

MINUTES OF A MEETING OF THE FACULTY SENATE

Wednesday, October 16, 1996

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "Let me start by making just a couple of procedural observations. Let me state a couple of the rules that we've always had. I've had a lot of requests from people who say they have to be out of town and wonder if they can send a proxy, or if they can please send someone to vote in their stead. Our bylaws do not allow this. Let me point out that this is just like every legislative body that I'm aware of; I don't know of a legislative body that allows proxies. There is a theory behind this, but in any case, whether you agree with the theory or not, our bylaws do not have any provisions in them for proxies or replacements. If a person is going to be away for a term, then they should resign and have the department select another representative. While a person is a representative, they, and only they, can vote.

"Last time I sort of pulled out of the hat a rule that has been a longtime rule of the FCR and that we sort of brought to the Senate. When the clock strikes six, the meeting adjourns. I think that that is a good rule. A lot of people, including myself, make plans for when we are going to go to dinner afterwards, or have other commitments, and it is a little unfair to these people, when they've sat through a whole meeting, to call for a vote, if in fact, those people can't participate in it. Just to facilitate people's planning, it is my belief that we should adhere to the six o'clock rule, except possibly in a case of extreme emergency. It doesn't seem to me to be quite right to deprive people of their ability to participate by extending the time of the meeting. I would just point out, that I, too, am anxious to avoid these second meetings, and we can all see the clock from where we are. A person who wants to avoid the second meeting should call the question, at something like ten minutes of six, to give us sufficient time for us to take that vote and see if we're going to call the question and settle it. But if it is really close to six o'clock, I think that the fairest thing to do is just to acknowledge that and understand that we are going to have to go to a second meeting to finish up.

2. CONTINUATION OF THE DISCUSSION OF PROPOSALS FOR REVIEW OF TENURE DECISIONS

Dean Stein: "I think that's all I wanted to say in remarks, so let me now set the stage for what we're going to do now. If you recall, Option 6b beat Option 6a and now we're at the point where we're going to have a runoff between Option 6b and Option 3. We were well into that debate. What we, the UFC, decided to do is to ask proponents of Option 3 and Option 6b to briefly repeat the arguments to bring you back to where you were at the end of last week. Then we will continue the debate, have a vote on 3 versus 6b and then have a vote on whether to accept or reject the survivor. Then Option 7 will be brought up by Professor Trowbridge. We'll debate that and either accept that or reject it. I'll remind you once again, that we are not, by this process, actually bringing into being a particular procedure. If any option survives this test we will form a drafting committee. The drafting committee will work out a detailed proposal, it will come back to you, you will be able to debate it, amend it, squeeze it, distort it, and then pass it or reject it. The real legislative business will follow. We're just now sending this on or not sending it on to a drafting committee."

The Speaker recognized Professor Peter Schwartz to recap Option 6b.

Professor Schwartz, Textiles and Apparel: "Looking at this screen, I think that the faculty who teach in this room get much harsher treatment than those of us in Human Ecology. The students are far more kinder in their reactions to bad lectures. Let me just recap Option 6b and the provisions of this particular option. This option is to devise an appeals procedure. Pure and simple. It makes no pretenses to be anything other than an adoption of an appeals procedure. So, starting off, it provides an appeals procedure with the Provost's negative decision, where none, at least officially, at this moment, currently exists. The procedure is similar, but not identical to, the procedure currently used to appeal a negative Dean's decision. The differences are in the selection and number of the Appeals Committee and also the range of issues that the committee can address. One of the advantages, in my belief, is that this option requires no new committee structure. It makes use of the existing University Appeals Panel to draw its members. And finally, another strength in this option is that it provides for an ad hoc committee, rather than a standing committee, and this ad hoc committee is partially selected by the appellant. There is the issue of fairness to the appellant provided in here. I do feel, that an ad hoc committee may be better able to judge the merits of individual appellants' cases than a standing committee."

The Speaker called on Professor Sally McConnell-Ginet to present Option 3.

