Instructional Personnel Workshop

FOR NEW
DEPARTMENT CHAIRS &
DPC CHAIRS/SECRETARIES

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Role of Associate Vice Chancellor

- The AVC acts on behalf of the Provost to
  - Ensure processes are conducted properly and fairly
  - Retain copies of every DEP
  - Prepare all materials for Provost decisions
  - Serve as “conduit” for process revisions
  - Be “point of contact” for instructional personnel questions
  - Be “point of contact” for UW System legal regarding instructional personnel questions
Topics Discussed Today

• The Department Personnel Committee (DPC)
• The Department Evaluation Plan (DEP)
• Reappointment & Tenure
• Promotion
• Complaints & Grievances
• Special Reminders/Topics
• Updates (DEP Template, PTR, EDI and Assessment Language, Hiring Practices, Personnel Timelines)

DPC Formation

• ≥ 3 tenured members to form a DPC or promotion subcommittee
  – ≥ 50% (tenured) appt in Dept makes one eligible
  – Temporary reassignment (≤ 2 years) does not affect eligibility
    • May expressly request to suspend one’s membership
    • Can cause “functional equivalent” to be invoked
  – No provision for resignation from DPC
    • Failure to participate does not negate DPC actions taken
  – Department Chair is NOT a member of the DPC
    • May attend meetings if and when invited
DPC Functional Equivalent

- < 3 members \(\rightarrow\) Chair acts in place of DPC / subcommittee
  - Chair consults with those who would have been eligible
    - “Consult” includes (but is not necessarily limited to) notification of decisions reached
    - Provide others with option of including written comments (“minority report”) to be forwarded with the file
    - Consultation must be documented to next administrative level
  
  Can be overridden by specific language in DEP

DPC Subcommittees

- Promotion subcommittees
  - All DPC members at or above the desired rank
  - Assistant Professor Subcommittee
  - Associate Professor Subcommittee
  - Professor Subcommittee

- Reappointment / Tenure – entire DPC

- Post-Tenure Review – more later
DPC Roles #1 - #4 (of 10)

1. Establish **criteria** and **procedures** for **periodic review** of faculty performance as prescribed by University and UW System policies.

2. Establish **professional development process** and **evaluation of mentoring** *(more later)*.

3. Establish **criteria** and **procedures** for **making recommendations** concerning
   1. reappointment of probationary faculty
   2. rehiring of instructional and/or research academic staff
   3. granting of tenure.

4. Establish **criteria** and **procedures** within the limits granted to the department for making **salary recommendations**.

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The resulting document is the DEP

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**Periodic Review**

- Consists of many **phases** of review

<table>
<thead>
<tr>
<th>Review</th>
<th>Frequency</th>
<th>Initiated by</th>
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<tr>
<td>Salary</td>
<td>Annually</td>
<td>Department Chair</td>
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<tr>
<td>Reappointment</td>
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<td>Promotion</td>
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<td>DPC Promotion Subcommittee</td>
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<td>Post-tenure</td>
<td>Every 5th year following tenure</td>
<td>DPC PTR Subcommittee</td>
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Departmental Evaluation Plan (DEP)

- **Annually**
  - Discuss the criteria and procedures, and either:
    - Reaffirm them without modification, or
    - Propose changes; forward document to Department Chair
      - Provide new electronic DEP with "track changes on"
  - For a DEP to be "put into effect":
    - Department Chair must accept; forward to Dean
    - Dean must accept; forward to Provost/AVC
    - Provost must accept – *not in effect until Provost accepts!*

- **Department Chair notifies all faculty of accepted changes**

DPC Roles #5 - #7 (of 10)

5. Assist the Department Chair in developing and approving the departmental long-range plan.

6. Assist the Department Chair in the recruitment of faculty and academic staff.

7. Make recommendations to the Department Chair concerning
   - appointment and reappointment of faculty,
   - hiring and rehiring of academic staff,
   - granting tenure to faculty (affirmative recommendation required for tenure),
   - post-tenure review performance category (more later),
   - granting of faculty status to academic staff.
8. Implement personnel policies and procedures either delegated to or permitted at the department level.

