



Livingston Annual Faculty Address Committee: GERALD McDANIEL,  
At-large, 1989

Public Safety Advisory Committee: TOM JOHNSON, At-large, 1988

**REGULAR AGENDA**

AS 87-71/Flr. MINUTES

Approval of Minutes of special meetings of August 25 (Academic Senate Retreat) and September 3 and regular meeting of September 10, 1987.

AS 87-70/CC, GPPC, FISA, Ex. CRIMINAL JUSTICE, JOINT PH.D.  
PROGRAM [postponed from September  
10 agenda]

The Academic Senate recommends that the Division of Criminal Justice be allowed to negotiate with the Claremont Graduate School the concept of a joint Ph.D. program in Criminal Justice [see Attachment L, 9/10/87 Academic Senate agenda].

AS 87-73/Ex. FACULTY ENDOWMENT FUND

The Academic Senate recommends the establishment of a Faculty Endowment Fund.

It further recommends that there be established a standing committee of the Senate on the Faculty Endowment Fund for the purpose of managing the Fund, membership of which shall be:

Three faculty members (nominated by the Executive Committee and appointed by the Senate)

An Emeritus faculty member (appointed by and from the Emeritus Faculty Association)

The Vice President for Academic Affairs (ex officio, voting)

An Office of University Affairs representative (ex officio, non-voting) who shall sit with the committee to advise and staff its work.

Members of the committee will serve staggered, three-year terms.

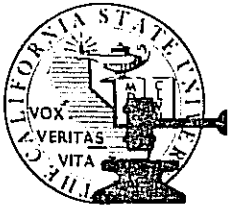
Committee on the Faculty Endowment Fund

It shall be the responsibility of the Committee on the Faculty Endowment Fund to

1. recommend to the Academic Senate policies regarding the purpose(s) and use of the Fund;
2. recommend to the Academic Senate procedures, guidelines and criteria for allocation of funds;
3. advise the Office of University Affairs on fund raising strategies for the Fund;
4. evaluate proposals for funding and decide the annual disbursement of earnings from the Fund; and
5. report annually to the Academic Senate on the disbursement of earnings from the Fund.

AS 87-74/UARTP, Ex. UNIVERSITY ARTP POLICY--AMEND SECTION 5.05.B

- B. The following criteria are the minimum set by the university for retention, tenure, and promotion. Each primary level evaluation ~~level~~ unit shall establish the relative a specific value for each criterion. The first criterion, "Competent Teaching Performance," shall be given primary weight in the evaluation process at each review level.



**ACADEMIC SENATE**  
**OF**  
**THE CALIFORNIA STATE UNIVERSITY**

California State University, Sacramento  
6000 J Street  
Sacramento, California 95819

SEP 17 1987

400 Golden Shore, Suite 134, Long Beach, California 90802-4275 • (213) 590-5578 or 5550, ATSS: 635-5578 or 5550  
Academic Senate Received

413

**HIGHLIGHTS OF STATEWIDE ACADEMIC SENATE MEETING**  
**SEPTEMBER 11, 1987**

By Peter Shattuck, Secretary  
Academic Senate CSU

The Academic Senate held its first plenary session of the 1987-88 academic year in a one-day meeting on September 11. Budget cuts had led to the cancellation of the August interim committee meetings, so the Senate agenda contained only one formal resolution. Nevertheless, the Chair's report, reports by committee chairs, a budget presentation by Dale Hanner and Lou Messner, an appearance by newly-appointed Vice Chancellor Lee Kerschner, and brief remarks by Faculty Trustee Lyman Heine combined to make the session full and informative.

Incoming Senate Chair Ray Geigle added some remarks to his written report which had been distributed with the agenda. He noted that the July meeting of the Board of Trustees had been one of the best in his recollection. He referred particularly to the Trustee priority item presented by Trustee Denny Campbell. As a result of Trustee Campbell's efforts, Chair Geigle pointed out, prospects look good for budget support of professional development. The Chair noted that the Joint Legislative Committee on the Master Plan will hold public hearings in September and October. Chair Geigle described the progress of CFA/CSU/Senate efforts to cooperate in support of faculty development funds. He introduced a former member of the Senate, Judith Ann Hunt, who has just been appointed State University Dean, Faculty Affairs.