Professor McConnell-Ginet, Linguistics: "Don Holcomb, who presented Option 3 last time, unfortunately has an ill wife, and is unable to be here. We miss, not only him, but his nice overheads, which I was unable to prepare. The main way in which Option 3 differs dramatically from Option 6b, is that it is not simply an appeals procedure for negative cases. Rather, it looks at both positive and negative recommendations. We think that even for the purposes of considering appeals of negative cases, it is helpful to have the perspective of other cases. It is helpful to be able to look at the contrast between cases which are being presented for a positive recommendation and those that are being presented for a negative recommendation. It also differs in that the committee is a standing committee. The advantage there is also that the committee has experience with a wide range of cases. I would like to repeat some of the things that Don Holcomb said last time. This is a time of declining resources, and as such, every single tenure decision is very, very important. These represent commitments of something like two million dollars of the endowed element for at least a quarter of a century. It is a big decision that is being made, and all of us have a stake in these tenure decisions—decisions made in other colleges as well as our own, since this is part of our general reputation. I would also like to remind you that most of our peer institutions and comparable institutions do have faculty playing this kind of oversight role and not simply leaving it in the hands of administrators. My impression, and those who are involved in reading the dossiers in Day Hall can contradict me if this is not the case, is that that group would appreciate some insight from a general faculty group. So, basically, we think that this is a way to both give a more just treatment to candidates who might be unfairly turned down, but also to be sure that each and every tenure decision is made on the best possible terms, and to involve faculty in doing that.

"There is one minor change that I want to note—I believe that you all got it by e-mail—but Professor Edmondson had raised a question about our omission of 'service' from the list. That was simply an omission and you shouldn't take this option as trying to eliminate service as a consideration for tenure."

Dean Stein: "On behalf of my colleague, Don Holcomb, I'd like to ask for a unanimous consent. That is, he would have asked for a unanimous consent could he have been here today. For those who aren't familiar with it, unanimous consent is a device to short circuit the amendment system of debating and voting. If anyone in the room is uncomfortable with unanimous consent, they should have no hesitation in saying 'no' and then we revert to the usual way of dealing with amendments. He asked for unanimous consent to make this change and add the word 'service.'"

The Speaker asked if there was an objection and hearing none, affirmed the change ([Appendix A](#), attached).

Associate Professor Alan K. McAdams, JGSM: "A point of order and a slight modification of my colleague's presentation of 6b. There is not an ad hoc committee that is participated in by the appellant. There is an ad hoc committee that is chosen by the Provost, the majority of whose members would come from the division of the university that the appellant is in. I think that there was just a slight mixing of words there."

Professor Schwartz: "I apologize. You are correct. I misspoke."

The Speaker asked for a show of hands from committee members to facilitate his direction of the debate and opened discussion.

Professor Locksley G.E. Edmondson, Africana Studies and Research Center: "I thought I heard you say that the proposed faculty committee would be welcomed by everyone on the group now advising the Provost, or am I mistaken?"

Professor McConnell-Ginet: "I said I could not really speak on their behalf, but from what I had heard, that was the case."

Professor Edmondson: "The idea, then, is that this group would replace that group? Could we clarify that? I got the impression that this group, would, in effect, replace the current structure of the Provost's advice."

Ron Ehrenberg, Vice President for Academic Programs, Planning, and Budgeting: "I can't speak for the Provost, but what I can say is that the Provost has the authority to ask whomever he wants for advice, so, what this group can do is to legislate a faculty process but can't prevent him from asking for advice from whomever he wants."

Professor Edmondson: "That's not quite what I'm getting at. I just want to know what I'm voting for. I still have the impression from last time that the idea was to insert this presence instead of the three member committee. That is what I

originally thought, but I'm hearing something quite different today."

Dean Stein: "The Provost had planned to be here, and I guess that he had other business that kept him from coming, but I have spoken with him repeatedly on this particular subject—to what extent this committee will replace the committee that he has, and I believe I can speak on his behalf on this matter. He might choose somewhat different words, but this is the spirit of what I understood. The Provost has a committee he has worked with. This is a very critical decision. We all understand the tenure decision to be critical. The minute this committee comes into operation, it is not clear that the Provost would say that the other committee goes out of operation and nobody reads those folders anymore. But he is committed to faculty participation. It is his expectation that after a relatively short period of transition, while this committee gets its sea legs and figures out how to read folders and so on and so forth, this committee would, in fact, replace the administrative committee that he now has. Ron is quite right. There is no law that keeps the Provost from consulting whomever he wants, but I am sure, in my own mind, that, in fact, this committee would replace that administrative committee after some reasonable phase in time, and if it did not, then I think that this body might well want to reopen the question, if it passed this, of why it was doing this. But there is every expectation, Locksley, that your original presumption will, in fact, be correct."

