

University Senate Annual Committee Report Academic Year 2015-2016

Section I

Name of Committee: Personnel Committee

Submitted by: Oscar Jimenez-Castellanos, Associate Professor, Mary Lou Fulton Teachers College

Date Submitted: May 10 2017

Roster:

Chair:

- [Oscar Jimenez-Castellanos](#), Mary Lou Fulton Teachers College, West Campus

Members:

- [Jianming Liang](#), Biomedical Informatics, Downtown Phoenix campus, 2016
- [Thomas Catlaw](#), Public Affairs, Downtown Phoenix campus, 2017
- [Hugh Barnaby](#), Electrical, Computer and Energy Engineering, Tempe campus, 2017
- [Dave Wells](#), Interdisciplinary Studies, Tempe campus, 2016
- [Thomas Seager](#), Sustainable Engineering and the Built Environment, Tempe campus, 2017
- [Michael Mokwa](#), Marketing, Tempe campus, 2017
- [Mary Hood](#), Art, Tempe campus, 2017
- [Amy Shinabarger](#), Interdisciplinary Humanities and Communication, Polytechnic campus, 2017
- [Pamela Harris](#), Teacher Prep, Polytechnic campus, 2016
- [Stefan Stantchev](#), Humanities, Arts and Cultural Studies, West campus, 2017

Overview Narrative:

During the 2015-16 academic year the Senate Personnel Committee received 8 consultation requests, one of which was a carry-over from the 2014-15 academic year and one that was introduced towards the tail end of the academic year (see appendix A). However, the bulk of the work was focused on five primary tasks. The committee was divided into sub-committees to work on these tasks. Each subcommittee developed a report for their work during the academic year (see below).

Section II

Request for Consultations and/or topics reviewed by the committee and outcomes:

1. **Reviewed the ASU external peer review letter template provided by the University Provost office to all ASU academic units.**
 - a. Outcome: The standard Promotion & Tenure packet at ASU contains an external review solicitation letter template that features, among other things, a question in the sense

Office of the University Senate

whether the applicant would merit tenure and/or promotion at the evaluator's own institution. At the request of faculty from the Mary Lou Fulton Teachers College, Oscar Jimenez-Castellanos and Stefan Stantchev inquired into the rationale behind the question. Considering that the question makes certain assumptions about the evaluators' role in the P&T process that contrast with ASU's stated policy of judging its faculty against its own standards of excellence as well as the broad diversity of institutions to which qualified evaluators belong, Jimenez-Castellanos and Stantchev conducted a number of discussions, starting with Deborah Clarke, the Vice-Provost for Academic Personnel. Over the course of the academic year, Jimenez-Castellanos and Stantchev came to the conclusion that the question needs to be removed from the external evaluators' package template letter and prepared a proposal in this sense. This proposal met with the support of both the UAC and the Senate Personnel Committee and was forwarded to the university administration in April 2016. Committee members met with Provost Searle and Deborah Clarke to discuss the feasibility of this issue on February 2, 2016... A formal and final proposal for change was transmitted to the provost office on April 20, 2016

2. Reviewed a proposal that recommended eliminating the University Promotion & Committee?

- a. Outcome: The Senate Personnel Committee (SPC) reviewed a proposal that requested the elimination of the ASU University P&T Committee. The rationale expressed in this proposal was threefold: (1) the committee lacks incremental value -- compared with lower levels; (2) it is an inefficient use of university resources; and (3) the timing to submit P&T materials might be incrementally extended for candidates without this level of review.

After conducting research and deliberations, the SPC confirmed the following: that a University P&T Committee is an integral element of the P&T process at ASU and at most other PAC12 universities; that the distinguished faculty who are selected to serve on the committee typically find the service demanding but rewarding; that the time for submission of P&T materials would not be changed given the need to secure external review letters during the summer period; and overall, the committee provides a university perspective that may be lacking at other levels of the process. However, there is little communication and published information about the committee and committee processes.

SPC Committee Process

Members of the SPC discussed the proposal internally and then collected information from a variety of sources. Initially, informal discussions with ASU faculty members and administrators involved in the P&T process emerged. In depth discussions with the Provost's Office followed, and an intensive discussion with the current committee chair was completed. Also, a survey of PAC12 universities was undertaken.

Key Results

In general, ASU faculty believed that the University P&T Committee was a significant dimension of the P&T process, but often they did not know or fully understand its mission, role and functioning. Some expressed concerns that the committee may not function effectively and that it was an unproductive allocation of faculty time.

Office of the University Senate

The Provost's Office provided information and perspective about the overall ASU P&T process, including the university level committee. They stressed the complex and significant costs of P&T decisions and the university-wide nature of the decisions. The Provost office further emphasized that the ASU President is the formal decision-maker in the process, and that all lower levels of P&T review have critically important informational and advisory roles. They noted that the President personally provided the charge to the University P&T Committee and found the committee's inputs to be valuable in the decision process. Also, it was underscored that for some units, the university committee was the only other source of deliberations in the P&T process. The provosts contended that no change could be made to securing materials in the P&T process given the need and norm to solicit external letters during the summer period.

