

**REPORT TO THE SENATE:
Improving Implementation
Of San José State University's
Retention, Tenure, and Promotion Policies**

**Professional Standards Committee
The Academic Senate of
San José State University
April 13, 2020**

Final Draft

What is the role of the Professional Standards Committee?

“The Academic Senate is the principal agency for the formulation and recommendation of policy for the University” and The Professional Standards Committee is “Responsible for all areas pertaining to faculty affairs and professional standards.” Nothing is more central to our mission than to formulate policy concerning the retention, tenure, and promotion of faculty at the University.

Policy is not formulated in a vacuum; for Professional Standards to do its assigned job, it needs to know when policies it has formulated are working as intended, and when they are not. For decades, the Professional Standards Committee (hereafter, the Committee) has been the place where citizens of the University go to suggest ways to improve policies about professional standards and faculty affairs. This has included faculty as well as administrative officers; for example, many policy reforms have been initiated when administrative officers bring forward problems with our policies. At other times suggestions come from faculty. Whatever the source, the Committee examines the issues and decides how best to address them. Sometimes it suggests solutions that do not involve policy change, at other times amendments to policies are needed. When called for, the Committee also can speak on behalf of the Senate’s constituencies, using Sense of the Senate resolutions, white papers, or other forms of communication. It can also give voice to concerns on matters when policy is not directly implicated.

Feedback to the Committee on RTP implementation in AY 2018-19

As Professional Standards received feedback from its constituents regarding the RTP process in AY 2018-19, the Committee was reminded that it was a very challenging year for the operation of the University’s RTP system. The Office of Faculty Affairs had recently been moved to a new location in the administrative structure, it was between leaders after the departure of AVP Kimbarow and before the appointment of Director Lee, a new RTP policy was beginning to come on line, the software to manage electronic dossiers was proving to be clunky after the initial provider was bought by one company and then sold again, a beloved and effective Director of Faculty Development--Amy Strage--passed away at a critical moment during dossier preparation, and the University was operating under an Interim Provost from off campus who was unfamiliar with our contract and our policies.

Last spring semester, as decisions were announced, several faculty individually approached the Professional Standards Chair and other Senate Officers with concerns about the RTP process. Many of the concerns centered on what appeared to be an error in the timeline of recommendations, with the Provost’s recommendations apparently coming out after the President’s decisions were delivered. Others were concerned with the quality of recommendation and decision letters, which sometimes issued decisions without offering the rationales required by policy.

In Fall 2019, concerns appeared from other sources. The Committee received complaints from one faculty member that teaching was not being reviewed holistically in the RTP process. A number of others expressed concerns about whether the eFaculty system was sufficiently confidential to protect faculty information.

Professional Standards also received a confidential memo from a faculty rights group affiliated with the CFA (Anti-Racist, Social Justice Transformation, ARSJT.) That memo made a broad range of requests and observations, some of which were later revealed in the press. The group alleged a number of violations of RTP policy, requested that the University commit itself to rebuilding the Counselor Faculty at SJSU, and asked for the Senate to call for the return of Faculty Affairs to the Academic division. But the concern that eventually garnered the most public attention was the groups' observation that seven women of color had failed to advance in the AY 2018-2019 RTP cycle. The memo noted that SJSU had a need to hire, nurture, and promote diverse faculty.

In addition, members of the Professional Standards committee have met with the Faculty Diversity Committee and the University Council of Chairs and Directors (UCCD). Both groups expressed various concerns with regard to RTP implementation. The Faculty Diversity Committee expressed concerns over both the retention rates and advancement of faculty of color, and a willingness to assist in finding solutions. UCCD has forward a resolution summarizing its concerns, which is attached. UCCD members were concerned about a lack of enforcement of department guidelines at higher levels of review, a perceived devaluation of the service component, and the need for training to "address effective and holistic evaluation of RTP candidates' performance (not just policies and procedures)" which "should be required for all levels of RTP review, including the Provost and President levels."

It is not unusual for Professional Standards to receive complaints about the operation of the RTP system. However, both the volume and seriousness of the concerns stemming from the AY 2018-2019 cycle were unusual. Professional Standards has investigated as many of the issues raised as was possible for it to do. The Committee proposes some amendments to policy and are working on others. Contained in this report are additional recommendations to help address the various concerns that have been brought to our attention.

A sudden increase in negative decisions in AY 2018-2019

The Professional Standards Committee has found that there was a sudden increase in the number of negative decisions in AY 2018-2019. In past years, the rates for tenure and promotion have never been published, and so the Committee began the year with no statistical or empirical information about RTP decisions which could form the basis of a comparison. Professional Standards requested that the University provide aggregated data about the tenure and promotion rates over time. Faculty Affairs promptly collected and shared this data, tracking tenure and promotion rates by various demographic categories over the previous five years (attached). The Committee notes

that this is a breakthrough in transparency and recommends that this become an annual report so that the RTP outcomes can be tracked over time.

- 1. Recommendation: Faculty Affairs should keep and annually publish statistics on tenure and promotion rates, broken down demographically, so far as is possible while maintaining the confidentiality of faculty. Trends should be noted and monitored over time.**

This information begins to answer some of the questions that have been recently raised about how the outcomes of the AY 2018-19 RTP cycle fit into overall trends, and is discussed below.

Limitations with the data

The data does have important limitations. One problem is that the numbers of faculty involved in a single year's decisions are so low that any result tends not to achieve statistical significance. Given that the data examines only a few scores of faculty per year, the low n will be a perennial problem. The University will simply have to do the best it can with the available data.

There are also some idiosyncratic problems with interpreting the results. For example, two faculty members at the end of the 2018-2019 cycle were not promoted and tenured even though they had completed their probationary period—but they were instead offered an extension of their probation. The administration does not consider these two faculty to have been “denied.”¹ Professional Standards does consider these two decisions to be “negative decisions” since the individuals were not tenured following the promised six year probationary period. Yet another issue concerns repeated denials. When it comes to promotion decisions, it is possible for the same candidate to be repeatedly denied, year after year. Should that count as multiple denials across the years?

Another issue is the need to differentiate between cases decided under the old policy (S98-8) and under the new policy (S15-8). In AY 2018-2019 the majority of decisions for tenure were decided under the new policy, but the majority of cases decided for promotion to full Professor were decided under the old. As the years pass it would be desirable to have an understanding of whether the shift in policy has shifted the outcomes in some way. Also desirable would be data on the profiles of successful and unsuccessful candidates, by levels of achievement in the three categories of evaluation, so that the University can address concerns such as those raised by UCCD that one or another performance category was being undervalued or overstressed.

¹ The provision in the Collective bargaining agreement under which the additional probationary period was offered reads as follows, with our emphasis added: “13.18 The President shall officially notify the probationary faculty unit employee of the final decision on the award or denial of tenure no later than June 1. The lack of official notice shall not result in the award of tenure. If **tenure is denied**, the President shall notify the faculty unit employee by June 1 **of a subsequent probationary appointment** or a terminal year appointment....”