Hal Charnofsky, Academic Affairs Committee chair, outlined the major items on his committee's agenda for the year. In addition to issues relating to the Master Plan, which all committees will address, Academic Affairs will coordinate a major examination of graduate education, parallel to the Senate's successful self-study of the undergraduate program. Senator Ken Jones will head a sub-committee to prepare a developmental paper on student retention. The Academic Affairs Committee will also look closely at the conclusions of the Chancellor's Ad Hoc Committee on Intercollegiate Athletics.

Faculty Affairs Committee chair Sandy Wilcox began her report with an enthusiastic thank-you to the organizers and faculty of the summer Teacher-Scholar Institute, held at Kellogg-West. She expressed the committee's enthusiastic support for the CFA/CSU/Senate cooperative efforts. Major committee concerns include further definition of matters of "joint responsibility," as stated in HEERA; Master Plan issues; and a statement on professional ethics for the CSU.

Immediate Past Chair Bernie Goldstein has agreed to chair a Task Force on the Master Plan. He reported that the group had already met twice in order, first, to determine which of the recommendations need legislative action and which are open to Senate action, and second, to assign recommendations to appropriate

(Over)

Senate committees. Bernice Biggs, chair of the General Education Advisory Committee, noted the importance of the transfer core curriculum now being prepared by a subcommittee of the Intersegmental Senates Committee.

Senators expressed great interest in, and cautious support for, Chair Geigle's efforts to work with CFA president Ann Shadwick and Vice-Chancellor Caesar Naples to agree on proposals to fund faculty development programs. Dr. Geigle pointed out that this initiative was unprecedented, and that the three parties are moving slowly and carefully to cooperate in limited areas. Those senators who spoke to this process pointed out potential dangers, sought assurances, but in general concluded by supporting the Chair's initiative.

Vice-Chancellor Dale Hanner and Assistant Vice Chancellor Lou Messner summarized the 1988-89 preliminary budget. Dale Hanner pointed out that the 1987-88 capital outlay budget is the largest in CSU history. The proposed 1988-89 support budget contains a 9.78% increase to \$1,586,783,000, not including any increases in compensation. The proposal features \$27.5 million in Program Change Proposals, including \$2.9 million for faculty recruitment and \$7.5 million for "Research, Scholarship, and Creative Activity." At this time, of course, the budget is only preliminary; Hanner and Messner sounded mildly optimistic about its eventual fate.

Just two weeks into the office of Vice Chancellor for Academic Affairs, Lee Kerschner concentrated his remarks on the Master Plan Commission's Report. He noted his intention to reorganize the Academic Affairs office and to hire an assistant who has significant faculty experience. He spent most of his hour with the Senate responding to questions. Senators welcomed Dr. Kerschner back to the CSU with a series of probing and thought-provoking inquiries, which he fielded with eloquence and good humor.

Lyman Heine, former Senate member, returned as Faculty Trustee to speak briefly to his former colleagues. He thanked the Senate for its confidence in him, and he expressed positive feelings about experiencing his first Board of Trustees meeting in July.

Finally, George Watson, chair of the Governmental Affairs Committee, introduced AS-1756-87/GAC, "The Master Plan Renewed," as a first reading item. In its Resolved clauses, the resolution expressed support for "many of the recommendations" of the Commission Report, and asserted the Senate's intention to work closely with the Joint Legislative Committee which will be acting on the Report. The resolution will return as an action item at the November plenary session of the Senate.