9. Provide to faculty and staff a copy of the current criteria and procedures used by the DPC, the promotion subcommittees, and any other subcommittees.

10. Annually provide an opportunity for faculty and staff to discuss the criteria and procedures used by the DPC and its subcommittees.

Key DEP Sections

- Address criteria and procedures for:
  - Reappointment
  - Tenure
  - Promotion
  - Post-tenure review
  - Salary recommendations

- Address all three required criteria
  - Teaching, Scholarship, and Service
  - Additional criteria are permitted, such as EDI and collegiality
Other Requirements of the DEP

• Relative weights of areas can vary
  – Teaching should dominate – the most important criteria for UW-Eau Claire
  – DEP should discuss how weights are determined
  – Weights may depend on needs of dept, stage of career, personal interests
• Must specifically address IAS criteria
• Evaluation of teaching must include student evaluation of instruction (Regent Policy 20-2)

DEP “Good Practice”

• Although not stated in policies:
  – Differentiate between criteria required for tenure and for promotions
    • Criteria for Professor > criteria for Associate Professor?
    • Criteria for tenure ≠ criteria for Associate Professor?
  – Be wary of precise quantifying measures such as:
    • “at least two scholarly publications are sufficient …”
    • “student evaluations of teaching must average at least 3.2”
DEP “Good Practice”

- Describe (list) what counts, what doesn’t count, and what counts more
  - The DEP states your values and will be read very carefully – probably even literally – by probationary faculty, and legally by attorneys

- Allow DPC members to use their judgment:
  - Use “significant”, “sustained”, “pattern of”, “high quality”

DEP “Good Practice”

- Use consistent terminology for criteria
  - Required: Must be satisfied for a positive evaluation.
  - Expected: The degree to which the evaluation is positively or negatively affected by this criterion is a direct reflection of how the candidate’s performance compares to that of the typical candidate.
  - Progress: Progress toward satisfaction of this criterion is required for a positive evaluation.
  - Potential: Demonstrated potential to satisfy the criterion is required for a positive evaluation.
  - Valued: Demonstrated satisfaction of this criterion is of value to the department and may be used in support of a positive evaluation. Failure to satisfy this criterion will not result in a negative evaluation.
  - Allowed: Demonstrated satisfaction, or the failure to demonstrate satisfaction, of this criterion will not affect the evaluation.
Recommendation versus Evaluation

• An evaluation is performed and documented
  – includes both formative and summative analysis
  – includes both strengths and areas for improvement

• A recommendation is voted on and recorded
  – is conclusive
  – includes votes for and against, and total number of members present
  – is either positive or negative (ties are negative)
  – is recorded on the Personnel Form

• These are two separate documents

Tenure vs Promotion

• These are separate acts!
  – One does not imply the other
  – Separate recommendations required
  – Separate evaluations are not required unless criteria are distinct
  – Separate recognition of years at time of hire

• Both must include peer judgments of faculty performance and student evaluations of teaching
  – Review packet must include the student evaluation instrument
Tenure / Reappointment

• DPC initiates the process for
  – Tenure
  – Post-tenure review
  – Reappointment (retention)

• Personnel calendar specifies due dates
  – More later

Starting the Process

• DPC gives probationary faculty member:
  – Copy of personnel calendar
  – Copy of current (accepted) DEP
  – 20-day written notice of impending review
  – Indication of action intended
    (reappointment/tenure/post tenure review)
  – Right to present a vita and dossier
  – Right to appear before the DPC to explain submitted materials
  – Right to attach a written response to final evaluation before submission outside department
DPC Review

• DPC conducts a review resulting in two documents:
  1. Detailed evaluation document
  2. Personnel Form (from the Academic Affairs website) that indicates the personnel action, the recommendation, and the vote count
     https://www.uwec.edu/AcadAff/forms/personnelforms.htm

• Copies of both documents provided to faculty member and Department Chair
  – Must forward to Dept. Chair within 10 days of DPC vote, regardless of outcome of vote

Evaluating Performance

• Start with eligibility – why is the person eligible
  – First paragraph should provide the details showing why the evaluation is taking place
  – Correctly compute the years of eligibility – use the personnel calendar as the guide