Professor Terrence L. Fine, Electrical Engineering: "This is really somewhat outrageous to me. This is not an ad hoc committee, well, yes, it is a standing committee and I know that as well, but it functions very much like an ad hoc committee and that's another faculty committee reading the dossier and passing a judgment about the candidate, which is what an ad hoc committee does. Now, we're hearing that, perhaps it will have another function. Nobody here can guarantee that function, and perhaps it will happen at some point. Frankly, I would like to know that that function will be a guaranteed function before I vote as if it would be. But to hope that maybe it will do that, some time, in the fullness of time, well, come back to me on the fullness of time for that. This thing is a mistake. This thing is an elephantine response to what I think is a mouse of a problem. I don't think we need this. It is creating yet another so-called faculty voice. Some people honestly feel that we have to have a faculty voice at this level, but we *have* a faculty voice, and it is at the department level and in the college ad hoc committee. There are options later on to augment the college ad hoc committee and for getting a Provost contribution to it. When you start adding voices you don't clarify any one voice, I think that you confuse them all. You get to pick and choose. You see that there is A and B and C and D, and I'll do what I want. I think you lose clarity in that confusion. I am very much against Option 3, and come to me later on, when there is a done deal, when something like Option 3 will replace the Provost committee, and then I'll consider it. I'm not sure I'd still be in favor of it, because I don't have a problem with the so-called 'Gang of Four.' They are all respectable colleagues of mine and I don't have a big problem with them. But come back to me when you've got that deal. Don't ask me to vote today 'as if'."

Associate Professor Risa Lieberwitz, ILR: "I was on the Option 3 committee, and I say that partly because what I wanted to say is that it is a hard decision. I don't think that this is an easy decision that we're faced with and it seems to me that people have raised really important points for and against Option 3 as well as for and against Option 6b, and so I do want to say that at the outset. It seems to me that the Option 3 committee presents some positive things about having a prior input and hopefully an exchange between a faculty elected, standing faculty committee and the Provost at a point where it can have the most influence, that is, before the Provost indicates something possibly negative. We have an elected faculty committee from a broad range of fields to hopefully have some input and, in my mind, protect the candidate in situations where there has been a positive review and is faced with the Provost's negative. At that point, it is my view that a faculty committee can protect the candidate, early on, by influencing the Provost, perhaps, to not go negative at that point. I think that that is the point at which you will have the most influence. The downside of this proposal, and I think that the point that was made last week is a valid one, is that if you have a faculty committee at this point which sees itself as having too broad a mission, then you have a situation with a too aggressive committee that sees itself as another ad hoc committee. It seems to me that if you have another faculty committee at that point, which is limiting itself to deferring to ad hoc committees and Deans, whenever possible, and not overstepping, then it is serving a positive function. But if this committee, this elected faculty committee, would overstep and start to be a new faculty ad hoc committee, really redoing substantive decisions, then it is not going to work in the way that I envisioned it, and I don't think the way the Option 3 committee envisioned it. So that, I do think that that is a key. This Option 3 must function in a way that defers, as much as possible, to what the committee views were prior to this, in the ad hoc committee and the Dean's suggestions. I think that both of those points are very important."

"In terms of the appeal afterwards, there is a positive base for appeals. We want due process. It is important to note that you are getting the appeal after the Provost is making the negative decision, and so, it would be hard to undo it, but I do

think that it should be a meaningful appeal, and it seems to me that having the Provost have the control over exactly who is on that appeals committee may be like telling the Provost to pick people from this appeals panel who you think will go along with you. Now, if Option 6b is selected, and if the committee who develops Option 6b has the option also of saying that the Provost does not have total control over who is on the committee and the candidate, then it seems to me that it would be much fairer. But it is the downside of Option 6b."

Professor John M. Abowd, ILR: "I was not on the Option 3 committee. I think that we need to stay focused on the issues. I want to remind the body of a few things that happened last spring. One is that the legislation that was voted down last spring had already gone through a significant phase of negotiation with the Provost, and he, at that time, and he's here now so I can't put words in his mouth, said that he would unequivocally replace his review procedure with the one that the Faculty Senate put in place, but that he anticipated that two groups shouldn't do the same work, and if it went smoothly that is what would happen. The main difference between Option 3 and Option 6b, is that the standing committee would see files from all over the University. No other group on campus gets the same kind of information and if we're going to ask a faculty group to advise the Provost about the quality of the tenure case, that's precisely the information that we ought to give that group. We ought to arm the group with the correct information, which is the ability to see all the files, and then we ought to hope that the Provost will respect the views of the faculty and allow us to elect the committee. I, for one, anticipate that that would be the case, but we can ask him, because he's here now."

Dean Stein: "The Provost walked in late and as he walked in, I told him something of the debate that went on, the point that Professor Fine had made, and I would like to call on him to answer the question that he didn't hear, but which I have informed him of."