2. Recommendation: As S15-8 becomes fully implemented, annualized data should be gathered on candidate levels of achievement by area and by level of evaluation, so that patterns among those who are successful and those who are unsuccessful can be discerned and tracked over time.

In examining the data provided, Professional Standards chose not to consider denials for **early** tenure or promotion, both because the standards for early decision are higher, and the consequences of denial less serious. Someone who is denied after an early application still has the opportunity to apply at the normal time and under less strenuous criteria. The following analysis, then, considers only denials or negative decisions after the normal period of review.

Overall tenure rates

Despite the limitations noted above, Professional Standards has scrutinized the available data and finds that it does provide some help to understanding what occurred in the 2018-2019 RTP cycle.

Looking over a five year period, SJSU historically only rarely denied tenure to faculty, but AY 2018-19 saw a sudden increase in negative decisions.

In AY 2018-19, two faculty were denied tenure and two who had completed their probationary period were offered more probation—or 4 negative decisions. In the four years prior to AY 2018-19, only 1 faculty member was denied tenure, and none were offered additional probationary years.

It may make little sense to express such low numbers in terms of percentages, but with that limitation in mind, AY 2018-2019 marks a shift from denials being very rare (1/56 or 1.8%) to negative decisions constituting 4/25 or 16%.

Overall promotion (to “Professor”) rates

In AY 2018-19, 6/27 applicants were denied promotion to Professor, or 22.2%. (The Committee excluded from consideration one candidate who withdrew during the process.) In the four years prior to AY 2018-2019, 8 applicants out of 90 were denied, or 8.8%. Thus the denial rate for promotion to Professor more than doubled.

The number of cases of denial of promotion to Professor is substantial, lending somewhat more statistical weight to these results than to the tenure results.

Analysis of the results

While there was a sudden increase in negative decisions in AY 2018-19, compared with the previous 4 years, it is difficult to know the causes or the meaning of this change. Did AY 2018-2019 include a larger number of weak dossiers compared with previous years? Did faculty committees or administrative evaluators adopt a harsher interpretation of the RTP policies? Did the increased number of denials emanate more from one committee, evaluator, or level than another? Were the increased denials

centered more on one area of achievement than another? Professional Standards would need to be able to delve into the rationale for denials and scrutinize the decisions in individual cases to be able to answer these questions, and this is something it was unable to do. For additional context, please reference the exchange of memos in the appendix.

How well are we doing to advance our diverse faculty?

The most serious complaint concerned whether the RTP process resulted in unfair outcomes for particular demographic groups. Headlines in the *Spartan Daily*, and concerns from ARSJT pointed out that seven of the faculty who received negative decisions in 2018-2019 were women of color.

Professional Standards is deeply concerned that these matters be addressed on two levels. First, the individual cases should be adjudicated on their own merits through the grievance process outlined by the Collective Bargaining Agreement (CBA). Second, the University must examine the outcomes for all of our faculty in the aggregate, to determine how well we are doing as an institution to support the advancement of our diverse faculty. The Professional Standards Committee has scrutinized the available data to see what light can be cast on this matter.

Decisions by racial, ethnic, and gender categories

In 2018-2019, five women of color were denied tenure or promotion and two other women of color received additional probation—resulting in seven negative decisions for women of color. That same year, nine women of color were tenured and four were promoted. Thus, counting both tenure and promotion decisions together, there were 7/20 negative decisions, or a one-year 35% negative rate for women of color. Four men of color in 2018-2019 went up for tenure or promotion and all were successful. Thus the combined rate of negative decisions for all people of color applying for tenure and promotion in 2018-2019 was 29%.

In 2018-2019, fourteen white women applied for tenure or promotion. Thirteen were successful, one was denied, or a one-year 7% negative rate for white women. Seven white men applied for tenure or promotion and two were denied (29%). The combined rate of negative decisions for white candidates applying for tenure and promotion in 2018-2019 was 14%

In the four years leading up to AY 2018-2019, there were 5 negative decisions out of 52 applications from people of color, or a 9.6% rate of negative decisions.

In the four years leading up to AY 2018-2019, there were seven negative decisions out of 98 applications from white candidates, or a 7.1% rate of negative decisions.

The different rates of negative decisions, comparing white faculty and faculty of color in the four years leading up to AY 2018-2019 (9.6 vs. 7.1), does not meet the test of statistical significance.

The results for AY 2018-2019 are, however, sufficiently concerning and out of the range of the previous four years to prompt us to ask deeper questions. Knowing that there was in fact a sharp increase in negative decisions—especially for women of color—does not explain the reasons for that increase. While caution should be used in interpreting these results, a cautious interpretation does not mean discounting them out-of-hand. All possible hypotheses for this outcome should be explored and considered. Among the many hypotheses that could explain this high rate of negative decisions for women of color are the following:

- With an n that is so low, a couple of outlier cases could easily skew the data.
- It is also possible that the pool of faculty in 2018-2019 just happened to be weaker than in the previous four years.
- If the candidates were in fact weaker, it prompts the question of “why?” Is SJSU mentoring and supporting faculty of color sufficiently so that they can be successful? *If* there is a problem, it is important to know whether it exists in a biased evaluation process, or in inadequate support prior to the evaluation process, or something else.
- Since provosts tend to be quite influential on RTP outcomes, these numbers could represent a one year event caused by an Interim Provost who applied different standards than those that were applied in prior years. This would be deeply troubling, since it is the task of all faculty and administrative evaluators to accurately and fairly apply the standards of SJSU policy.
- Could evaluators in the AY 2018-2019 have undervalued the contributions made by women of color in some systematic way? For example, the literature discusses a “cultural tax” paid by faculty of color who routinely are sought for very high loads of service to students. If service (in contravention of policy) was valued less highly than the other two areas of achievement, this could affect groups disproportionately.

The Professional Standards Committee does not believe that it can make a judgement as to which, if any, of these hypotheses accounts for the 2018-2019 outcomes for women of color. In order to do that, it would need to delve deeper into the actual decisions. The committee might ask questions such as, were the denials based on different criteria or were they all based upon the same part of the research-teaching-service triad? Were the denials all supported by all levels of review, or did different levels and different evaluators see the cases differently? Did the dossiers show that the candidates had received ample assigned time and resources, or not? While the candidates were all willing to supply the Committee with this information, it was nonetheless unable to examine individual cases, per the exchange of memos in the appendix.

However, even without pinpointing the reasons for this cluster of negative decisions, Professional Standards believes it is a loss to SJSU when a faculty member fails to advance. It is in the interest of the University to understand each failure and to learn

how to improve its retention, tenure, and promotion rates. This is true for all faculty—since the University invests heavily in each—but is especially true for faculty of color, given how painfully slow our progress toward the construction of a diverse faculty has been.

