

Professional Concerns Committee

Minutes for February 18, 2021

Virtual Meeting (On Zoom Conferencing Software), 3:30 pm

Members in Attendance: S. Alexander, K. Code, W. Darnell, L. Dynan, J. Elliott, K. Fuegen, N. Grant, B. Green, J. Herman, J. Human, B. Karrick, M. King, A. Miller, K. Munte, G. Newell, M. Providenti, H. Riffe, J. Rubleske, G. Sun, J. Washburn-Moses, M. Whitson

Guests in Attendance: J. Bloch, B. Alston

Members Not in Attendance: L. Manchise, B. Mittal, M. Nakamura, K. Noyes, K. Yates

1. Call to Order, Adoption of the Agenda
 - a. The Meeting was called to order at 3:30pm. The agenda was adopted unanimously without changes.
2. Approval of the minutes from the February 4 meeting
 - a. Draft Minutes from PCC Meeting of February 4, 2021 were approved unanimously without changes.
3. Chair's Report and Announcements
 - a. Matters Before Faculty Senate's next meeting (Monday 2/22/2021)
 - i. From the Teaching Effectiveness and Enhancement Committee (TEEC): Recommendation for a new grade, Vanishing Failing (VF). Faculty could give this grade to students who stop showing up midway through a semester to distinguish students who fail because they lack the ability to complete assignments from those who fail because they stop turning in assignments and stop coming to class. Recommended as optional, faculty could still give an F grade. There will need to be a way of tracking student attendance and the submission of assignments to provide a last day of attendance to give VF grade. This could be a way to boost retention. Course modalities, times of day, student characteristics with high VF rates could lead to targeted intervention. This is also a push back against using DFW rates as a measure of teaching effectiveness. VF could be a bad for students who got financial aid -- they could have to repay aid for the course. It's like an unofficial withdrawal.
 - ii. Benefits: There is a draft policy for paid parental leave to eligible faculty and staff using criteria for unpaid leave in Family Medical Leave Act (FMLA). For faculty, duration would be one semester or 16 weeks concurrent with FMLA leave. Separate from accrued sick leave or vacation.
 - iii. Benefits/TEEC: Discussing need for clearer criteria for Faculty Senate scholarships on whether they are merit and/or need based.

- iv. TEEC: meeting with company (Anthology, used to be called Idea) about instrument to give student ratings of instruction. Faculty can identify student learning objectives ahead of time and faculty would get feedback on that. Ratings can take into account issues outside the faculty's control (class size, student motivation, etc.). Currently discussing price and compatibility with current systems.
4. Old Business, discussion item: Developing an appropriate pathway for students to have their complaints heard and addressed. A draft proposal is modeled after the grievance process in the Code of Student Rights and Responsibilities. (guest, B. Alston, Student Conduct, Rights, and Advocacy Office)
- a. Code of Student Rights and Responsibilities based on general educational due process related to property interest. Within the academic sphere there is more opportunity to base issues on a developmental interest.
 - b. Goal: look for ways to encourage students to contact faculty directly regarding course matters.
 - c. Discussion:
 - i. Majority of student grievances are not about stated examples (deviation from syllabus, discrimination in grading). Most is grade appeal, not grievance.
 - ii. Suggestion: Under "Appeals Process" heading add "if the student disagrees with the instructor's decision or doesn't hear from the instructor"
 - iii. The idea here is to model a process for the students but not to replace the complaint process. Some of the issues that have come up could be handled more simply if the first step was "talk to your professor."
 - iv. Indicate in syllabus language that if you jump ahead in this process you'll be looped back, remove incentive to jump ahead.
 - v. Concern: nothing discourages multiple complaints that would require written responses.
 - vi. Concern: remove any mention of grading. There is another process for grade appeals.
 - vii. Return to process, our discussion is about if an admin gets a complaint to direct the student back to the professor.
 - viii. Concern about individual assignment grading issues – individual assignments cannot be appealed. The grade appeal is with final grades.
 - ix. K. Fuegen: Don't think about this as creating new policy or revising existing policy. We want think about two things: 1) send a message to the president and/or provost that faculty would like to field complaints from students and 2) we may want to create language for syllabi to encourage students to contact faculty directly. Sample language from a colleague: "Students are encouraged to communicate any concerns or reactions about the course or subject matter directly to the instructor before taking any other action."