• Provide evidence to support all claims
  – Be evaluative – the vitae lists accomplishments, the evaluation should evaluate them!
  – Deal with anomalies – e.g. atypical student evaluations or “issues” that could reasonably be misunderstood by others outside the department
The Evaluation Document

• Stick to the DEP criteria – in fact, reference it!
  – Address all DEP criteria
  – Be thorough; evaluate and provide advice

• Must consider student evaluations (RPD 20-2)
  – Provide data to support your case

• Do not “pass the buck” to others
  – Be clear; be honest; don’t bury issues; be thorough and fair; provide a constructive critique

Evaluation of teaching effectiveness

– Present evidence
  • Student evaluations alone are not convincing
  • A single classroom visit summary is not convincing
  • Avoid a play-by-play of “what happened” during classroom visit - evaluate the effectiveness of what happened
  
https://www.uwec.edu/CETL/ActiveLearning/instructor-peer-assessment.htm
  • Deal "up front" with anomalies in the evidence

– Evaluate!
  • Honest, constructive peer review is helpful to everyone
The Evaluation Document

- For each criterion, summarize the opinion of the DPC
  - “Based upon our review, four members of the DPC find that you are making sufficient progress toward satisfying the criteria for tenure in the area of teaching effectiveness, but two members find that your progress is insufficient at this time.”

- Be sure the vote (discussed later) is supported by the evidence, and vice versa

The Evaluation Document

- Do NOT make a personnel recommendation in the evaluation document!
  - Do NOT say “… therefore we recommend …”
  - Do NOT supply a list of “reasons” for a recommendation in the evaluation document

- The evaluation is separate from the recommendation

- Provide copies to faculty member and Department Chair
  - BE SURE TO NOTE WITH “C:” ON LETTER
Minority Reports

• What if the DPC can’t agree on what the evaluation document should say?
  – Ideally – one document explains all of the differing views
    • “Several members think …; however, there are others that believe…. The committee is divided on this point.”
  – Or … provide “minority reports” and put them all together as the formal evaluation

The Recommendation

• The personnel form is required to document the recommendation
  https://www.uwec.edu/AcadAff/forms/personnelforms.htm
• Indicate the personnel action involved
  – Reappointment vs tenure
  – Vote count for and against, and number of members present
• Copies to faculty member and to Department Chair
**Written Response**

- When the evaluation and recommendation are forwarded to the Department Chair …
  - Inform the faculty member of the right to attach a written response to:
    - The evaluation report
    - The student evaluations
    - The student evaluation instrument
  - Written responses (if any) must be attached to the packet forwarded to the Dean

**Role of Department Chair**

- Department Chair performs an **independent** evaluation
  - Follow same general schedule as DPC
  - Review vitae / dossier; can visit classes; must consider student evaluations
  - Meet with candidate
    - Discuss all DEP criteria; provide advice and feedback
    - Provide written summary of that meeting
- Writes a separate evaluation document
- Adds recommendation to personnel form
Tenure Vote

- Only the DPC votes
  - Vote count must be recorded in the minutes
  - Department Chair does not have vote; DPC Chair does

- Successful tenure requires three affirmative votes
  - DPC – “department” in Statutes (and Regent Policy)
  - "Notestein" Rule
    - Chancellor
    - Board of Regents

Defining the “Vote”

- How to vote?
  - Show of hands is acceptable
    - Only the counts are recorded
  - Roll call vote is acceptable
    - Must be done if requested by a member of the committee
    - Result (name/vote) must be recorded someplace
      - Can be petitioned based on open records law
      - Need NOT be in the minutes
  - Signed ballot is acceptable
    - Result (name/vote) must be recorded someplace
      - Can be petitioned based on open records law
  - Unsigned ("secret") ballot is NOT OK
**Additional Department Chair Duties**

- Support / not support DPC recommendation
  - Indicated on the personnel form
- Copy chair evaluation and recommendation (form) to faculty member and DPC Chair
- Forward all materials to Dean within 20 days of DPC vote
  - All “days” are *calendar days*