- 3. Recommendation: The University should undertake an in-depth study of retention and advancement for SJSU faculty of color. To assure that the report is credible, research should be carried out by experts, adequate resources should be provided, and the Faculty Diversity Committee should be consulted.**

The University cannot hope to improve the success rate of its faculty of color without knowing in detail the experiences of those who have not advanced. The Faculty Diversity Committee is one appropriate body to look at possible barriers to advancement for faculty of color, and could advise a research effort to learn more about reasons for success and failure in our system. Professional Standards recommends that the research be largely qualitative, given the low numbers involved, and that it look deeply into retention and success rates for SJSU faculty of color so as to recommend any needed improvements in mentoring, support, or policy.

While Professional Standards does not want to prejudge what could come out of such a study, it seems clear already that all probationary faculty could benefit by a more robust and formalized program of mentorship and development, and the Committee is encouraged that some efforts are already beginning.

- 4. Recommendation: The Center for Faculty Development should work closely with the Faculty Affairs, the Faculty Diversity Committee, the Office of Equity, Diversity and Inclusion, and the Provost to understand the needs of faculty of color from appointment to promotion to Professor, and should develop additional support mechanisms--such as additional mentoring for RTP candidates--as appropriate. This effort should be a high priority for the allocation of any necessary resources.**

Issues with faculty in non-traditional disciplines

Counselors, Librarians, and teaching faculty have for decades been placed under the same collective bargaining agreement, even though the three groups have very different tasks and different ways of demonstrating professional growth and development. Because all three groups are part of the same collective bargaining agreement, all three groups are dealt with in the same RTP policy at SJSU.

It has been a challenge to devise one policy that adequately handles the different needs of the three groups. Even the names of our categories of achievement have been crafted for flexibility. “Academic Assignment” is not “Teaching” because we have non-traditional faculty who do not teach in the conventional sense.

“Scholarly/Professional/Artistic Achievement” is similarly flexible to take account of

those non traditional faculty who demonstrate their expertise through their professional growth and not through scholarship.

Despite these measures, whenever non traditional faculty are evaluated by faculty and administrators coming from more traditional backgrounds, there is the potential for confusion and the misapplication of standards. This is particularly true for those who come to the CSU from other universities and have never before encountered this unusual amalgamation of different kinds of faculty.

To help create better clarity in expectations for non-traditional faculty, the RTP policy requires that Counselors and Librarians have guidelines previously approved (by their faculty, by Professional Standards, and by Academic Affairs) that explain the differences in expectations for advancement for them as compared with more traditional groups. But, not surprisingly, it is difficult for non-traditional faculty to know how best to explain their work to a more traditional academic audience.

Professional Standards believes that at least a part of the issue with the 2018-2019 spike in negative decisions had to do with a failure of the existing documents to adequately guide administrative evaluators. This would be an excellent time to refine these guidelines and gain the approval of the Provost, so that expectations for coming years are clear and are endorsed by the current administration. Whatever may have happened in last year's decisions, it would be in everyone's interest to know more precisely what is expected going forward. The Committee notes that the existing guidelines for Counseling and for the Library were both crafted in 2016 and are thus set to expire at the end of their 5 year approval period in 2021. Because the revision of guidelines can often take a year, the Committee suggests this would be an excellent time for our non-traditional faculty to revisit their guidelines.

- 5. Recommendation: The Counseling and Library faculty should begin the revision of their RTP guidelines, consulting with the Provost early in the process. The goal should be to craft clear and transparent expectations for probationary faculty that can be endorsed by both the faculty, the Professional Standards Committee, and the Provost by Spring 2021. As with all revisions of guidelines, faculty hired before the revision should be grandfathered under the old guidelines, but every effort should be made to craft documents which current probationary faculty will wish to adopt immediately so as to provide clear guidance during the evaluation of their dossiers.***

Refinement of RTP training

The University took a major step forward when it began to train all RTP committee members in AY 2019-2020. Such training is required by policy but had never been provided in as systematic and comprehensive a fashion as was attempted this year. Credit is due to the new Senior Director Faculty Affairs for developing and delivering a

comprehensive training in very short order. Professional Standards believes that this training can be further refined to address a variety of issues.

For example, the use of surveys of Student Opinion of Teaching Effectiveness has always been controversial at SJSU. The Committee agrees with many past studies of the SOTEs that the principle concern lies with the way the results are interpreted and applied. Both the teaching evaluation policy (F12-6) and the RTP policy (S15-8) stress the requirement that a holistic evaluation of teaching be conducted, using multiple sources of information, and applying the official SOTE Interpretation Guide. These elements should be stressed during RTP training.

One issue raised by UCCD concerns the application of department guidelines. In the words of UCCD, “all levels should review and apply department specific RTP guidelines, as well as the information provided at the department level, given that departments know best their respective disciplines and expectations.” The implication is that in a number of instances this did not happen, and evaluations at some higher levels ignored the previously agreed-upon guidelines when rendering judgments. The Professional Standards Committee believes that the status of guidelines should become a part of the regular training, so that all evaluators understand that, “Once approved and published, department guidelines must be applied when judging the level of achievement of all candidates to which they apply, bearing in mind the limits of such guidelines” (S15-7, 4.4.3.)

UCCD also provided Professional Standards with other feedback germane to aspects of the training of evaluators. One Chair suggested that RTP committee members should participate in a “norming exercise” to help them understand how to appropriately differentiate the various levels of achievement. One suggested that RTP training for Department Chairs or for Committee Chairs might need to be more specialized or differentiated from the generic training provided for all members. Still others suggested that components of the diversity training that is used for search committees would be relevant for the RTP evaluation process. Some have also suggested that clearer lines be drawn so evaluators will better understand what fits under “Academic Assignment” and what counts under “Service.”

6. Recommendation: Faculty Affairs should consult with Professional Standards, UCCD, the Faculty Diversity Committee, and other relevant groups to continue to refine the RTP training program with the goal of achieving a more fair and transparent application of policies and standards. The possibility of specialized training for RTP evaluators in different roles or at different levels should be explored.

Clarifying the culmination of the RTP review process

Presidents in the CSU are permitted, if they wish, to transfer the final decision-making on RTP matters (and thus the writing of the final decision letter) to their Provosts, and

our policies explicitly note this. “The President has the authority to make appointments, continue faculty members on probationary status, grant tenure, and grant promotions, though the President may choose to delegate this authority in whole or in part to the Provost” (S15-7, 3.6.2.) The Senate supports this flexibility, as some Presidents are academics, and some are not, and we feel it would be especially appropriate for a non-academic President to delegate authority. In addition, there may be other reasons, such as the distribution of workload, that a President might choose to delegate authority.

Informally, Presidents and Provosts can consult however they wish regardless of whether or not a President formally delegates authority to the Provost. But at SJSU, both of the formal alternatives (delegated authority and non-delegated authority) have been used, and sometimes both alternatives have been used in differing years by the same President. Whichever option the President selects has implications for the RTP process, since the contract guarantees candidates a ten-day response period for any “recommendation” made in their evaluation. If the Provost has been delegated the formal decision authority, then the Provost’s letter is not merely a recommendation but is the culminating decision, and the ten-day response window is not necessary. But if the President retains final authority then the Provost’s letter is a recommendation to the President, and the ten-day response window to the Provost’s letter is required by contract.