- x. Could we develop something to be added to the provost's suggested boiler plate syllabus content? Leave out "must" and "shall" language. Soften "meeting" requirement to "contact."
 - xi. Could we develop a recommended process for admins for when they field a complaint? Students may not read all the syllabus language (include it anyway). The issue is more how admins respond.
 - xii. Next steps: Develop syllabus language, share a template with admins to encourage students to talk to faculty. Continue discussion in 2-4 weeks.
5. New Business, discussion item: Proposed revisions to section 6 of Faculty Handbook (attached). These revisions address three matters:
Background: No proposed changes to 6.1 - 6.6. There are concerns that faculty who extend the probationary process could have the extension held against them in a tenure decision. Proposed changes want to ensure the extension is not considered and that requirements are the same with or without an extension. Many faculty have paused the process due to problems that COVID has brought to conducting research. For faculty who go up for tenure early, what does "faculty of extraordinary merit" mean? Again, criteria needs to be the same on time or early.
- a. the criteria used to evaluate faculty who apply for tenure in a non-mandatory year
 - i. Suggestion from J. Farrar: strike language of "extraordinary merit." Replace with "A faculty member may request grant of tenure in a non-mandatory year and they will be evaluated according to criteria in sections 6.5 and 3.1." No objections.
 - ii. Suggestion: Instead say "if you go up early, you have to meet the same criteria as someone in a mandatory year." Everyone reads "extraordinary" differently.
 - b. reasons for extending the probationary period
 - i. Suggestion: Strike "limited circumstances," just say "some." No objections.
 - ii. Suggestion: Strike "the primary" before "care of newborn." Add care of elderly or dependent (included in FMLA). No objections.
 - iii. Suggestion: Strike "or instances... that negatively impact performance." Add "but are not limited to" before description of the concrete examples. Discussion about removing or retaining examples with return to suggested language and keeping examples. No objections.
 - 1. FMLA also includes "foster care." Add that? Response: No, keep it broad.
 - c. evaluations of faculty who have extended the probationary period
 - i. Move to future business.

6. Future Business

- a. Evaluations of faculty who have extended the probationary period
- b. The schedule for reappointment.

7. Adjournment

The meeting adjourned at 4:32pm.

Submitted,

M. Providenti, Secretary

6. TENURE

6.1 DEFINITION OF TENURE

Tenure is the right of full-time faculty who hold academic rank to continuous full-time employment with the University without reduction in academic rank until separation from the University as defined in Section 10, Separation, of this Handbook, including such forms of separation as resignation, retirement, medical termination, program reduction, financial exigency, and termination for cause.

6.2 GRANT OF TENURE

Tenure at NKU is granted in accordance with the provisions of the laws of the Commonwealth of Kentucky and the Bylaws of the Board of Regents and is normally granted after satisfactory progress during an appropriate probationary period. Tenure may be granted only by the Board of Regents. Tenure is granted in the department(s)/school(s) to which the faculty member or administrator is assigned at the time tenure is granted, and can be granted only after formal review by that department's/school's RPT committee as specified in Section 3.2.

6.3 PURPOSE OF TENURE

The Board of Regents of NKU grants tenure to full-time faculty members in order to:

- Create an atmosphere favorable to academic freedom and responsibility;
- Provide faculty members reasonable expectation of security so that the University is able to attract and retain a competent faculty; and
- Promote institutional stability by creating a faculty with a strong, long-term commitment to the University.

6.4 ELIGIBILITY

Unless tenure is received with an initial appointment, only full-time, tenure-track faculty who hold probationary appointments are eligible to receive tenure. Non-tenure-track faculty are not eligible to receive tenure.

6.5 CRITERIA FOR TENURE DECISIONS

In order to be eligible for tenure, the faculty member must hold the appropriate terminal degree or its equivalent, and must be judged effective as a teacher, in scholarly and creative activity, and in institutional and public service. The criteria set forth in Section 3.1 and in the department/school and college RPT guidelines shall be applied to applications for grant of tenure.