Provost Don Randel: "First let me tell you what my basic perspective on the whole set of issues is. It seems to me that it ought to be the faculty that ultimately represents, upholds, its own highest standards. I have no wish to see that done by anybody but the faculty. The committee of four really has no constitutional existence in the bylaws. It has been simply the case that the Provost's office, as the President's delegate, has reviewed these things. The fact that at the moment it is the Dean of the Graduate School and Vice President for Research, and another Vice President is an accident of the people who happen to be there in the offices that now exist. Over time it has been a sort of revolving group of senior administrative colleagues. If there were a faculty elected committee, that, in fact, sees what I think is the responsibility of the faculty to make difficult decisions or to ensure that they are being made at the appropriate levels, then I think the Gang of Four would, indeed, almost certainly, wither away like the state. None of us has any wish to review a pile of stuff about which there is no fundamental doubt.

"It seems to me that the existence of a committee, or the desirable feature of a committee that would see everything is clear from our experience with the infamous Gang of Four. It's not that one is bringing to bear some standard from another galaxy on the individual case, but it is when you read sixteen cases that come to you (in the fall) and you just sort of line them up on the table, it turns out that sometimes there are quite stark differences in the quality of those things. The notion of having a committee that would see all, and not only the difficult ones, does get at the nature of the situation, fundamentally, namely, that they are sometimes not all of equal caliber. The overwhelming majority are, of course, very strong, and it's not hard to discover that, and as my colleagues and I often say as we read these things and discuss them, it is astonishing how good some of these people are. There is no hesitation to recognize that, but I think that there is some utility in having a faculty voice that surveys these things broadly so as to be able to identify and comment on the ones that may not live up to the general standards. The Gang of Four, I think, would have less and less reason to exist. Would there never be such a thing? Well, as long as this faculty committee kept sending along cases saying that they voted unanimously so and so and so on, the Gang of Four might never meet again. But if we started to get a lot of six to five votes, I think that the Provost would almost certainly turn to someone whom he thought he could trust and ask, 'What do you think about this?' The problems we have are in fact the cases that start out nine to eight in the department, ad hoc committee two to one, Dean's Special Appointment Committee four to three, and at that point, you're bound to say, 'What's going on here?' and you're bound to turn to someone you can trust."

Professor Alan W. Bell, Animal Science: "I don't think that any of us disagree with the notion of faculty having input, but I strongly agree with Professor Fine. My colleagues in Animal Science agree that this should come from the grassroots. If the Provost has a problem with the quality of packages coming to his office, he should go back to the Dean. If the Dean has a problem, he should go back to the department, where it originates. This is, perhaps, putting additional responsibility on the Provost, but that is what he is paid to do. This should come from the bottom up not from the top down. I don't think with

the best will in the world we could view this standing committee as anything but an impediment. It is inevitable that this will be an extra barrier in the process of tenure. If we are advocates for our young faculty, and for having them successfully cross this hurdle, we have to consider this carefully."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "I also support 6b over 3 mainly because in all the years that I've been here, I think that the tenure process is quite fair. I don't know a single person who I would have thought should not have gotten promoted, that did. To put it another way, I agreed with all of the positive decisions that I have been involved with, and there may be one or two where the Provost was more liberal than I would have been, had I been the Provost, God forbid. I think that Option 3 is trying to replace the whole car for a leaky tire, whereas I think that 6b replaces the car."

Professor Charles Walcott, Neurobiology and Behavior: "We discussed this matter in our section, and it was the strong feeling of my colleagues and I that Option 3, which is the provision for a standing committee elected by this body to offer advice and counsel for the Provost in making this absolutely critical decision, was a sounder way to proceed than is Option 6b. It seems to me that a committee that looks at the range of cases that comes to the office of the Provost will be able to make some sort of sensible judgment that represents faculty opinion. That is a responsibility of the faculty that differs profoundly from that of an ad hoc committee, which is composed of specialists in the area who come to some detailed judgment. This is a more general look at the dossier. For that reason, my section voted unanimously to support Option 3."

Associate Professor Kathryn March, Anthropology: "I have just a question. Is the University Appeals Panel all tenured? Is that part of the selection procedure?"

The questions were answered in the affirmative.