SJSU’s RTP policies insufficiently distinguish between these differing models of decision making. Within S15-8 and S15-7 there is language that pertains to each of the two models without distinguishing which pertains to which. The policies may contribute to confusion about how to construct the conclusion to the RTP timeline, who writes letters, and what the differing letters should contain. Professional Standards suspects that this confusion contributed to distribution of Provost recommendations and Presidential decisions on approximately the same date during the culmination of the 2018-2019 RTP process.

7. Recommendation: The Professional Standards Committee should consult with the President and Provost and propose recommendations that would clarify the culmination of the RTP process in S15-7 and S15-8.

The placement of Faculty Affairs and its relationship to the Provost

Professional Standards continues to hear from many faculty who oppose the current placement of Faculty Affairs within University Personnel, rather than in Academic Affairs. At the same time, members of the Administration consistently state that there are important operational efficiencies gained by the current placement.

At SJSU, the Office of Faculty Affairs became, over a period of decades, the part of the administration that connected each succeeding administration with rank and file faculty. In its early days it was headed by the Dean of Faculty who was almost always a former faculty leader, and while the title changed to the AAVP for Faculty Affairs, the close connection to faculty remained. At its best, the Office kept open the lines of communication—especially on issues of great importance to faculty, such as the RTP process. This gave the AAVP an important symbolic as well as a strategic communications role with faculty, in addition to managing the office's more mundane duties. The placement of the AAVP on the Professional Standards Committee cemented this close working relationship, which is reflected in more than 200 instances of the AAVP's title appearing in policies authored by the committee. Professional Standards recognizes that there is considerable symbolic value to aligning this office closely with Academic Affairs.

Symbolism can have real impacts on a campus. Nowhere is that more apparent than it is for the stature of the Senior Director Faculty Affairs. While Professional Standards is pleased that the current Senior Director is a former faculty leader, the placement of the position outside Academic Affairs damages the position's credibility in the eyes of faculty. The old office of AAVP was under the purview of University Policy S16-8, Selection and Review of Administrators. This meant that the position was chosen after being recommended by a search committee in which faculty constituted a majority, and the position was similarly reviewed by a committee in which faculty also constituted a majority. Since the Senior Director is placed outside of Academic Affairs, the position is no longer covered by S16-8. There is therefore no guarantee that faculty will play any role in the selection or review of the Senior Director--or even that there will be a search or review committee. The Senate attempted to remedy this situation through an amendment to S16-8, but this amendment was recently vetoed. Thus the person who heads Faculty Affairs has no formal connection to faculty.

Professional Standards is aware that informal faculty consultation was carried out by the Senior Associate Vice President, University Personnel when appointing the existing Director. In fact, the Committee deeply appreciates the informal efforts of the key players on both sides of the UP/Academic Affairs dividing line to communicate and consult with faculty leaders (and each other.) Such consultation, however, should not depend solely on the good will of the current office holders, but should be required as a matter of policy for an office that has such a large role in faculty life. Furthermore, while informal consultation may be visible to faculty leaders, it is mostly invisible to rank and file faculty, and this in turn diminishes the relationship-building function of the office.

For the coordination of UP-Faculty Affairs and Academic Affairs to be successful, there must be exceptional individuals in key positions who can work across organizational boundaries. SJSU is most fortunate that the Senior Associate Vice President, University Personnel, the Senior Director for Faculty Affairs, and the Senior Vice Provost for Academic Affairs are all inclined to collaborate and are effective in doing so.

However, an administrative structure should not require exceptional people simply to function normally. Professional Standards believes that the current arrangement is only workable because of the unique personalities involved, and so is concerned about a future when one or more of the key individuals leave their current positions.

Despite the strong efforts to coordinate across boundaries, there have been some issues of coordination. The boundary lines between UP-Faculty Affairs and the Provost are not always clear and sometimes seem to depend upon informal understandings. For example, both sides have expressed the view that they should approve department RTP guidelines. Professional Standards believes that these guidelines are a policy matter and thus belong in the Provost's purview. That assumption may not be shared by UP-Faculty Affairs. Turf issues like this would not have been possible when Faculty Affairs reported to the Provost. To be fair, this particular issue will no doubt be solved--as all these issues since the reorganization tend to be--by collegial and well-meaning officials simply consulting each other and compromising. But the fact remains that there are now opportunities for misunderstandings and friction in places where it previously could not have existed.

Professional Standards is not in a position to see the internal operations of UP-Faculty Affairs, so it cannot evaluate the efficiencies gained as a result of the reorganization. The Committee is willing to concede that these efficiencies may be important. But it asks that the University also consider that there are significant costs to the authority of the office and the morale of faculty that have accompanied the change. The best outcome would be to continue searching for a way to find the best of both worlds.

8. Recommendation: The University should undertake a study of the organizational placement of Faculty Affairs, possibly by requesting an independent review, with an eye on retaining administrative efficiencies associated with University Personnel while restoring a more formal connection to the Academic Division and faculty more generally.

Improving the administration of the SOTEs

For all of their faults, the Student Opinion of Teaching Effectiveness surveys (SOTEs) have an important influence on our RTP process, and they need to be administered fairly and effectively. But in recent years their administration has not been fair or effective, bringing about a deterioration in their credibility that threatens an important component piece in the evaluation of teaching.

Following are some of the problems that currently undermine the credibility of SJSU's SOTEs:

- Response rates have precipitously declined from the vicinity of 85% after their initial electronic implementation to 54.1% in Fall 2019. When electronic SOTEs replaced paper SOTEs, measures were taken to encourage students to respond, but these measures were removed in Spring 2019. They need to be

restored and other measures taken to increase response rates to a respectable level. ***(Naturally, the “grade delay” incentive should not be restored until after the temporary measures taken concerning SOTES and CR/NC grading during the Covid crisis of Spring 2020 have expired.)***

- Prior to the adoption of the latest software system for presenting SOTE information, results were tabulated against the actual grades earned by students in the class and a chart was displayed distinguishing how A students vs B students vs C students etc. had evaluated the class. This was critical information to control for the influence of grades on SOTE results. This was lost when the new system was adopted and has not been restored.
- For decades, the results from each question on the survey were displayed visually on a chart showing the value within the range of the norm. Now, only a percentile number, buried in a tiny column, contains this information. Many evaluators report not even knowing it is there. Reading the new form is also a workload issue given the time it takes to read the tiny columns. The visual display should be restored.

Complaints about these and other problems associated with the SOTEs have been made for years. Professional Standards believes that the University should consider whatever changes are required to address these significant problems, whether it be a new software contract, a change in the responsible administrative agency, or additional resources.

9. Recommendation: Administration of the SOTEs should be improved with a focus on enhancing the response rate, controlling SOTEs for the influence of grades, and visually presenting the results (and their limitations) in a manner that non- experts can readily and quickly understand.

