a professional development plan supported by appropriate resources. The plan must contain measurable benchmarks for progress. The plan shall cover one calendar year. During the time period of the professional development plan, progress toward successful completion of the plan will become part of the annual review process for the faculty member. If the faculty member receives an overall satisfactory annual evaluation during the plan, the plan will be considered successfully completed.

If the faculty member receives an additional overall unsatisfactory evaluation during the professional development plan period, the department chairperson and the dean may initiate a process for terminating with cause the tenured faculty member as specified in UA Board of Trustees Policy 405.1 Appointments, Promotion, Tenure, Non-Reappointment and Dismissal of Faculty.