The committee chair reinforced perspectives provided by the Provost's Office. She emphasized the voluntary nature of the committee, yet the selectivity and diversity of the committee members. She discussed the objective and a-political orientation of the committee, and its roles to ensure that processes are followed appropriately at all levels and to provide advisory information and recommendations from a cross-university perspective guided by unit bylaws and policies. Although the work is demanding and cross-disciplinary, she, like the Provost's Office, believed that the University level P&T committee members accepted the challenge, gave extraordinary efforts, and clearly had the competence to appraise and value contributions outside their own fields. Finally, ten PAC12 Universities responded to a request for information about university level P&T committees. All but one institution had a university level committee. Most served in important advisory roles, while a couple were actually involved directly in the final decisions. Most were composed of highly distinguished faculty.

Recommendation

The SPC recommends that the ASU University P&T Committee continue to function and operate as currently constituted, but that the ASU Provost's Office provide more information to the university community about the committee's mission, role, procedures and the selection of its members. Improving the overall transparency of the P&T committee and its work will enhance its current credibility, and allow the University Senate, and members of the Academic Assembly the ability to provide informed and valuable feedback for possible improvements to the functioning of this committee's work.

Rationale for the Recommendation

Promotion and tenure is a critical investment decision made at the university level, formally by the President, with informational and advisory inputs across a variety of university levels and from select external reviewers. The Regents confirm the decisions. The ASU University P&T Committee is composed of selected distinguished faculty who provide advisory information and recommendations that are highly valued by the Provost and President. Most other PAC12 universities have similar committees that enact similar roles. The selection of committee members, the charge to the committee, and the deliberative work of the committee may not be well understood across the ASU community, despite the positive contributions of the committee to the university.

Office of the University Senate

3. **Reviewed the bylaws development and approval process to determine why it takes so long to secure final approval of college/school/unit bylaws.**

a. **Outcome:**

Overview:

As Senators in the Academic Assembly, and appointed members of the Academic Assembly Personnel Committee, Hugh Barnaby and Mary Hood have been tasked with researching the status of unit bylaws and the delays that are currently holding up this process in the Provosts office. Look into unit bylaws and why it takes so long to obtain Provost and Office General Council (OGC) feedback/approval. This has been an ongoing topic within the Senate leadership

During the initial meetings between Mary and Hugh, these tentative goals were established:

1. If possible, get all bylaws online
2. Streamline, clarify process for bylaw change requests by units
3. Identify and remove bottlenecks
4. Propose reasonable timeline for Provost and Council office for turn around

Progress was made on goals 1, 3, and 4. We did not have enough time to work on 2, but we did begin the process of getting information that would help. On goal 1, we are a long way from getting all the bylaws online, but we did begin the process of getting a few through the review process. These are the bylaws from academic units, ECEE and SOA. This process has helped us identify source of bottlenecks (goal 3) and identify targets for turnaround on reviews (goal 4). *We recommend continuing this task in the 2016/2017 academic year, as this may allow time for completing or at least moving closer to closer on the above list of goals.*

Synopsis of Activities:

There is a current list of accepted unit and college bylaws posted on the faculty senate website (<https://usenate.asu.edu/resources/bylaws>). The list is clearly not complete. In fact, bylaws for both Mary's and Hugh's schools were not posted.

It was decided to use our respective schools as case studies to determine the issues in approval delays that are 2-5 years past due.

Mary and Hugh met with Deborah Clarke to discuss the matriculation of Bylaws submitted by unit. A request as issued by the Provost's office last spring (2015). Deborah Clarke asserts that the submissions take longer than the anticipated 60 minutes per unit to review due to the following issues:

1. Outdated, not in alignment with college/institute bylaws
2. not in compliance with ACD manual
3. too vague
4. included P&T guidelines, which complicated the bylaws

Deborah Clarke recommends that bylaw submission should be "bare bones", not include:

1. Promotion and Tenure guidelines
2. more careful vetting at the college level
3. Send revisions with "track changes" embedded in doc

Additionally, Deborah Clarke recommends that:

Office of the University Senate

1. Colleges/Institution not “bundle” unit Bylaws into one submission, i.e.: if one is rejected then all are rejected.
2. Do not “bundle” unit by Laws for dean’s approval

After our initial meeting with Deborah Clarke it was clear that some guidelines would need to be recommended for resolving the conflict between units/colleges/institution and the Provost’s office. Some big questions that were left unanswered include:

1. When is the process over?
2. Once Bylaws are sent in, but a response from the Provost or OGC has not been received, should it then be assumed they are denied, or pending?
3. Should there be a timetable for approvals at each stage?
4. Why is there no apparent feedback if Bylaws are rejected?