6.6 PROCEDURE

The procedures specified in Section 3, Evaluation, apply to applications for grant of tenure.

6.7 TIME

Normally a faculty member will be considered for grant of tenure during the faculty member's sixth year of probationary appointment, including University-recognized credit for prior service, upon the faculty member's application. A faculty member may request grant of tenure in ~~an earlier year~~ a non-mandatory year, and they will be evaluated according to the criteria in Sections 6.5 and 3.1. ~~but only faculty of extraordinary merit may be approved for early grant of tenure.~~ Denial of ~~early tenure in a non-mandatory year~~ is not a basis for non-reappointment.

A faculty member may be allowed to pause the RPT process for up to two years and extend the probationary period under ~~some very limited~~ circumstances with or without taking a full or partial leave of absence by making a formal request to the department chair/school director.

Acceptable reasons for extending the probationary period include ~~the primary~~ care for a newborn or adopted child, ~~care for an elder or dependent,~~ serious and prolonged illness, or instances for the candidate or extended family that negatively impact performance. Other ~~exceptional~~ circumstances not mentioned above may be reviewed and the candidate awarded an extension if deemed appropriate by the Provost.

The RPT process may be paused and the probationary period may be extended in one-year increments. ~~An application for reappointment will not be required in a year during which the RPT process is paused.~~ The candidate may apply for a one-year extension for the same event following the application process described below. An individual may request to extend the RPT process for a second time (for a separate or the same reason than the first request), but the total extension during the probationary period may not exceed 2 years. ~~If an initial extension is granted, a reduction in productivity during the period of time addressed in the request should not prejudice a subsequent decision regarding the request for a second extension.~~

A formal request in writing must be given to the department chair/school director clearly stating reasons for pausing the RPT process. The application will then proceed to the Dean

Commented [JF1]: If a faculty member meets the published criteria before the mandatory end of the probationary period, it is unfair to have an additional "extraordinary merit" requirement for them. All faculty should be evaluated according to the same published criteria. If a faculty member can do that "early," we should celebrate not penalize.

Commented [JF2]: I'm not sure why or how we would evaluate this. Why do we care as long as the faculty member can justify extending the probationary period?

Commented [KF3]: Care for the employee's spouse, son, daughter, or parent who has a serious health condition is a qualifying reason for leave under the Family Medical Leave Act.
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs28f.pdf>

Commented [KF4]: Implies that caring for children, parents, or oneself during illness is "exceptional."

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Commented [KF5]: Clarifies that faculty who have paused the clock are not required to seek reappointment during the year(s) of pause.

Commented [KF6]: Approval of a request should not depend on the faculty member's productivity prior to the request.

and to the Provost. If possible, the request should occur substantially prior to the scheduled submission of the tenure application so that due consideration to the request may be given. Once the application has been submitted, the Chair/Director, Dean, and Provost are asked to review the request as expediently as possible with special regard for the RPT calendar.

~~Despite the pause of the RPT process and extension of the probationary period, candidates granted an extension are expected to meet only the criteria stated in Sections 6.5 and 3.1. University approved tenure policies and letters of appointment. The candidate will continue to participate in the annual review process for merit but not for tenure evaluation. The RPT evaluation following the exemption-extension should consider all work submitted by the candidate using the established criteria. The candidate's accomplishments over the extended probationary period should be evaluated as if they had been accomplished in the shorter standard probationary period. The additional time due to the extension should not be a factor in the evaluation.~~

Should a candidate be denied an extension of the probationary period by either the Chair/Director, Dean, or Provost, the appeals process shall follow the guidelines put forward in this Handbook, Section 14, Grievances, as defined in Section 14.3, Complaint Process.

In colleges where there is no department or school, the dean will function as department chair in these processes.

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Commented [JF7]: We should normalize the "pause the clock" process for all faculty as a matter of equity and support for faculty. No faculty member should be penalized for taking advantage of this benefit. Wording added to emphasize that all faculty should be evaluated according to the same published criteria.

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Commented [KF8]: Wording added to emphasize that faculty should not be penalized for extending the probationary period.