# California State University, Sacramento

6000 J STREET, SACRAMENTO, CALIFORNIA 95819-2694

## M E M O R A N D U M

October 1, 1987

TO: Academic Senate

*William A. Dillon, Jr.*  
FROM: William A. Dillon, Jr.  
Presiding Member  
University ARTP Committee

SUBJECT: Section 5.05.B of the statement of University ARTP policy

The University ARTP Committee with the concurrence of the Senate's Executive Committee (2 members dissenting) recommends amendment of the subject section as follows:

- B. The following criteria are the minimum set by the university for retention, tenure, and promotion. Each primary level evaluation ~~level~~ unit shall establish the relative a specific value for each criterion. The first criterion, "Competent Teaching Performance," shall be given primary weight in the evaluation process at each review level.

By this amendment, the Committee hopes to clarify the meaning of the subject section so as to reflect unambiguously the intent of its authors and to settle the question of the intent of the Senate adopting it.

The currently approved language of the subject section first appeared in a draft of what has become Section 5.05. It was inserted by the Committee after its omission from the draft under discussion was noted by a member of the staff from Faculty and Staff Affairs. Its ancestors, Sections 4.13.08 and 4.20.00 of the previously approved statement of University ARTP policy, were

to the same effect and were expressed in nearly identical language.

4.13.08 Criteria for Retention and Tenure

- B. The following criteria are the minimum set by the university for retention and tenure. Each primary evaluation level shall establish the relative value for each criterion. Criterion No. 1, "Competent Teaching Performance," shall be given primary weight in the evaluation process at each campus level.<sup>1</sup>

...

4.13.09 Policies and Procedures for Retention and Tenure

...

C.

1. Each evaluating primary unit shall have available written criteria, policies, and procedures for evaluation, and each reviewing secondary unit shall have available written policies and procedures for review, to all faculty members comprising the units prior to beginning the evaluation process. These written criteria, policies, and procedures must be recommended for approval through the University ARTP Committee. No criteria, policies, or procedures at any level shall be changed during an academic year ARTP cycle.
2. The written criteria, policies, and procedures of primary units shall include:
  - a. the relative values of the criteria in section 4.13.08, B of this manual together with any special criteria determined by that unit.
  - b. the types of data required for the personnel action file.
  - c. methods of evaluation of faculty.

...

---

<sup>1</sup>Source: Faculty Manual, California State University, Sacramento, updated 1981-82, edited by Janice McPherson, Office of the Academic Senate, Section 4.13.08.B, p. IV-33.

5. All criteria, policies, and procedures shall require that the greatest emphasis in evaluations shall be on teaching ability.
6. All criteria, policies, and procedures shall be consistent with University policy. All primary level procedures shall be consistent with school or division policies.<sup>2</sup>

...

#### 4.20.00 Minimum Criteria for Promotions

The following criteria are the minimum set by the university for promotion. Each primary evaluation level shall establish the relative value for each criterion. Criterion No. 1, "Competent Teaching Performance" shall be given primary weight in the evaluation process at each campus level.<sup>3</sup>

...

#### 4.21.03 Written Criteria, Policies, and Procedures

- A. Each evaluating primary unit shall have available written criteria, policies, and procedures for evaluation, and each reviewing secondary unit shall have available written policies and procedures for review, to all faculty members comprising the units prior to beginning the evaluation process. These written criteria, policies, and procedures must be recommended for approval through the University ARTP Committee. No criteria, policies, or procedures at any level shall be changed during an academic year ARTP cycle.
- B. The written criteria, policies, and procedures of primary units shall include:
  1. the relative values of the criteria in Section 4.20.00 of this manual together with any special criteria determined by that unit.

---

<sup>2</sup>Ibid, Section 4.13.09.C.1, 2, 5 and 6.

<sup>3</sup>Ibid, Section 4.20.00, P. IV-42.



2. the types of data required for the personnel action file.
3. methods of evaluation of faculty.

...

- E. All criteria, policies, and procedures shall required that the greatest emphasis in evaluations shall be on teaching ability.
- F. All criteria, policies, and procedures shall be consistent with University policy.