Vice President Ehrenberg: "I've been at this University for twenty-three years. I have been a chaired professor for nine years and I've temporarily, and I underline the word temporarily, been a Vice President for a year and a half. I think that the fundamental issue is whether the faculty of this University wants to assume the responsibility for facilitating tenure decisions or whether they want to assume a blocking role. That is what I see as the fundamental difference between Option 3 and Option 6b. I, obviously, favor Option 3, and, in fact, I was the one who originally suggested to the University Faculty Committee that they consider it. I am very confident in my ability to make decisions. And I'm very confident in this Provost's ability. It's just that I'm not always going to be confident in the people there, and I would rather have the faculty controlling decisions than the administrators. Unlike Walter Cohen, who is not here today, I love reading files. I don't dislike it. I think that it is a most important part of my job. It is a most important part of my job for a couple of reasons. The first reason is because I learn so much about what is going on throughout the University and I become a part of the whole University as opposed to part of a very narrow department. I think that it would be really wonderful for twelve faculty members to be doing that each year also, because over time, then, the tenured faculty would begin to care about the University as a whole, not just the narrow disciplinary areas that they serve. I also love to read the folders because I'm very modest. I start out by saying that I'm a chaired professor and that I've been a chaired professor for nine years, I became a full professor at the age of twenty nine, I mean, I thought I was really great, until I read what some of the other people in this University do, and I was convinced economics was the only thing in the world that is important because I'm an economist. When you read these files, again, you get a much better sense of the other wonderful things that are going on in the different disciplines. Eighty percent of the cases are straight forward and obvious. It is the other twenty percent of the cases that are difficult. The current Gang of Four, which is really a Gang of Three because the Provost is very discreet and never puts anything down in writing, reads the files individually, and then each of us writes a report and it is only at the end that we see each other's reports. The remarkable thing is that when any one of us raises a question, all three people raise the question. The notion that the framers of Option 3 had, which is that you don't need all twelve people to read files, you only need three, unless there are difficulties, is clear. I wish I could say that tenure processes are the same at all places in the University, but we would be less than honest if we did not acknowledge the heterogeneity of the University and the heterogeneity of the colleges in terms of the processes that are followed. There are some departments in some colleges where it is mandatory that ad hoc committees include people from outside the college, and it is mandatory for the ad hoc committee to solicit letters. In other colleges it is rare that anyone from outside the college is ever involved in the process at all. I think that it would be wonderful for a group of faculty to see this and to start squawking at the Deans, because I think that they would be much more effective. Frankly, the Provost is in a very difficult situation because the Provost has to deal with the Deans on an ongoing basis and depends on a trust relationship between the Deans and the Provost to do anything. Contrary to your belief that the Provost makes a lot of arbitrary negative decisions, it is very rare that the Provost will make a negative

decision because he doesn't want to undercut the authority of the Dean. A faculty committee is much freer to look at these things and pass an academic judgment.

"Now, a corollary of that remark is obviously that I believe, as one speaker has already said, that with a faculty committee, there would be more people who would receive a negative decision beyond the level of the college. Do I believe that that is a bad thing? No. I believe, honestly, that that is a good thing because this is a university that aspires to be the greatest University in the world and it should have the highest standards. This is a University that, if it is lucky, can make ten to fifteen new appointments a year. That is less than one percent of the faculty. Every tenure decision that we make ties up a slot now effectively forever. It is not an issue of retirement at sixty or sixty-five, it is a question of whether we will ever get anybody. I don't want to make my job any less enjoyable. The job would be less enjoyable for me if I did not get to read all the files, so if the proxy committee was elected, I would use my influence to ask the Provost to see if I could sneak in and read some of the folders."

The question was called and seconded.

The motion carried and a vote was called.

Option 3 carried 34 to 33.

Professor McAdams: "I really object to the closing off of debate. When someone asks for that and there have been four presentations in favor of Option 3 with no response, and then we vote and it comes out within one vote, I think this body has done itself a great disservice. I don't know why people didn't realize that, in response to the request to go ahead and close debate, but I very seriously resent it and I think it is a great disservice of this body to operate in that way. Especially when one is the Provost and the other is a Vice President."

Professor Leonard W. Lion, Civil and Environmental Engineering: "I agree with the position that we just heard. If we can't have a dispute about it, I would like, at least, to see a recount."

A calling of the roll was suggested as was a recounting of the vote.

Someone announced that a person had left and argued that a recount was unacceptable under such conditions.

Professor McAdams: "I would like to know if there is a parliamentary way to challenge the vote. That is, to call for a polling of the roll. There has got to be a parliamentary way to challenge this."

The Speaker called on the Parliamentarian, who recommended a calling of the roll despite the fact that people had left.

Speaker: "We did follow procedure. The question was called, two-thirds of the body insisted on the vote. We did vote, there is some question on the vote, and we're at the stage where some people have left. The vote is thirty-four to thirty-three. I do not know how the person who left voted."

