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The Department of Public Management

Memorandum	August 31, 2017
To:	President Karol Mason, Interim Provost Anne Lopes
From:	Senate President Ned Benton
Subject:	**Status of Senate Statement Items for the Faculty Personnel Committee**

At the meeting with the Senate Executive Committee you asked that I update you about the status of the responses to the Senate Statement on the Faculty Personnel Process. This update follows the list of recommendations in the original statement, and summaries the status of the responses communicated by Provost in her memorandum of May 9, 2017.

1. Structure the Process to Develop and Adopt Changes in the Faculty Personnel Process

FPC Response: *We commit to developing a schedule next year that will allow us to identify "topics and ideas for changes" in the fall, to be discussed during the September and December meetings, with draft revisions to the guidelines or draft proposals to be presented at the April and May meetings for discussion and vote. We will endeavor to adhere to this schedule to the extent possible though it is understood that new issues may arise in the course of the year's business and contemplated revisions may be so minor as to need only two meetings in the fall to bring to a vote. We will circulate the schedule of open meetings and the topics to be considered to the entire full-time faculty, in addition to posting agendas publicly well in advance of our meetings as we do now. Once policies or revisions to the guidelines are drafted, we will circulate those in writing to the entire faculty, with a reminder of the dates of the meetings at which these will be discussed and decided. Any member of the full-time faculty may attend these meetings and may bring suggestions, comments, or objections forward as the Faculty Personnel Committee is engaged in discussing the proposed changes. This will ensure the timeliness, transparency, and inclusiveness of the process.*

With regard to prospective application of revised policies, this is currently the practice of the FPC. Revised policies do not take effect during the academic year and personnel action cycle during which the change was adopted, and changes are communicated via email from the Provost directly to the faculty at large very soon after their adoption. Updates are made to the Faculty Personnel Process Guidelines before the personnel cycle starts; no further changes are made until the cycle has finished.

These commitments appear to resolve the problem. If they work out well they might be incorporated in a future revision of the FPC Guidelines.

At the Senate Executive Committee meeting we discussed the timetable for considering further changes to the FPC guidelines based on the Senate recommendations. My understanding is that no changes will be made for the AY 2017-2018 cycle, but that changes will be considered during AY 2017-2018 based on the deliberation cycle described above.

2. Improve Reporting on the Faculty Personnel Process

FPC response: *The FPC commits to working with the college's Office of Diversity beginning next year to do a long term study of promotion, reappointment, and tenure outcomes by race, gender, age, and ability that would preserve the anonymity of individual faculty members.*

This commitment might result in the production of a useful report. At the FPC meeting we discussed that the statistics might present results for three-year combined cohorts. This would provide for a larger number of cases, which improves statistical validity, and it would mitigate the privacy concerns raised by the Provost. I also noted at the FPC meeting that the statistics about faculty separations are already presented in our Affirmative Action Report so that the privacy concerns certainly do not raise legal barriers to developing the report.

3. Encourage and Support Transparency in Providing Specialized Departmental Guidance

The response is combined with the response for item 4 below.

FPC Response: *In consideration of CUNY's advice some years ago, when, as indicated, we sought to develop different departmental standards for two disciplines, the FPC believes that further research is needed. This research, to be conducted by the College Counsel, would address the limits and prerogatives applicable to departments/disciplines when considering standards for reappointment, promotion and tenure.*

This is an open item and we await the research to be conducted by College Counsel.

4. Submit Substantive Changes to the College Council for Approval

FPC response: *To the extent that standards for appointment etc. are revised, the question regarding the requirement for approval will arise. Precisely as you indicate, the question is whether these are substantive or procedural standards, consistent with September 24, 2013 letter from Frederick Schaffer to President Travis regarding the distinction between procedural and substantive changes for the work of the FPC. The research performed by the College Counsel to address the former inquiry will also address this question.*

This is an open item and we await the research to be conducted by College Counsel. The response is qualified, however, as it states "*To the extent that standards for appointment etc. are revised, the question regarding the requirement for approval will arise.*" This suggests the impression that the Senate's concern only related to future changes, but the Senate view is that there are existing section of the FPC guidelines that are substantive. The Senate Statement (Item 4 pages 5 and 6) stated:

> *Much of the content of the FPC Guidelines consists of procedure for the conduct of FPC business by the FPC. However, Section III, titled Guidance for Candidates and Personnel Committees, is substantive. Section III.A basically announces this: "The purpose of this section is to provide*

guidance to the faculty - both those on personnel committees and those considering or coming up for personnel actions - on the factors they should take into account in demonstrating and assessing whether the criteria have been met."

The Senate is not suggesting that it has formulated any substantive position concerning Section III. Rather, the Senate is only suggesting that the Charter may require that the College Council review them and eventually approve them, just as the College Council reviews and approves many other proposals that are brought before it.

This is an open item and we await the research to be conducted by College Counsel.

5. Respect Limitations of FPC Authority to Amend the College Charter and Bylaws.

FPC response: *Procedural and substantive objections to the appeals process were addressed in the fall 2016, by a subcommittee convened by the Provost for this purpose. This subcommittee, which was advised by the College Counsel, decided that the procedures in place for 2016 should continue for the faculty personnel process during the 2017 academic year. This decision had two bases: first, it would not be fair to alter the process when applicants were midway through it; second, there was not agreement among members of the committee that these objections were sufficiently consequential to require changes in the process.*

The Faculty Senate Statement causes us to return to this issue. We will continue to research the bases for these objections and will once again look at the process early in the 2017/18 academic year. Our review will consider proposing changes in the bylaws, which will require approval by the College Council and the Board of Trustees.

This is an open item and we look forward to the FPC's response.

6. Reconcile and Balance Competing Expectations for Teaching, Scholarship and Service

FPC response: *The FPC acknowledges that members of the faculty experience a tension among the demands of teaching, scholarship, and service as they prepare for reappointment, tenure, and promotion. This tension is caused in part by conflict between the expectation of balance among the three and the reality of imbalance in the relative weight given to these activities in the personnel process. This conflict, first expressed in the 2013 Middle States Self Study and then during the follow-up to the COACHE survey, has not been resolved. We believe the question is wider than the procedures of the FPC or the language of the FPC guidelines. It speaks to our values and identity as an academic community. The FPC commits to engaging in a discussion of how we might address this tension between teaching, scholarship, and service and to elevating this discussion to a college-wide discussion of the larger issue of institutional values and identity.*

This is an open item. The Senate Statement quoted a College commitment to Middle States.

The 2013 Middle States Self Study (pp.71-72) explained: *"The dissatisfaction with teaching load and the anxiety over tenure and promotion point to a tension between the College's research aspirations, its obligations as a teaching institution, and its need for faculty willing to serve the college community. It will be important in the years to come to strike a balance among these faculty activities—teaching, scholarship, and service—and to communicate clearly to faculty the*

expectation that ideally they will achieve a balance among these sometimes competing demands. We also need to shape the promotion and tenure process so that it recognizes that some candidates will excel in teaching, others in scholarship, and yet others in extraordinary service, and that distinction in one area will be rewarded as long as the faculty member shows sustained true commitment, energetic engagement, and high-quality achievement in the others."