All primary level procedures shall be consistent with school or division policies.<sup>4</sup>

...

The language was included in the draft to give effect to that portion of Trustee policy with which campus documents must conform (see P.M. 85-13, UARTP Policy, issued August 1985, revised August 1987, Section 1.00.B, p. 1) and which states:

- "1. The relative values of the evaluative criteria which are used in the review process should be clearly stated and applied at each campus reviewing level. Each such level should be reminded that the quality of teaching skill is to be assigned the highest value among all criteria. Furthermore, in the process of evaluating candidates for initial faculty appointments, the potential for teaching excellence should be emphasized.
- "2. It is especially important that the review of each faculty member provide full information to the individual concerning any areas evaluated which require improvement. Regular periodic conferences should be held by tenured reviewing faculty and academic administrators with each probationary faculty member to afford the latter with full perspective concerning his or her strengths and weaknesses, possible means of

---

<sup>4</sup>Ibid, Section 4.21.03.A, B, E and F, pp. IV-44 and IV-45.

improvement, and the current prospect for reappointment or tenure."<sup>5</sup>

- "4. 'Evaluative criteria' defined. The evaluative criteria should include teaching performance, scholarly and creative achievements, contributions to the community, contributions to the institution, and possession of appropriate academic preparation.
- "5. Relative values of the criteria. The relative values of the criteria which are used in the review process should be clearly stated and at each campus review level."<sup>6</sup>

The context provided by the report cited below makes clear that this Trustee policy has been adopted in part at least to insure that teaching performance will receive the greatest emphasis in evaluation by being "assigned the highest value among all criteria." It has also been adopted to require campuses to make clear that the entire job of a faculty member includes, as a minimum, performance in each of the five areas named by the minimum systemwide criteria and that consequently a faculty member can expect that his/her performance in each of the five areas will be evaluated at the time of periodic evaluation in the case of probationers and during performance review.

When it was included in the draft, the proposed language of Section 5.05.B, reflective of previous policy if not in the case of every unit previous practice, occasioned little or no debate.

---

<sup>5</sup>Report of the CSUC Ad Hoc Committee on Procurement and Retention of a Quality Faculty, p. 12, items 1 and 2.

<sup>6</sup>Ibid, p. 21, items 4 and 5.

The Committee readily agreed to adopt it, and by that means to carry its substance from the old to the new document. As proposed, the language survived several revisions of the entire Section 5.05 in Committee. It did not become the subject of discussion in the Executive Committee when reported to it or in the Senate prior to final passage. When approved by the President, it became stated campus policy and has been implemented as such ever since.

After approving the new University document, the administration asked for a careful, detailed and comprehensive review of every secondary and primary unit's document for compliance with it. The units carried out this review and where necessary made revisions to comply. In due course, the University ARTP Committee reviewed the proposed unit documents and recommended changes when a discrepancy between a unit's proposal and University policy appeared. In those instances in which units failed to state clearly the relative values of the evaluation criteria by describing each in terms of a number, the Committee recommended and the President approved a change to so state them.

Last year, a unit which had been instructed to state them in that manner refused and appealed the requirement back to the University ARTP Committee. At its appearance before the Committee, the unit argued that the term "relative" as used in Section 5.05.B need not refer to the relation between one value

and another in the collection but might be interpreted to refer to the relation between the value of each criterion and the demonstrated strength or weakness of a candidate's performance in the area signified by the criterion.

Beginning from that premise, the unit argued that the section therefore permitted the setting of a range of values for each criterion, thereby enabling a peer review committee or a candidate or both in consultation to identify from the file immediately prior to or during evaluation that particular value from within the range pertinent to each criterion which would emphasize a candidate's particular strengths and de-emphasize his/her particular weaknesses. Having heard the appeal, the Committee conferred and decided that nothing in the legislative history or intent of Section 5.05.B warranted such an interpretation and that general principles of faculty right and just administration argued against it.