Dean Stein: "People do have procedures. People may call the question at any time. People may call the question when they think it is politically advantageous to do so. That is a perfectly good maneuver in parliamentary procedure, if two-thirds of the body believes that the question should be called, it should be called. One cannot attack the motives of the person who called the question. The vote for the question was overwhelming. We have to follow procedures. I voted for this procedure, but if I voted against the motion I would say exactly the same thing. We took a vote, we counted the votes as well as we could. It is unfair for the people who left after waiting for that particular vote, to have a re-vote."

Speaker: "We are at the point where we are trying to decide whether to call the roll. Russ informs me that he has not encountered this before, so we are on somewhat tenuous grounds. Before I recognize Peter, a suggestion has been made that we can ask the body if they want a roll call by a show of hands or a standing count, to let you decide how to proceed here. The issue here is that we have voted and Option 3 is 34 to 33. It was done procedurally correctly, I believe, there was a recall asked for, but some people have left. So now the question is whether the body feels that it is appropriate to call for another vote."

Dean Stein: "I have a stateswomanly-like suggestion to make that was made to me by Senator Earle. Recall that what we're debating at the moment is not to accept or reject something. What we're debating at the moment is to develop a

procedure. What about, this is out of order, I know, what if we develop both procedures. They both have substantial support in this house and we can choose later."

Associate Professor Walter R. Mebane, Government: "Then why have we been discussing this for two meetings, anyway, if we are going to develop both procedures?"

Dean Stein: "The hope was that, in fact, we would end up with a sense of the body that was strongly in one direction or the other. If, in fact, we are going to decide this issue on the basis of who left or who didn't leave, or whether it was counted right or not..."

Professor Isaac Kramnick, Richard J. Schwartz Professor of Government: "It is irrelevant whether anyone has left or not. Roll call is called for&endash;the body has the right to call the roll. If someone has left to go to the toilet, that's his ballot."

Speaker: "The way I have chosen to proceed, and you're free to challenge it, is that I will ask the body to decide on whether or not we should call the roll."

The body voted in favor of calling the roll. Option 6b ([Appendix B](#), attached) defeated Option 3 by a vote of 38 to 34, with five abstentions. (The roll call is attached as [Appendix C](#).)

Professor Fine: "This time I am on the winning side, so I feel a little freer to speak. I have some problems with the Senate because I've felt as though we've been dragged through very divisive issues, sometimes, maybe, in my view, not necessarily. This may not be 'not necessarily'&endash;this may be necessary. I would be reluctant to proceed on an issue this important with a margin this narrow. Given that we have to proceed, I'm glad that it has come out this way, but I would like some mechanism for us to get a little bit more consensus on something that many of us feel very strongly about and that we are very narrowly divided on. I would not like to let it rest at this point, if there is some reasonable way to proceed."

A suggestion was made to send an e-mail ballot to every faculty member and to allow them to vote. This suggestion was then referred to Dean Stein for comment.

Dean Stein: "I don't think that it is the case, nor do I think that it is appropriate to do, since we don't have a fully developed proposal. The only thing I can think of, and I'm reluctant to suggest it, being on the losing side, is the suggestion that Elizabeth made before the vote was taken, of developing both proposals and bringing them back to this body. I don't know that it is in order to move that at this point, and it may not even be necessary to move it. The UFC could do it if there was a sense of the body that people would like to do that. That's the only way to forward Terry's suggestion, that I can think of."

Professor Mebane: "Are we discussing a motion?"

Speaker: "No. There was a question and a clarification as to where we are at. I was going to point out that we are at this point right here, where we decide whether to approve or reject the winner, which is 6b, however I get a sense of a little bit of unrest. What I would like to do is to proceed with what we have on the board here and then, in the meantime, before the next meeting, if some appropriate procedures are followed, perhaps a resolution to quiet some of the problems that are going on could be in order. For this meeting, however, I would like to proceed now and decide between approval or rejection of 6b. Comments from this point on will be on the attributes of 6b. Anything that has to do with 3 I will leave to the body to mull over before the next meeting and follow the appropriate channels."

Associate Professor Kathleen M. Rasmussen: "I still have a question about 6b and its development. Can it change from the Provost having control over who is on the Appeals Committee to something that looks more like due process to me, which is the candidate having input as well, for example, selecting two members of the committee, and the Provost selecting two members of the committee (still from the Appeals Committee). It wasn't clear to me whether that is still open to a committee to further develop that issue. I don't know if anyone on that committee can answer that question. Or has it just been decided that it has to be the Provost who decides the composition of the committee?"