**What to Forward?**

- At a minimum …
  - The DPC evaluation document
  - The Department Chair evaluation document
  - The personnel form (the recommendation)
  - Student evaluations *(with evaluation instrument)*
  - Faculty vitae
  - Written response (if any) from the faculty person
- Other items considered relevant
Role of Others

- Dean → Provost → Chancellor
  - Each does an evaluation based on materials provided by Department Chair & DPC
    - Emphasis is on adherence to process and to reasonable application of DEP criteria
  - Recommendations added to the personnel form
    - Supported / not supported
    - Each level copies the Department Chair and the candidate
      - Department Chair should also inform the DPC chair

Promotion Requests

- Formal nominations may be made by
  - a promotion subcommittee member
  - Department Chair
  - candidate
    - Procedures should be in place (in the DEP) to specify the process

- Department Chair notified of any and all nominations
- Subcommittee must act on all nominations
Promotion Criteria

• Minimum criteria are listed in Chapter 5 (p. 61) of FASRP
  – Terminal degree
  – Minimum time in rank (including time in rank at UW-EC)

• Stick to the DEP for everything else
  – If it’s important to you, put it in the DEP
  – When mistakes are made, they usually involve a failure to stick to the DEP criteria and/or procedures

Promotion Process

• Promotion process differs from reappointment / tenure in the following ways:
  – DPC subcommittee acts
  – Faculty member may self-nominate
  – The personnel form is different (but has very similar parts)
    https://www.uwec.edu/AcadAff/forms/personnelforms.htm
  – A “no” stops the process immediately
    • Appeal to next level is permitted (p. 63)
    • If “no” is reaffirmed, no further appeal
    • If reversed, no further appeal as it moves forward
Supported Promotion

• Affirmative decision
  – Notify faculty member and Department Chair in writing
    • Must use the personnel form to record the vote – no separate memo is required
  – Provide faculty member with written evaluation
    • Evaluate relative to DEP qualifications
  – Record the vote count
  – Forward decision to Department Chair by Dec 1
    (Chair forwards to Dean by Dec 15)

Additional Promotion Steps

• Dept Chair → Dean → Provost → Chancellor
  – Each level does an evaluation (Dean, Provost, Chancellor base decisions on provided materials)
    • DEP is carefully consulted for criteria
  – Each level (up to and including the Provost) makes a recommendation on the personnel form
Complaints & Grievances

• Policies and Procedures
  – Chapter 6 of UWS and FASRP, Part III, Article 4 – Faculty
  – Chapter 13 of UWS and UWEC – Academic Staff
  – Discussion here is for faculty complaints & grievances

• Definitions (FASRP, p. 74-76)
  – Complaint – charge by another party (student, staff, public) that faculty or academic staff member's conduct violates university rules or adversely affects the member’s performance of his/her obligations to the University.
  – Grievance – by faculty or academic staff that concerns unfair treatment adversely affecting faculty or staff not covered by other personnel policies, rules, or procedures (e.g., terms of appointment, work assignments)

Complaint Process

• Complaint filed (in writing) with “appropriate university official”
  – Typically immediate supervisor
    • Reviews complaint
    • If possible, seeks informal resolution
  – Actions Allowed
    • Dismiss the complaint
    • Refer to next level of administration
      – Chancellor may refer to FCG&TR Committee
    • Take disciplinary action (after meeting with faculty member)
      – Faculty member has right to hearing before FCG&TR Committee
Grievance Process

• To extent possible, all potentially grievable issues should be settled through informal discussions at lowest possible levels

• Formal grievance filed (in writing) with Chair of FCGTRC
  – Committee determines if it wishes to take formal action or appoint a member or members to attempt informal resolution
  – Faculty member may demand formal hearing
    • If held, FCGTRC recommendation submitted to Chancellor

Special Reminders/Topics

• Quorum
  – DPC uses Robert’s Rules of Order by default
    • Greater than 50%

• Departmental Bylaws
  – Not explicitly authorized or permitted
Questions...