The RTP timeline

As soon as RTP decisions were announced in Spring 2019, Professional Standards received complaints about the relative timing of the President’s decision letters and the Provost’s recommendations. A number of candidates did not receive the Provost’s recommendation until after they had received the President’s final decision letter. The University has since revised the RTP calendar and there is now time budgeted in this year’s process to give the Provost a chance to write evaluation letters and candidates the required period to respond. Professional Standards thanks the Provost and the Senior Director of Faculty Affairs for helping to make this change in a timely manner. Professional Standards will also be proposing policy changes to help prevent such confusion from reoccurring with a future administration.

However, fixing the problem for the future does not ameliorate the appearance of impropriety from the 2018-2019 RTP process, since the timing of the messages created the impression that the Provost’s recommendations were written after-the-fact.

Professional Standards does not know the truth of the matter, but takes the stance that the integrity of the process requires a careful review and a public explanation.

10. Recommendation: After any associated grievances are concluded, the University should offer a public explanation for the apparent discrepancy in timing between the President's decision letters and the Provost's recommendations for the 2018-2019 RTP process.

Improvements of electronic dossiers

Part of the 2015 RTP reforms was the decision to move from a paper to an electronic system for RTP evaluation. The Committee's opinion at the time was that it might improve the quality of evaluations, since readers of the old paper dossiers often had limited times and places to access the materials that needed to be read, potentially leading to hasty reviews. But the Committee was also concerned that digitizing the dossiers would have a potential for compromising the confidentiality of the materials in the dossier. For this reason, it stated in policy (emphasis added):

5.4.5.2 Dossiers shall be provided in electronic form ***in a manner that secures their confidentiality and integrity***, that facilitates a full and fair review, and that minimizes workload on the part of preparers and reviewers.

Unfortunately, it seems to have been difficult to secure the confidentiality of the files in the eFaculty system. As reviewers view dossier materials, copies of some materials are automatically downloaded by certain web browsers. Even without knowing it, reviewers all over campus and at home probably have copies of some of the confidential materials of candidates on their hard drives. This does not even get to the more serious problem of reviewers who might choose to deliberately copy documents for inappropriate purposes. Paper dossiers kept in secure locations away from copy machines did not have these problems to the same degree.

11. Recommendation: The University should use software that makes it impossible for evaluators to inadvertently download dossier materials to their computers.

One faculty member expressed a different concern to the Committee having to do with the privacy policies of the owner(s) of eFaculty. When the University purchased the multi-year contract with eFaculty, it scrutinized the privacy policy associated with it. However, since then, eFaculty was purchased by Interfolio, and Interfolio was purchased by Insight Venture Partners—a venture capital firm that has invested heavily in data mining. We have been assured that the original privacy agreement that was in effect when we purchased our contract with eFaculty still holds, but the complex web of legalese around the two mergers makes the Committee concerned whether Insight has figured out a way to mine the data in faculty dossiers. One faculty member went so far as to decline to submit a dossier for this reason.

12. Recommendation: The University should have a legal specialist examine the multiple privacy policies associated with eFaculty and its parent companies and, if accurate, issue a written assurance to the campus that dossier materials cannot be subject to data mining by any party.

13. Recommendation: Until dossier confidentiality is completely assured, faculty should be permitted to submit materials in a paper format or another secure means identified by the university.

Numerous long-term RTP evaluators have commented that while the electronic system makes reviewing dossiers more convenient, it seems to have led to a deterioration in the quality and organization of dossiers. The problem is not so bad that it would justify a return to paper dossiers, but it does suggest that the interface and organization of the electronic dossiers need substantial improvement.

14. Recommendation: Faculty Affairs, Professional Standards, Faculty Development and other interested users of the eFaculty dossier system should review the dossier preparation guide to see if it can be adjusted to help with organizational strategies specific to the online dossier format.

Improving evaluation letters

Not just this year, but for many years, the Professional Standards Committee has become aware that recommendations from faculty RTP committees and sometimes from administrative evaluators have been of uneven quality. Letters vary wildly in detail, in familiarity with policy, and even in readability. One of the principle intentions of the RTP reforms of 2015 was to provide candidates with much greater transparency into the process, and to leave them with clarity as to the factors that led to their particular outcomes.

3.1 At each level of review, committees and administrators will provide written recommendations or **decisions** that evaluate levels of achievement in each of the three categories. These evaluations shall classify the candidate's level of achievement in each category by describing it in terms of one of the four levels described below (3.3) and provide a detailed rationale for the classification. (S15-8.)

Such transparency is necessary for candidates who might need to improve their achievements for a future evaluation, and it is no less desirable as a matter of basic decency and professional ethics.

Professional Standards concludes that more should be done to help evaluators construct effective letters. A portfolio of sample "model" letters should be created to guide evaluators as they learn to write recommendations. The letters should be tied to the new policy and should show a range of different outcomes and situations and circumstances. The model letters should be available to assist all levels of review as

they seek to improve the quality of information contained in recommendation and decision letters.

15. Recommendation: The Center for Faculty Development, in consultation with Professional Standards and other interested faculty and administrators, should solicit or create “model” letters that may help improve the quality of information communicated as part of the RTP process.

Appendix: Related Documents

1. Memo from Joanne Wright, SAVP-UP to Senate Chair Mathur and PS Committee Chair Peter, October 18, 2019
2. Memo from Ravisha Mathur, Senate Chair, and Kenneth Peter, PS Committee Chair, to Wright, December 3, 2019
3. RTP Stats 2018-2019, supplied by Faculty Affairs
4. RTP Stats 2014-2019, supplied by Faculty Affairs
5. UCD Resolution on RTP, February 12, 2020
6. CourseEval SOTE Response rates, supplied by Institutional Research

TO: Ravisha Mathur, Chair, Academic Senate
Ken Peter, Chair, Professional Standards Committee

FROM: Joanne Wright, SAVP, University Personnel

DATE: October 18, 2019

RE: Referral of Allegations of Violations of RTP Policies and Complaints of Discrimination

REFERRAL TO ACADEMIC SENATE OF ALLEGED RTP POLICY VIOLATIONS

I have become aware that the CFA and several faculty members referred allegations of RTP policy violations from the 2018-19 RTP cycle as well as allegations of racial and/or gender discrimination in the RTP process to the Academic Senate/Professional Standards Committee. Because these referrals include issues that are directly covered by the Collective Bargaining Agreement (“CBA” or “Agreement”) and concerns of discrimination, I urge you to close these referrals. I explain this request further here.