Professor Schwartz: "It would seem to me that there are two mechanisms to accomplish what you have suggested. One is to have the committee consider it as they put together the package and the other is to introduce it from the floor as an amendment. So there are two different ways."

A vote for approval was called and carried. Option 6b was approved to go forward for development.

Professor Peter Trowbridge, was called on to present Option 7 ([Appendix D](#), attached).

Professor Trowbridge, Landscape Architecture: "I wasn't sure that this would ever happen. I wasn't sure that we would ever get to this today. There were two other committee members—Michael Kazarinoff and Susan Suarez—who worked on this option. This is a rather straightforward option given the other discussions that we've had so far today. The intention, fundamentally, is to streamline the tenure review process and not add other layers of complexity to the review process. What we're proposing, in a nutshell, is combining the college and the University review process by having one subject matter based ad hoc committee representative of the faculty that gives recommendations both to the Dean and the Provost simultaneously. It would really eliminate another layer of decision making and review. Rather than have a two step process, like some of the other proposals, as in 3, there would be one body that would simultaneously give advice both to the Provost and the Dean. It's pretty straightforward."

Professor McConnell-Ginet: "Who is going to select this ad hoc committee?"

Professor Trowbridge: "The Dean will select his portion of the ad hoc committee and the Provost would select his. The text reads that there would be six members currently, three from each body."

Discussion on Option 7 was opened.

Professor Trowbridge: "I just want to make one more comment while I'm up here. Listening to all the other comments and the presentations, I have to agree with Bill Lesser. I think that the different groups that worked on these options felt that they had different tasks. I know that our group wasn't looking at this as an appeals committee. It wasn't looking at this as a response to prior decisions that had been made on tenure. It was looking at it as a way of providing information both to the Provost and the Dean in an adequate manner to make decisions on tenure, and also to make the process as smooth and as simple for the person who is up for tenure as possible. Not to add other layers of mystery or complexity, but to make it very straightforward and quick. Not to drag on for six, eight, or nine months."

Professor P.C.T. de Boer, Mechanical and Aerospace Engineering: "I would be very interested to hear the Provost's opinions and reactions to this."

Provost Randel: "I have no objection immediately. The labor of picking all of these independent threesomes would be one thing to think about. That is, part of the fault that has been found with the ad hoc committee system altogether has been the degree to which, by virtue of being ad hoc, there is not a sort of look across multiple cases. If the Dean's and the Provost's office are steadily in the business of each appointing, in effect, an ad hoc committee which will meet jointly, one gives up the feature of Option 3 that was to present a uniform look across. This is certainly something I could imagine myself living with if it is the will of the faculty."

Assistant Professor Carlo D. Montemagno, Agricultural and Biological Engineering: "I have a question for Provost Randel. Would you be inclined to value or weight the results of an ad hoc committee that you have provided the members for any more than you would a committee that was put together by the Dean? Does it buy anything in terms of credibility?"

Provost Randel: "That is a perfectly good question and it is not obvious that, in every case, it would. It is not really the Provost against the Dean, so it is not as though I would have to have some of my guys in there if there were some of your guys in there. There would probably be some added value in some cases, but it doesn't seem as though it would be inherently easier or better than the existing system."

Professor McAdams: "I am puzzled by this proposal coming from the faculty. It seems to cut out faculty. It says that the Provost does something and the Dean does something, but where is the faculty?"

Professor Trowbridge: "It seems to me that there are six faculty members on the committee, and they are us, each and every time. The faculty are being selected differently—it is not the same twelve people. It is all of us. I don't see what the question is. I mean, we are still faculty whether we are on the ad hoc committee or a standing committee. I don't understand where the issue is. Aren't we all faculty?"

Associate Professor Michael N. Kazarinoff, Nutritional Sciences: "It seems to me that this involves more faculty than any standing committee or anything else possibly could. It seems to me that it preserves the strengths of the current system,

which is that at the grassroots, the people who are best able to provide input are being asked for their input."

Professor Frederick M. Ahl, Classics: "I would like to speak against Option 7. I'd like to echo one of the previous speakers to say while this is true that this is faculty who are on this committee, it is also faculty who have been selected by administrative offices of the University. This is, then, one of the problems that many of us are concerned about, and is likely more of a concern in some areas than in others, but the fact is that it is certainly, at least within Arts and Sciences, widely known that ad hoc committees can be selected either for or against a candidate. Therefore, even though one is dealing with a faculty committee, some of us would prefer the *election* of faculty to a standing committee. I know myself that, all we would be doing, if we approved 7, would be creating extra baggage around the college ad hoc evaluation of the candidate and I don't see particularly what we would gain."