Instructional Personnel Workshop

UPDATE SESSION

- DEP Template
- Post-Tenure Review
- EDI/Assessment Language
- Hiring Practices
- Personnel Timelines
- Open/Closed Meetings
DEP Template

- Faculty Personnel Committee
  - Considering more standardized procedures to ensure compliance
  - Criteria and tailoring of procedures will still be allowed

Additional DPC Charge

- Additional Charge to DPC (#2 of 10)
  - Establish a professional development process for each rank as well as language to evaluate the service of those who mentor others in professional development (US 4/13)

- Will ask FPC to help clarify the expectations of a professional development process and suggest appropriate DEP language for such a process
Post-Tenure Review (PTR)

- New PTR policy is now in effect (FASRP, p. 63)
- DEP must specify criteria and procedures
- Evaluation must be summative and formative
  - For those below Professor rank, discuss progress toward promotion
  - For those at Professor rank, discuss growth and professional development
- A promotion review is not a substitute for PTR (RPD 20-9)
- No appeal process

Post-Tenure Review Subcommittee

- All members of DPC at or above rank of individual under review
  - A member cannot serve on a subcommittee if under review by that same subcommittee
  - Can serve on other (lower rank) subcommittees
- Eligible members must serve on all appropriate subcommittees
- If only one member, use functional equivalent
  - Department Chair in conjunction with those eligible
Post-Tenure Review Process

- Process and timeline similar to tenure, except
  - Subcommittee recommends one of three review categories
    - Exceeds Expectations
    - Meets Expectations
    - Does not Meet Expectations
  - Subcommittee indicates votes for and against the recommended review category
  - Copy of written evaluation and recommendation (separate documents) are sent to Department Chair
    - Be sure to copy the faculty member!

- Faculty member under review has the right to discuss evaluation with Department Chair
  - May also attach a written response to the evaluation within 7 days of receiving the evaluation

- Department Chair reviews materials and submits recommendation to Dean, along with subcommittee evaluation and any faculty response
  - Copy to the faculty member!

- Dean reviews materials and submits recommendation, along with subcommittee evaluation, to the Provost
  - Copy to the faculty member!
**Post-Tenure Review of Chair**

- Same process except most senior member of PTR subcommittee performs Department Chair functions
  - Functional equivalent is complex → see FASRP, Page 67 if this happens (Dean and Chair select members)

- Evaluate teaching, scholarship, and service
  - Can consider time as chair as part of “service”
  - Do not evaluate “Chair-only duties”
    - This is not a Department Chair review; that is a separate review conducted by the Dean
  - Stick to the DEP criteria

**Post-Tenure Remediation**

- Invoked if faculty member does not meet expectations

- Dean documents performance deficiencies
  - Sends report to faculty member

- Faculty member, Dean, and Chair develop remediation plan (goals, outcomes)
  - Must address all criteria/deficiencies
  - Must detail any support needed and specify possible sanctions if remediation outcomes are not met
  - Must provide timeline (up to three semesters)*

* Additional semester can be requested if plan involves a research component
Post-Tenure Remediation

- At conclusion, faculty member submits report describing how remediation outcomes were met

- Chair reviews report; recommends to Dean whether outcomes were met
  - Faculty member has right to meet with or submit response to Dean

Post-Tenure Remediation

- Dean determines if outcomes were met
  - If outcomes met, Dean informs faculty member, Chair, Provost, and Chancellor – no further action
  - If outcomes not met, Dean reports remaining deficiencies to Provost
    - Faculty member has right to meet with or submit response to Provost
  - Provost consults with faculty member, chair and Dean
  - If Provost determines outcomes were met, informs faculty member, Chair, Dean, and Chancellor – no further action
  - If Provost determines outcomes were not met, consults with Chancellor to determine appropriate sanctions
EDI Language in DEPs

• Faculty are expected to contribute to University efforts toward equity, diversity and inclusivity

• Starting Fall 2018, reviews must include evaluation of faculty member’s EDI engagement efforts (FASRP, p. 53)
  – Appropriate EDI language must be incorporated into DEPs this calendar year
  – Recommended that EDI evaluation be embedded in one or more of the existing criteria

• Sample language provided

Assessment Language in DEPs

• Academic Master Plan includes an expectation that faculty participation in program and LE assessment activities be included in performance reviews
  – Appropriate assessment language should be incorporated into DEPs this calendar year
  – Recommended that evaluation of assessment be embedded in one or more of the existing criteria

• Sample language provided from the University Assessment Committee
Notes on Hiring ....