1. Circumvention of the Collective Bargaining Agreement

The Collective Bargaining Agreement (“CBA” or “Agreement”) between CSU and CFA—bargained in good faith by duly appointed representatives from each party and ratified by Unit 3 membership and the CSU Board of Trustees—requires a “a prompt and effective procedure for the resolution of disputes,” and provides that the “sole and exclusive method for the resolution of disputes arising out of issues covered by [the CBA].” This sole and exclusive method is the Grievance process as detailed in Article 10.¹

The Academic Senate/Professional Standards Committee does not have jurisdiction to investigate or “hear” complaints about contractual violations. Just as the University may not seek out other bodies to hear its view of grievances, CFA, on behalf of faculty members, may not transfer jurisdiction over contractual violation allegations to any other body as jurisdiction rests with the CSU and CFA in the grievance process.

Each of the faculty members bringing allegations to you is involved in the grievance process, as they should be, since the Article 10 process is the contractually provided mode—the “sole and exclusive method”—for the resolution of disputes arising out of issues covered by the CBA. The RTP policies and processes are covered by the CBA as per Articles 13, 14, and 15² and the grievances alleged violations of these Articles and the RTP policies and processes.

¹ CBA Article 10.1 states in full: The purpose of this Article is to provide a prompt and effective procedure for the resolution of disputes. The procedures hereinafter set forth shall, except for matters of discipline as set forth in Article 19 herein, be the sole and exclusive method for the resolution of disputes arising out of issues covered by this Agreement and those matters subject to grievance under Section 89542.5 of the Education Code. It is the express understanding of the parties that these procedures meet or exceed the requirements of the Education Code pursuant to Government Code Section 3572.5 (3)(b)(1).

² See, e.g., Article 13.17: “...criteria and standards for recommendations shall be those established in accordance with procedures on that campus” and Article 15.40 a.: Performance Review procedures shall be approved by the President after consideration of the recommendations of appropriate faculty committee(s).

While you express that the Committee should not be involved in “individual cases being adjudicated through the grievance process,” any investigation of the allegations of contract and policy violations will necessarily be based on the individual arguments and documents (notably incomplete) presented to the Senate/Committee. The Committee will thus be involved in “individual cases being adjudicated through the grievance process.” Note that nothing prevents the CFA and the grievants from calling members of the Senate/Committee as witnesses concerning the creation, intent and/or interpretation of applicable policies during the grievance/arbitration process.

The Committee’s investigation also cannot include administrative representatives “knowledgeable about the process” because they may not and will not discuss personnel matters with the Committee. Because these alleged process and policy violations are currently being adjudicated in the appropriate forum, i.e., via the Article 10 grievance/arbitration process, administration officials “knowledgeable about the process” will not violate the CBA and may not and will not discuss these issues outside of that appropriate forum as dictated by the CBA.

2. Mandates of CSU Executive Order 1096

In addition to what is covered above, the referrals to you included accusations of systematic bias. According to Article III.A.2. of CSU Executive Order 1096 (March 29, 2019):

Employees who are covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking shall use the grievance procedure specified in their collective bargaining agreement.

The CSU-CFA CBA has a grievance procedure for raising allegations of Discrimination and CFA is well aware that the grievance procedure is the appropriate forum for allegations of Discrimination as provided in Article 10.7:

All complaints of discrimination, including those under Article 16,³ shall be handled pursuant to procedures set forth in relevant CSU executive orders (as mandated by state and federal laws). At the conclusion of those complaint procedures, a Level I meeting shall be held with the grievant and the grievant’s representative pursuant to 10.8. After the Level I meeting, the grievance shall proceed in accordance with the provisions of this Article. CFA shall not unreasonably refuse CSU’s requests for extensions to the Article 10 timeline in order to complete the discrimination complaint procedures.

Faculty members referring allegations of discrimination to the Senate/Committee rather than submitting them through the appropriate forum are further attempting to circumvent the mandated grievance process.

For the reasons stated above, I respectfully urge you to close the referrals you received.

DUTY TO REPORT

Finally, I must advise of the obligation to report allegations of discrimination. CSU Executive Order

³ Article 16.1 It is the policy of the CSU to prohibit discrimination against faculty unit employees on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, gender expression, genetic information, marital status, pregnancy, age, disability, medical condition, or veteran status.

1096 (March 29, 2019), Article I, Section H, states as follows:⁴

Duty to Report. *Except as provided below, **any** Employee who knows or has reason to know of allegations or acts that violate this policy shall promptly inform the DHR Administrator or Title IX Coordinator. These Employees are required to disclose all information, including the names of the Parties, **even where the person has requested anonymity**. The DHR Administrator or Title IX Coordinator will determine whether such confidentiality is appropriate given the circumstances of each such incident. (Emphasis in the original.)*

At this point, we are each aware of allegations of discrimination as are members of the Professional Standards Committee. I can ascertain who the complainants are from the documentation that was provided to you. Pursuant to Executive Order 1096, I am duly providing this information to the DHR Administrator, Julie Paisant, and I am requesting that you provide the original letter you received for her consideration. She may be in contact with you and other members of the Committee concerning the allegations and any information/documentation that may have been received.

If you have questions about any parts of this communication, please let me know. I would be happy to discuss further.

⁴ The link for Executive Order 1096, “Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties; Executive Order (EO) 1096” is: <https://calstate.policystat.com/policy/6743499/latest/>



**SAN JOSÉ STATE
UNIVERSITY**

December 3, 2019

Academic Senate (0024)

Administration Bldg. 176
<http://www.sjsu.edu/senate>

One Washington Square
San José, California 95192-0000
(408) 924-2440
Fax (408) 924-2451
Academic.Senate@sjsu.edu or
eva.joice@sjsu.edu

www.sjsu.edu

**To: Joanne Wright, Senior Associate Vice
President, University Personnel**

From: Ravisha Mathur, Chair, Academic Senate

Ravisha Mathur

**Kenneth Peter, Chair, Professional
Standards**

Kenneth Peter

**The Faculty and Student Members of the
Professional Standards Committee**

**Re: October 18, 2019 memo from Joanne Wright
"Referral of Allegations of Violations of RTP
Policies and Complaints of Discrimination."**

We appreciate that you shared your legal interpretations regarding the referenced subject in your memo of October 18th, and also very much appreciate that you visited the Professional Standards Committee meeting on October 21st to discuss the memo and answer our questions. We also appreciate the additional meeting you conducted with Chair Mathur to discuss confidentiality issues. In the interest of continuing transparency and continued open communication, this memo reflects our response to the concerns you have raised.

When you made us aware that the confidential memo we had received could possibly meet the "Duty to Report" requirement we immediately made that memo available to Julie Paisant as directed by you.

Our main concern has to do with the other point you make in your memo, "Circumvention of the Collective Bargaining Agreement." It is our position that California State law puts the actions of an academic senate—when pursuing its traditional role concerning academic and professional matters—beyond the reach of collective bargaining agreements. This was debated in the Legislature when the Higher Education Employee Employer Relations Act (HEERA) was passed, and the legislative intent was incorporated into the act in writing:

3561(b) The Legislature recognizes that joint decision-making and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning and is essential to the performance of the educational missions of these institutions, and declares that it is the purpose of this chapter to both preserve and encourage that process. Nothing contained in this chapter shall be construed to restrict, limit, or prohibit the full exercise of the functions of the faculty in any shared governance mechanisms or practices, including the Academic Senate of the University of California and the divisions thereof, the Academic Senates of the California State University, and other faculty councils, with respect to policies on academic and professional matters affecting the California State University, the University of California, or Hastings College of the Law. The principle of peer review of appointment, promotion, retention, and tenure for academic employees shall be preserved.