While the Committee might have proceeded by memo to reject the unit's interpretation and advise the President of its own, it decided instead to recommend to the President an editorial change in the language of the document amounting to a clarification of meaning but no change of substance.

Disappointed in its attempt to persuade, the unit asked the Executive Committee to go into the matter of the Senate's intended meaning of Section 5.05.B. The President deferred decision on the now disputed "editorial" change and the Executive

Committee began consideration of the matter. That consideration has extended from last October until now. During it, the University ARTP Committee and the Executive Committee have had before them several proposals to give effect to the concept of "variable weights." In each instance, the UARTP Committee has decided not to recommend adoption of the "variable weights" proposals. A discussion of its reasons and an analysis of the concept implicit in the proposals in light of existing Trustee and campus policy is appended to this memo. Having, as he said at the time, been persuaded by arguments presented in these documents, the author of several of the proposals withdrew at least one of them for inconsistency with faculty right. Finally last May, on a vote of 4 to 1, the Executive Committee voted not to recommend the proposal of "variable weights" then before it and in the stated opinions of those voting not to recommend (Shattuck, Torcom, Koester, Curry) (voting in favor: Sauls) rejected the concept of "variable weights."

Realizing subsequently that this action had not disposed of the "editorial change" proposed by the UARTP Committee, the Executive Committee again discussed the issue on September 24 and by a vote of 3 to 2 decided to report the amendment and to recommend its adoption to you. (Election to this year's Executive Committee of the proponent of "variable weights" accounts for the second vote against the proposed amendment.)

October 1, 1987

As your own patience, taxed by reading this and the accompanying analyses, may have suggested, the issue which this amendment seeks to resolve has been thoroughly discussed and several times decided. Each time, it has been decided in favor of the idea that faculty rights and the integrity of administration (whether by faculty peers or administrators) are best served by a statement of the value of each criterion in relation to the others that leaves neither candidate nor peer committee in a position to alter that value while examining the files during peer evaluations.

(Note: Section 15.3 of the M.O.U. dated May 1987 is also to this effect. It reads: "Evaluation criteria and procedures shall be made available to the faculty unit employee and to the evaluation committee and the academic administrators prior to the commencement of the evaluation process. Once the evaluation process has begun, there shall be no changes in criteria and procedures used to evaluate the faculty unit employee during the evaluation process." The UARTP Committee believes that a change of the relative weight of a criterion amounts to a change of criteria within the meaning of this section.)

Throughout the discussion of the issue now before you, I have been keenly aware of the attractiveness of the concept of "variable weights" to people who value flexibility, the emphasis of strengths, the value of specialization and concentration of effort and the promise of a better university. I have been as keenly aware of how dry and even dull and unpromising of a better future an analysis can be when it is one of faculty rights already secured on paper and of the necessary limits on the power of faculty committees to give those rights practical effect. But in this case, the better is not the more apparently attractive.

Memo re: Section 5.05.B of the statement  
of University ARTP policy

- 10 -

October 1, 1987

Creating power to vary the weight assigned to each criterion without guidelines to govern the measure of a departure from one point or another within the range or a specification of findings of fact to justify any departure and permitting its exercise during the cycle in connection with particular faculty members amounts to creating arbitrary and otherwise unjust power. With its exercise in any instance must necessarily come a concomitant denial of right. Such power and such denial are a poor basis on which to predicate any future for this university which can claim to be better.

After your own study and reflection on this matter, I hope you will see fit to support the recommendation of your two committees about the meaning of Section 5.05.B and to approve the change in language which we believe makes that meaning clear.