- Criminal background checks are required for all new employees, including student employees and volunteers
  - Conducted by HR
  - Complete BP Logix form for final candidate only

- HR will ensure that the position announcement says: “A criminal background check will be required prior to employment.”

- PeopleSoft’s Talent Acquisition Manager (TAM)
  - Barb Hanson has “cheat sheet”

- In Search of Inclusive Excellence

Hiring non-US Citizens

- In order to hire a non-US citizen into a tenure track position, the advertisement must appear in at least one national professional journal (the Chronicle satisfies this), giving the job title, duties, and position requirements.

Question: Is the employer permitted to use an electronic or web-based national professional journal instead of a print journal when conducting recruitment under 20 CFR 656.18? Optional special recruitment and documentation procedures for college and university teachers?

Answer: Yes, an employer may use an electronic or web-based national professional journal to satisfy the provision found at 20 CFR 656.18(b)(3), which requires use of a national professional journal for advertisements for college or university teachers. The electronic or web-based journal’s job listings must be viewable to the public without payment of subscription and/or membership charges. The advertisement for the job opportunity for which certification is sought must be posted for at least 30 calendar days on the journal’s website. Documentation of the placement of an advertisement in an electronic or web-based national professional journal must include evidence of the start and end dates of the advertisement placement and the text of the advertisement.
Personnel Calendars

- Available Today
  - Developed by hand, so please contact me (carneymj) if something seems wrong
  - Following deadlines are in effect

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<thead>
<tr>
<th>Action</th>
<th>From DPC to Chair</th>
<th>From Chair to Dean</th>
<th>From Dean to Provost</th>
<th>From Provost to Chancellor</th>
<th>From Chancellor to Candidate</th>
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<tr>
<td>Reappointment</td>
<td>March 3*</td>
<td>March 20*</td>
<td>April 15*</td>
<td>May 1*</td>
<td>May 15*</td>
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<tr>
<td>Tenure</td>
<td>December 1*</td>
<td>December 15*</td>
<td>January 20*</td>
<td>March 1*</td>
<td>April 1</td>
</tr>
<tr>
<td>Promotion</td>
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<td>December 15*</td>
<td>January 20*</td>
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<td>April 1</td>
</tr>
<tr>
<td>Post-Tenure Review</td>
<td>December 1*</td>
<td>December 15*</td>
<td>January 20*</td>
<td>March 1*</td>
<td>April 1</td>
</tr>
</tbody>
</table>

*The candidate must be copied at the same time.
*The candidate must be copied within 20 calendar days. However, offices are encouraged to copy candidate at the same time.

Timeline for Faculty Reappointment, Promotion/Tenure, and Post-Tenure Reviews

All “days” are calendar days.
Reminder: Legal Interpretations

• Student Evaluations
  – 1998 Assistant Attorney General – evaluations are subject to public record laws
  – 2004 Wis. Stat. § 19.36(10)d – prohibits disclosure if

  Information related to one or more specific employees that is used by an authority or by the employer of the employees for staff management planning, including performance evaluations, judgments, or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference, or other comments or ratings relating to employees.

  – Interpretation

We concluded that § 19.36(10)d now prohibits disclosures of course evaluations, when the following factual conditions are true:

• The evaluations are obtained by the academic institution.
• The evaluations are treated as employee personnel records; and
• Results of the evaluations are used by the academic institution for staff management planning, such as deciding which staff will teach which courses, salary judgments, promotions, and similar management matters.