Since the bylaws from both our units had been submitted and not yet approved, Mary and Hugh went to their respective colleges to gather more feedback.

Feedback from School of Art:

While meeting with Sandra Stauffer, Associate Dean in the Herberger Institute for Design and the Arts, critical questions, frustrations, and feedback were discussed. Dean Stauffer felt strongly that if the backlog is so erroneous, then why are units required to update bylaws. She felt that the Provost cannot hold the units responsible to a set of criteria if that criteria cannot be reviewed in a timely and thorough manner. Furthermore, as with the recent required updates concerning academic professionals, that not providing guidelines and timely approval/feedback compromises the employees’ ability to successfully advance in the academic system. Lack of clarity from the Provost office, with change of Provost and Vice-Provost, from Provosts office, then, incredible lack of feedback. In the meantime, laws may change, etc.

Feedback for School of Electrical and Computer Engineering:

In searching for information regarding the status of the ECEE unit bylaws, it was determined that several years had passed since the Provost/OGC had rejected the full package of bylaws that had been submitted by the Engineering college (FSE). Given that all FSE unit bylaws, including ECEE, were bundled and sent in for evaluation, it was not possible to determine which set were not acceptable. It was decided to start the process over using just the ECEE unit material. The latest ECEE bylaws that had been approved by the ECEE faculty were obtained and sent to FSE for approval. This process went quickly (~ 1 week). Then the ECEE bylaws (only) were sent to the Provost’s office. Hugh was able to track the process and alert Vice-Provost Clarke that she would be receiving them, and that he hope she would be able to expedite the review as quickly as possible. Vice-Provost Clarke responded that it would take her a few weeks to process. She was able to do this within 3 weeks. She informed ECEE director Phillips that there were a few problems with the ECEE bylaws. Hugh did get some feedback from Phillips on what the exceptions were. Phillips informed Hugh that the requested changes were “not drastic but will require some [rewriting] and then a positive vote of 2/3 of the ECEE faculty would be required.” Specific changes that need to be implemented are adding language that explicitly addresses the issues for non-tenure-track faculty. Director Phillips believes that an ADHOC committee in ECEE could make the changes this summer and get approval early in the fall 2016 semester.

Office of the University Senate

Recommendations for improving bylaw processing:

1. Have a running clock from time of submission, i.e.: approval from dean’s office 2 months, approval from provost’s office 3 months
2. Provide appropriate and timely feedback when/if sending bylaws back to the unit for revisions.
3. Guidelines need to be provided with the feedback in order for units to make adjustments more successfully.
4. Edits and revisions may take longer depending on the nature of the edits, but next action should be within a semester.
5. Although it may be difficult, each unit should shepherd the process though and not have them “bundled” by the college prior to sending to the Provost. Best for unit to identify a point person to direct.
6. Develop standardized template for bylaws. Note: the Provost supports this, but it is likely to get push back from units.

Recommendations for Academic Senate:

1. Revisit issue next year with a new committee.
2. Continue dialog with Provost office to implement a set of guidelines for the units.
3. Check to see, what, if any, progress had been made in the last year to clear the backlog.

4. Review Non-Tenure Track Faculty (NTTF) career and promotion pathways.

a. Outcome:

Current Work

Consulted with the Arizona tri-university movement for NTTF. There is statewide support for clarifying rank and promotion of NTT.

Consulted with Tempe English' Department's NTT committee, including their survey for all faculty. They have, since, sent a more in-depth survey to only their NTT faculty, and they will share those results with us next year.

Conducted a systematic literature review regarding rank and promotion. An annotated bibliography is started, but there is still work to do to make it accessible to the committee and the senate. Preliminary finding suggest that issues of pay, rank and promotion for both full-time and part-time NTTF. Also present are issues with terminal degrees, representation within self-governance bodies (like senate), and job duties. Articles in this review are available for the next committee and are housed on a zip drive. Updating will be necessary, but the review provides a foundation for discussion and recommendations for future study. During this present year, the administration at ASU has worked with units to revise bylaws regarding NTTF.

Search Term <i>(only articles pertaining to U.S. universities/4-year colleges were included)</i>	Total Articles	Relevant Articles
Clinical Faculty Pay	1	1

Office of the University Senate

Clinical Faculty Rank	1	1
Lecturer Rank	11	1
Lecturer Pay*	160	3
Lecturer Promotion	10	1
Non-Tenure-Track Faculty	78	43
TOTAL	261	50

Reached out to scholars from ours and other campuses working on NTT issues.

Faculty in CLS have written new bylaws for faculty annual review for instructors, but they are not yet in place. As a part of the CLS FAR team. Instructor annual review remains inconsistent across units primarily due to the inclusion/exclusion of service as part of job assignments.