A question was asked about the possibility of the Dean and Provost reaching opposing decisions on the same case, and the relation of the committee to these decisions.

Professor Trowbridge: "We did not see this as an appeals process. I think that some groups took it on as their responsibility, but I don't think that that was part of our process. The Provost and Dean can always agree or disagree, and they will do that under any of the options that we've presented today."

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "I have a question of the backers of this proposal. In the oral presentation, you said that the ad hoc committee that you envision in this would be subject based, i.e. sort of larger versions of the current ad hoc committees, but there is nothing in the written proposals about subject based. It occurs to me that the Provost could, should he or she wish, name somebody else to this kind of ad hoc committee the way it is written, outside the subject area, to provide some kind of different perspective of the sort that might come from the standing committee of Option 3, and that's different than what you said in your oral presentation. I'm trying to sort it out in my head which it is you have in mind."

Professor Trowbridge: "I think the intention was to have a subject matter based committee, which, I think, was trying to distinguish itself from Option 3, where there was a standing committee where people saw all, be they or be they not have any sort of insight into what this person was doing and what was the responsibility of the college. We heard earlier on that colleges have quite idiosyncratic ways in which they review faculty. Some have more extension responsibilities, some have less, some have higher teaching loads, some have less, some weed out people at the end of a two-year contract, some push them on to the sixth year. So I think that the intention was to have it subject based, but, the Provost could, in a cynical way, perhaps, assign the same three people every time. Who knows."

Professor Mebane: "It seems to me that your original argument that I heard for this proposal seven is that it would be a more streamlined process, but as I'm listening it sounds to me as though it would provide very little, if any, benefit, and would increase, rather than decrease, the administrative burden in the process. The Dean, who usually uses the ad hoc committee to get advice, would change the process by adding those three people who he or she could draw on, perhaps from the entire Arts College, in that case, and the Provost would have the burden to find subject relevant people, figuring out who those people are, and not duplicating the Dean's people. It seems that it is a huge amount more of administrative burden, especially in terms of time. So, I don't see much benefit from this process."

Professor N. David Mermin, Physics: "I ask for myself, should I ever have the misfortune of becoming Provost of this great and broad institution, that I never be faced with this situation of appointing knowledgeable people from a wide and diverse range of colleges. Not knowing what to do, my greatest inclination would be to ask the Dean of the College for advice."

Professor Rasmussen: "I abstained from the vote between 6b and 3 because I am not in favor of either proposal, and I am also not in favor here. I want to come back to the question that we asked ourselves in the spring: What is the problem we are trying to fix? If we have no problem, we can safely turn down this one and 6b and we can turn to other matters. If we have a problem, I think that we need to articulate what it is and have a proposal to address that. At the moment, the proposals that we have before us are so widely different, I have to conclude that they are not addressing what we usually perceive to be an issue. My understanding from what went on in the spring was that we were concerned about the opportunity for a colleague who was turned down for the first time at the Provost's level to appeal. Option 7 does not give us that, and 6b only debatably so. The other issue was faculty input. We have argued persuasively on both sides that we already have it because it operates from the bottom up. We, in our department, as faculty members vote, we, as faculty members, in the college, get another crack at it if we are appointed to the ad hoc committee. The Gang of Four happen all to

be faculty members. We also heard the opposite—that there is no faculty committee or reason to do that. Again, we are not getting that sort of representation from 7 and 6b doesn't address that. I'm not happy, so here we are."

Professor David J. Gries, Computer Science: "I don't think that there is any sense in this option at all. It more than doubles the work. Not only do you have six instead of three people trying to get together, you have the difficulty of getting six people together and talking to them. I don't think we gain anything at all from this option except extra work."

The previous question was moved and the motion carried.

The motion to further develop Option 7 was defeated.

The Speaker called on the Provost to answer a previous question regarding Option 6b.

Provost Randel: "I have no objection to 6b. It does not serve the same purpose as Option 3 did, but it changes very little except for adding the semi-quasi appeal."

Professor Lion: "I would like to request that Dean Stein provide us, perhaps by e-mail, with some mechanism to give input to the people who are going to be developing 6b, so that they have some way of getting information from the people who have been involved in this debate and have suggestions."

Dean Stein: "Before moving to adjourn, I will promise to send an e-mail message to all of you, requesting participation from all who wish to in this, and we certainly will be open to receiving messages from people."

The meeting was adjourned at 6:00.

Respectfully submitted,

Robert Lucey, Associate Dean and Secretary of the University Faculty