Wisconsin Open Meeting Law

• Every meeting of a governmental body shall be preceded by public notice as provided in s. 19.84, and shall be held in open session.
  – "Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order.
  – Campus bodies created by Board of Regents and most campus subunits created by formal action of these bodies
  – DPC and DPC Subcommittees do need to follow the open meetings procedures
Wisconsin Open Meeting Law

- Faculty member has the right to open meetings for tenure actions
  - Implies that anyone can attend
  - Without this request, the meetings may (should) be closed for debate/discussion
  - Right does NOT extend to other phases of periodic review

- If the faculty member requests open meetings for tenure actions, then ALL such meetings (from that point) are to be open
  - This is the UWS Legal interpretation of the law

Wisconsin Open Meeting Law

- Convening a Closed Session
  1. The body must first convene in open session.
  2. A member of the body must move that the body convene in closed session, stating the nature of the business to be considered in closed session.
  3. The chairperson must reiterate the nature of the business to be considered in closed session and cite the relevant exemption under s. 19.85 (1), Stats., that provides authority for the closed session.
     a) Judicial hearing
     b) Dismissal, demotion, ..., grant or denial of tenure, ...
     c) Considering employment, promotion, compensation, perform. eval., ...
     d) ...
  4. The contents of the announcement must be recorded in the minutes of the meeting.
  5. The motion must be passed by a majority vote of those present. The vote of each member on the motion to close the session must be ascertained and recorded in the meeting's minutes
Wisconsin Open Meeting Law

- **Voting in Closed Session**
  - Wisconsin Supreme Court (in 1963) held Wis. Stat. 14.90, a predecessor to the current open meeting law, authorized a governmental body to vote in closed session on matters that were legitimate subject of deliberation in closed session.
  - Wisconsin Court of Appeals (in 1985) indicated that a governmental body must vote in open session unless an exemption in Wis. Stat. 19.85(1) expressly authorizes voting in closed session.
    - Has never been taken to Wisconsin Supreme Court
  - Wisconsin Attorney General Advice
    “a governmental body should vote in open session, unless the vote is clearly an integral part of deliberations authorized to be conducted in closed session under Wis. Stat. § 19.85(1). Stated another way, a governmental body should vote in open session, unless doing so would compromise the need for the closed session.”

- **Standard Operating Procedure**
  - Posted so that “interested persons” are notified
  - Include specific Wis. Stat. that permits closed session
    - Wis. Stat. 19.85(1)(b) for tenure
      - Must include “The candidate has a right to request the meeting be held in open session.”
    - Wis. Stat. 19.85(1)(c) for reappointment, promotion, or post-tenure review
      - Include “The Committee plans to reconvene in open session following deliberations to vote on _____.”
        - Don’t need to give time (but if you do, must stick to it)
        - Presiding officer must open door and announce that the session is open.
Wisconsin Open Records Law

- Wisconsin Open Meeting Law does not require detailed minutes
  - Must keep record of the motions, voting results, and roll-call votes (if any taken)

- Part III, Article 4 of Faculty and Academic Staff Rules and Procedures
  - Unless otherwise provided, the procedures of the Department Personnel Committee shall be governed by Robert’s Rules of Order. (US 12/03)
    - Unpublished minutes – motions (name of mover) and votes
    - Published minutes – discussion summaries plus above

- Wisconsin Open Records Law authorizes requesters to inspect or obtain copies of “records” maintained by government “authorities.”
  - Refer requesters to Office of Affirmative Action

Questions...
Caring for Unsuccessful Candidates

• Tips
  – Deliver the bad news with compassion.
    • Meet with candidate and/or deliver in person
  – Direct to HR and Midwest EAP
  – Encourage colleagues to interact professionally after decision
  – Networking about available positions
  – Funds for travel/attending conferences
  – Tolerance