Future Needs:

1. Clarify and work with Provost's office on promotion requirements for Senior and Principle lecturers (and clinical faculty) --disparities between August 2015 memo and ACD.
2. Monitor implementation of multi-year contracts under President Crow's August 3, 2015 memo to ensure fairness across College (footnote 3 of memo).
3. Initiate discussion with Provost's office on instructor promotion--essentially is there a year point where an instructor could, if met criteria for being a lecturer in a unit, the person could convert to lecturer status. Also, make Provost's office more aware of the service issues units have when instructors can't do service.
4. Get a current breakdown of title classification and contract status (tenure/tenure track, multi-year, single year contract) of ASU Faculty....to put forward recommendation for a Senate Task Force to come up with a recommended replacement to the 15% ABOR rule (and seek to get buy in from the Provost's office-- and also likely coordinate with NAU and U of A), e.g., one example would be replacing 15% rule with a rule that tenure/tenure track faculty need to be 50% of all faculty and instructors and FA's cannot be more than 15% of all faculty.
5. Complete the annotated bibliography of practices for NTTF across the nation and abroad to serve as a starting place for recommendations.
6. Continue to contact faculty and leaders from sister institutions regarding pay, rank, load and job descriptions.

Office of the University Senate

5. Review proposed ASU legislation that would remove the Arizona State Retirement System as a retirement option for new employees.

- a. Outcome: The subcommittee on ASRS met with Kevin Salcido, Vice President of Human Resources on November 20, 2015. He indicated that due to the large drop in state support for the university, ASU was seeking greater authority to act independently regarding health care and ASRS. Both changes would need approval from the legislature and governor. On health care, university employees are healthier than the rest of the pool, so paying more than their fair share of premiums. However, any savings for the university would lead to higher cost for the state, so unlikely to be approved. This change would not adversely impact employees.

The other proposal would be for new employees to no longer have the option of enrolling in ASRS and that employees with less than ten years of service the option of leaving ASRS and switching to the ORP (Optional Retirement System, 403(b) plan). The University projects a \$15-\$20 million savings after five years. Contribution rates are 7 percent for the ORB for employee and employer, which is fixed, and currently about 11.5 percent for ASRS for employee and employer. This rate varies and should gradually decrease over time. The higher rate for ASRS is due to unfunded accrued liabilities from the recession and due to employee and employer contributions being less than normal costs when ASRS had reduced significantly its contribution rates, as low as 2 percent for employee and employer, when it was overfunded from 1990 to 2003. Normal costs (the part of ASRS that is estimated to cover an employee's retirements) are approximately the same as the 7 percent from employee and employer under the ORB.

Due to lower per enrollee cost and higher returns, defined benefit programs generally provide superior returns when compared to defined contribution plans, so any movement away from ASRS would diminish retirement benefits for future employee who would have otherwise chosen that option. The cost savings the university achieves is modest.

In addition, ASU moving out of ASRS would lead to slightly higher overall contribution rates for all of those still in ASRS, including existing ASU employees. It would also set a precedent that might lead to other entities also trying to save costs by doing similarly with legislative approval, which would undermine retirement security for other workers. Many were skeptical of the university's proposal when Kevin Salcido addressed the Senate at the March 28, 2016 Senate meeting

Recommendations:

- 1) Continue to keep the faculty senate educated about retirement plans
- 2) Monitor the university's efforts to leave ASRS
- 3) Consider whether the Senate should stay neutral or consider a resolution opposing leaving ASRS.

Sources:

Kevin Salcido, Vice President of Human Resources, presentations on November 20, 2015 and March 28, 2016.

Paul Matson, Director of ASRS, email correspondence

Office of the University Senate

Wells, Dave and Stephen Herzenberg (2014), "Arizona's Pensions: On track for financial stability and retirement security," Grand Canyon Institute and Keystone Research Center, January 27, http://grandcanyoninstitute.org/wp-content/uploads/2015/06/GCI_Policy_Paper_AZ_Pensions_On_Track_Jan2014.pdf.

Section III

Request for Consultations and/or topics that were not started or remain unfinished and need to be carried over to the next academic year.

1. Reviewed the bylaws development and approval process to determine why it takes so long to secure final approval of college/school/unit bylaws. See subcommittee report in section II
2. Review Non-Tenure Track Faculty (NTTF) career and promotion pathways. See subcommittee report in section II
3. Review proposed ASU legislation that would remove the Arizona State Retirement System as a retirement option for new employees. See subcommittee report in section II

Section IV

Recommendations to the Senate or Final Comments

1. See individual subcommittee reports in Section II for recommendations.

Office of the University Senate

Interdisciplinary B Room 361
PO Box 181703 Tempe, AZ 85287-1703
480-965-2222 Fax: 480-965-0814
usenate.asu.edu