As you may know, the Professional Standards Committee of the SJSU Academic Senate has been writing and revising our Retention, Tenure, and Promotion (RTP) policies since 1966—long before HEERA and the advent of collective bargaining in the CSU. Given the clear and expansive language in HEERA that protects our traditional role, no collective bargaining agreement set up under its auspices should be “construed to restrict, limit, or prohibit the full exercise of the functions of the faculty in any shared governance mechanism...with respect to policies on academic and professional matters.”

Professional Standards studies the process and outcomes of our RTP system on an ongoing basis to determine if policy adjustments are needed. The October 18th memo, however, appears to be an effort to “restrict, limit, or prohibit the full exercise” of our traditional functions that long predated collective bargaining. For this reason, we cannot accept your advice on this matter, and through this memo record our rejection of the rationale behind it.

While we believe the October 18 memo does not comport with HEERA, we also recognize that there are wider implications. Improving our RTP policies and their

implementation requires cooperation between the Academic Senate, key administrative officers, and the President, and it is important to build trust and understanding between these actors. We wish to fulfill our HEERA-protected role with less friction and confrontation rather than more. To that end, the Professional Standards Committee:

- Will not disclose the RTP documents provided to us by CFA, nor make reference to any specific document, until/unless any corresponding active grievance has concluded;
- Will not issue any findings or report until after we receive data on RTP outcomes and demography that is currently being compiled by Faculty Affairs;
- Will provide you with an advanced copy of any paper or resolution we may draft prior to making it public, and will provide you an opportunity to advise us.

The Academic Senate and Professional Standards Committee wishes to maintain its historically collaborative—not adversarial—role with respect to the SJSU Administration, and we hope that this memo shows how we intend in good faith to do so. At the same time, there is a very deep principle upon which we cannot compromise—embedded in the authorization act for HEERA—that Collective Bargaining Agreements may not be used to restrict Senate actions “with respect to policies on academic and professional matters.”

T&P and Promotion 2018-19 (includes "early")

	Total	F	% Female	M	% Male								
TP Applications	33	23	70%	10	30%								
Promotion Applications	31	20	65%	11	35%								
Ethnicity	Gender	TP	Denied	% Denied	Granted	% Granted	Addl Probation	% Addl Prob	PROMO	Denied	% Denied	Granted	% Granted
Asian	F	11	0	0.00%	9	81.82%	2	18%	5	3	60%	2	40%
Black/AA	F	1	1	100.00%	0	0.00%	0	0%	0	0	0%	0	0%
Hispanic	F	0	0	0.00%	0	0.00%	0	0%	3	1	33%	2	67%
White	F	10	3	30.00%	7	70.00%	0	0%	9	1	11%	7	78%
Not specified	F	1	0	0.00%	1	0.00%	0	0%	3	0	0%	3	100%
Total Female		23	4	17.39%	17	73.91%	2	9%	20	5	25%	14	70%
Asian	M	0	0	0.00%	0	0.00%	0	0%	2	0	0%	2	100%
Black/AA	M	0	0	0.00%	0	0.00%	0	0%	0	0	0%	0	0%
Hispanic	M	2	0	0.00%	2	100.00%	0	0%	0	0	0%	0	0%
White	M	4	0	0.00%	3	75.00%	0	0%	6	2	33%	4	67%
Not specified	M	4	1	25.00%	3	75.00%	0	0%	3	0	0%	3	100%
Total Male		10	1	10.00%	8	80.00%	0	0%	11	2	18%	9	82%

1 resigned before final decision

1 withdrew before final decision

Faculty of Color (does not include "Not Specified") T&P and Promotion 2018-19 (includes "early")													
	Total	F	% Female	M	% Male								
TP Applications	14	12	86%	2	14%								
Promotion Applications	10	8	80%	2	20%								

Ethnicity	Gender	TP	Denied	% Denied	Granted	% Granted	Addl Probation	% Addl Prob	PROMO	Denied	% Denied	Granted	% Granted
Asian	F	11	0	0.00%	9	81.82%	2	18%	5	3	60%	2	40%
Black/AA	F	1	1	100.00%	0	0.00%	0	0%	0	0	0%	0	0%
Hispanic	F	0	0	0.00%	0	0.00%	0	0%	3	1	33%	2	67%
Total Female		12	1	8.33%	9	75.00%	2	17%	8	4	50%	4	50%
Asian	M	0	0	0.00%	0	0.00%	0	0%	2	0	0%	2	100%
Black/AA	M	0	0	0.00%	0	0.00%	0	0%	0	0	0%	0	0%
Hispanic	M	2	0	0.00%	2	100.00%	0	0%	0	0	0%	0	0%
Total Male		2	0	0.00%	2	100.00%	0	0%	2	0	0%	2	100%

Faculty of Color (does not include "Not Specified") T&P and Promotion 2018-19 (does not include "early")

	Total	F	% Female	Male	% Male
TP Applications	14	12	86%	2	14%
Promotion Applications	10	8	80%	2	20%

Ethnicity	Gender	TP	Denied	% Denied	Granted	% Granted	Addl Probation	% Addl Prob	PROMO	Denied	% Denied	Granted	% Granted
Asian	F	11	0	0.00%	9	81.82%	2	18%	5	3	60%	2	40%
Black/AA	F	1	1	100.00%	0	0.00%	0	0%	0	0	0%	0	0%
Hispanic	F	0	0	0.00%	0	0.00%	0	0%	3	1	33%	2	67%
Total Female		12	1	8.33%	9	75.00%	2	17%	8	4	50%	4	50%
Asian	M	0	0	0.00%	0	0.00%	0	0%	2	0	0%	2	100%
Black/AA	M	0	0	0.00%	0	0.00%	0	0%	0	0	0%	0	0%
Hispanic	M	2	0	0.00%	2	100.00%	0	0%	0	0	0%	0	0%
Total Male		2	0	0.00%	2	100.00%	0	0%	2	0	0%	2	100%

Faculty of Color (does not include "Not Specified") T&P and Promotion 2014-19 (includes "early")					
	Total	F	% Female	M	% Male
TP Applications	37	28	76%	9	24%
Promotion Applications	44	29	66%	15	34%