Based on “Good Practice in Tenure Evaluation” AAUP and ACE

University of Wisconsin
Eau Claire

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AIM FOR THIS | AVOID THIS
---|---
Make the speaker the total focus of your attention | Avoid promoting your own views
Allow silences in the conversation | Avoid filling every moment with talk
Listen to what is said fully, taking in non-verbal as well as verbal information | Thinking about the next thing you will say
Still your mind to be receptive to what is said and how it is said | The distraction of your own thought processes, e.g. analyze and evaluate
Listen empathetically for information you will find meaningful | Deciding you know what they mean, based on your assumptions
Allow the conversation to follow its own natural course | Avoid changing topics or ‘steering’ the discussion
Check what you are hearing by feeding back conversational your understanding | Parroting their words or simply repeating a list of what they have told you
Feedback, or ask about, feelings as well as verbal content. Acknowledge that their experience involved emotions as well as actions | Reflecting your understanding of their circumstances and ask about, or simply action-focused account
Reflect back your understanding, this will help the speaker reframe the own meaning and clarify their thinking | Telling the speaker where they went wrong, what your opinion is, or what to do next
Try again if your active listening summary is not well received. Ensure that they really do agree with your summary, and see what just listening profile
Thank them sharing with you and affirm something about the time, effort or trust it took for them to discuss this with you. | End the conversation abruptly, without recognizing that it may have been difficult for them to share this with you.

From www.barrywinbolt.com

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DPC Conduct

CONFLICT RESOLUTION

Healthy Responses to Conflict*
Recognize and respond to things that matter to the other person. Respond in a calm, non-defensive, and respectful way. Forgive and forget. Seek compromise and avoid punishment. Respect that each party’s interest is the Best Thing for Both Sides.

Subtle Signs of Workforce Bullying™
Flirt-inducing communication or behavior, for example, omissions or歪曲
Humiliation, discounting, or failing to address someone’s feelings.

THE ROLE OF THE DEPARTMENT PERSONNEL COMMITTEE

1. Establish criteria and procedures for periodic review
2. Establish professional development policies
3. Establish criteria and procedures for evaluating candidates
4. Establish criteria and procedures for salary recommendations
5. Assist department chair in long-term planning
6. Assist department chair with recruitment
7. Make personnel recommendations to department chair
8. Implement personnel policies and procedures
9. Provide advisory support and instructional academic staff with EDP
10. Providing guidance and working staff opportunity to discuss DEPs

BEST PRACTICES

6. ASSIST DEPARTMENT CHAIR WITH RECRUITMENT
7. MAKE PERSONNEL RECOMMENDATIONS TO DEPARTMENT CHAIR
8. IMPLEMENT PERSONNEL POLICIES AND PROCEDURES
9. PROVIDE FACILITY AND INSTRUCTIONAL ACADEMIC STAFF WITH EDP
10. PROVIDE GUIDANCE AND WORKING STAFF OPPORTUNITY TO DISCUSS DEPs

OFFICE OF ACADEMIC AFFAIRS

DPC Conduct

CONFIDENTIALITY

Don’t Talk Business Outside Published Meetings
Never discuss the work of the DPC outside a formally announced meeting. Bullying, threats, or defences are not permitted.

Avoid Side Meetings
All ethical business should be conducted for the benefit of the DPC, such as discussions established by the DPC. MSDC is not to be solicited and any representation of the DPC is not to be used in any selection.

Vote in Open Session
Close meetings are for discussion of the candidates and the committee’s views to be public and should be taken in open sessions.

What Happens in Vegas...

Anything discussed during a closed DPC meeting should stay in the DPC, and not to be discussed about the meeting.

DPC Conduct

COPY THE CANDIDATE

Don’t copy the candidate on all internal communications, including and personnel emails regarding the case.

Be Inclusive

Evaluation should be blind to the opinions of all DSP members. Confidential is not necessary. When information of opinion only, capture it in the evaluation.

BE COURTEOUS

Don’t Bully Each Other

Don’t bully, or use bullying tactics, to influence others. Be fair in the process.

HONESTY

Don’t “Sell” the Candidate

Don’t feel that you should exaggerate the positives and hide the negatives. We are selling the assessment of the candidate for the position we are recommending to the DPC person.

Be Complete but Concise

Address all aspects of the candidate and submit an additional commentary as possible.

INTEGRITY

Stick to the Criteria

The DPC determines the criteria. If nothing contradicts the DSP group, then it is transferred to the decision-maker. If more is contradicted, then it is required.

Avoid Afterimage

Be sure not to let the candidate’s performance before affect the current review. Evaluate performance during the meeting, and not with the notes.

University of Wisconsin Eau Claire

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