Ethnicity	Gender	TP	Denied	% Denied	Granted	% Granted	Addl Probation	% Addl Prob	PROMO	Denied	% Denied	Granted	% Granted
Amer Ind/AK native	F	0	0	0.00%	0	0.00%	0	0%	0	0	0%	0	0%
Asian	F	23	2	8.70%	19	82.61%	2	9%	21	6	29%	15	71%
Black/AA	F	2	1	50.00%	1	50.00%	0	0%	0	0	0%	0	0%
Hispanic	F	3	0	0.00%	3	100.00%	0	0%	5	1	20%	4	80%
Two or More	F	0	0	0.00%	0	0.00%	0	0%	3	1	33%	2	67%
Total Female	F	28	3	10.71%	23	82.14%	2	7%	29	8	28%	21	72%
Amer Ind/AK native	M	1	0	0.00%	1	100.00%	0	0%	0	0	0%	0	0%
Asian	M	4	1	0.00%	3	0.00%	0	0%	11	1	9%	10	91%
Black/AA	M	1	0	0.00%	1	100.00%	0	0%	0	0	0%	0	0%
Hispanic	M	3	0	0.00%	3	100.00%	0	0%	2	0	0%	2	100%
Two or More	M	0	0	0.00%	0	0.00%	0	0%	2	0	0%	2	100%
Total Male	M	9	1	11.11%	8	88.89%	0	0%	15	1	7%	14	93%

2 Tenure only; 2F, 1M

1 is Tenure only

1 individual has two denials

1 granted T, denied P

Faculty of Color (does not include "Not Specified") T&P and Promotion 2014-19 (does not include "early")

	Total	F	% Female	M	% Male
TP Applications	33	25	76%	8	24%
Applications	43	29	67%	14	33%

Ethnicity	Gender	TP	Denied	% Denied	Granted	% Granted	Addl Probation	% Addl Prob	PROMO	Denied	% Denied	Granted	% Granted
Amer Ind/AK native	F	0	0	0.00%	0	0.00%	0	0%	0	0	0%	0	0%
Asian	F	20	0	0.00%	18	90.00%	2	10%	21	6	29%	15	71%
Black/AA	F	2	1	50.00%	1	50.00%	0	0%	0	0	0%	0	0%
Hispanic	F	3	0	0.00%	3	100.00%	0	0%	5	1	20%	4	80%
Two or More	F	0	0	0.00%	0	0.00%	0	0%	3	1	0%	2	0%
Total Female	F	25	1	4.00%	22	88.00%	2	8%	29	8	28%	21	72%
Amer Ind/AK native	M	1	0	0.00%	1	100.00%	0	0%	0	0	0%	0	0%
Asian	M	3	0	0.00%	3	100.00%	0	0%	10	1	10%	9	90%
Black/AA	M	1	0	0.00%	1	100.00%	0	0%	0	0	0%	0	0%
Hispanic	M	3	0	0.00%	3	100.00%	0	0%	2	0	0%	2	0%
Two or More	M	0	0	0.00%	0	0.00%	0	0%	2	0	0%	2	0%
Total Male	M	8	0	0.00%	8	100.00%	0	0%	14	1	7%	13	93%

2 Tenure only; 1F, 1M

1 is Tenure only

1 individual has two denials

1 granted T, denied P

UCCD Resolution on RTP Policies and Procedures

At its meeting on February 12, 2020, the University Council of Chairs and Directors (UCCD) passed the following resolution unanimously (19-0-0), to be forwarded to the Provost and the Academic Senate Chair.

Context. University policies regarding Retention, Tenure, and Promotion (RTP) were updated via Policies [S15-7](#) (Criteria and Standards) and [S15-8](#) (Procedures). These new policies were designed to provide better and updated explanations of expectations and standards for faculty review, and RTP processes and decisions. In general, the new policies have been useful to faculty undergoing review and review committees.

However, based on a variety of direct experiences and those shared by faculty, department chairs and directors, and those serving on RTP committees at different levels (department, college, and university), concerns have arisen about: (1) the consistency of how RTP standards are interpreted and applied for review, (2) the application of department RTP guidelines that were approved by the university in the review process, and (3) assumed or inequitable emphasis placed on specific components of the three areas of review (Academic Assignment/Teaching Effectiveness, RSCA, and Service) contrary to university policies. Specifically, with the increased resources and opportunities for RSCA, is the RSCA area of RTP evaluation weighted greater in actuality than the other two areas? Similarly, what weight should service as one of the three components of RTP have, especially given contexts in which some faculty are asked or driven to dedicate more time in service/service to students when they are members of a cultural group for which students have an affinity?

Thus, concerns have risen to the level where confusion, anxiety, fear, and frustration are affecting: (1) faculty members' ability to strategize effectively their career paths, priorities, and achievements in the three areas of review, (2) chairs' and directors' ability to mentor and support successfully their colleagues through the RTP process, and (3) RTP committee members' ability to evaluate faculty competently and consistently according to the RTP policies.

As a result of these concerns, UCCD presents the following resolution.

Whereas, Faculty and faculty success are key to the primary functioning of the university, and mechanisms and supports for faculty success, especially RTP, are a priority; and

Whereas, There are concerns about inconsistency in the interpretation and implementation of the RTP policy; and

Whereas, Inconsistencies reduce the validity of RTP decisions, and thus affect the careers of faculty colleagues and the overall functioning of the University; and

Whereas, Service to the profession is important to many departments and professions; and

Whereas, There is no clarity as to how or whether department guidelines are (or are not) being used in the RTP evaluation process; therefore be it

Resolved, That the members of the University Council of Chairs and Directors urge the University and its administration to hold to the following principles regarding RTP guidelines and procedures:

1. Improvements in the scope of training and refreshers to address effective and holistic evaluation of RTP candidates' performance (not just policies and procedures) should be required for all levels of RTP review, including the Provost and President levels;
2. All levels should review and apply department specific RTP guidelines, as well as the information provided at the department level, given that departments know best their respective disciplines and expectations. RTP committee representatives at each level should become familiar with RTP guidelines or expectations of departments they represent;
3. Data about RTP decisions (aggregate de-identified) should be reported annually to the campus, including analysis by rank and key demographic characteristics and proportion of mismatches of recommendations across all the levels of RTP committee review;

4. There should be increased clarity and transparency regarding the RTP standards and their application if the weighting in the three categories in actuality differs from the description according to policies;
5. RTP committees and additional administrative levels of review should consider the appropriate role of service to the profession for faculty in programs for which such service is important;
6. Information and messaging about RTP and RTP standards should be consistent for the benefit of all.

CoursEval SOTE Response Rates

Survey	Year	Period	Status	Expected	Received	% Rcv
Fall 2017 SOTE	2017	Fall 2017	Closed	129214	98116	75.9%

Survey	Year	Period	Status	Expected	Received	% Rcv
Spring 2018 SOTE	2018	Spring 2018	Closed	117389	89976	76.6%

Survey	Year	Period	Status	Expected	Received	% Rcv
Fall 2018 SOTE	2018	Fall 2018	Closed	126620	88738	70.1%

Survey	Year	Period	Status	Expected	Received	% Rcv
Spring 2019 SOTE	2019	Spring 2019	Closed	116624	76918	66%

Survey	Year	Period	Status	Expected	Received	% Rcv
Fall 2019 SOTE	2019	Fall 2019	Active	131070	70931	54.1%