WD:j  
Attachments



# California State University, Sacramento

6000 J STREET, SACRAMENTO, CALIFORNIA 95819-2694

## M E M O R A N D U M

DATE: September 19, 1986

TO: Donald R. Gerth  
President

FROM: William A. Dillon, Jr.  
Presiding Member  
University ARTP Committee

SUBJECT: Amendment of Section 5.05.B of the Statement of University ARTP Policy

The University ARTP Committee recommends amendment (deletions indicated by strikeouts, additions by underlines) of the subject section of university policy as follows:

- B. The following criteria are the minimum set by the university for retention, tenure, and promotion. Each primary level evaluation ~~level~~ unit shall establish ~~the relative~~ a specific value for each criterion. The first criterion, "Competent Teaching Performance," shall be given primary weight in the evaluation process at each review level.

This amendment reflects no change in currently approved policy. Instead, it reflects an effort to articulate more clearly the meaning of policy applied by the Committee and approved by you during the review of unit documents last year.

WAD:j

cc: P. Shattuck, Academic Senate Chair  
M. Burger, Vice President, Academic Affairs  
E. Moulds, Dean, Faculty and Staff Affairs  
S. Orman, Faculty Personnel Coordinator





# California State University, Sacramento

6000 J STREET, SACRAMENTO, CALIFORNIA 95819-2694

## M E M O R A N D U M

DATE: October 24, 1986

TO: Peter Shattuck, Chair  
Academic Senate

FROM: William A. Dillon, Jr.  
Presiding Member  
University ARTP Committee

A handwritten signature in cursive script that reads "William A. Dillon, Jr." The signature is written in dark ink and is positioned to the right of the typed name.

SUBJECT: Section 5.05.B of the statement of University ARTP policy

In response to the request of the Senate's Executive Committee, the University ARTP Committee has considered the policy to which the subject section gives effect and has determined to reaffirm it. The Committee has expressed several reasons for its decision:

1. Section 9.01.C of the University ARTP policy makes clear that an evaluation of faculty performance includes a discussion not only of strengths but also of weaknesses. Any implication that a narrative of conclusions about performance should not mention weaknesses or that unit procedures are best designed to minimize or eliminate altogether any mention of weaknesses is contrary, therefore, to established policy defining the content of evaluations.
2. University policy requires an annual evaluation of probationary faculty to be sure. But it requires a review of tenured faculty only once in five years. In the case of probationary faculty, the review is for the purpose of retention in a position for which no one else is competing; consequently, there is no need to maximize a "score" for the sake of prevailing in a contest to be decided by a comparison of performance--hence no need to redesign the pattern of values to emphasize the strengths of a candidate as against his or her weaknesses. Although normally promoted at the time they receive tenure, probationary faculty are considered for promotion on the basis of their performance during the entire period since hiring; they therefore find themselves in the position of permanent faculty

whose performance during the previous five years is also judged. The Committee believes that five years is a sufficient interval in which to display many strengths either simultaneously or serially. Nothing in University policy requires a simultaneous display of these strengths at every moment of employment. A periodic display, the Committee believes, should be sufficient to establish the claim.

3. Nothing in University policy either requires or invites primary units to quantify their judgments by assigning points and summing them to determine a candidate's position on a promotion list. At most, University policy requires an indication of the relative importance of the various criteria to one another expressed in a percentage and published in advance of the evaluation of any candidates subject to them. While some units may decide to assign points to various activities in order to reach a decision, others may express their judgment in a narrative discussing the various aspects of a candidate's performance in light of the various criteria and their relative importance to the unit.

4. The Committee believes that existing University Policy confers upon faculty and administrators sufficient discretion to carry out the evaluations required by the M.O.U. and University policy without investing in them the additional discretion to manipulate the relative value of the criteria in order to benefit particular candidates.

5. Finally, the Committee believes that fairness to all candidates requires that the evaluating unit state in advance the relative importance to it of the criteria to be applied equally to all candidates, that thereafter the primary committee use this statement to make its comparisons and that the secondary committee use it as well to review the work of the primary unit for compliance with policy and procedures.

Throughout the discussion of the subject section, the Committee has maintained the view that the campus is only now coming to realize in practice what it means to say that faculty have legal rights. Formerly, junior faculty lived at the discretion and disposal of their senior colleagues. Personnel judgments tended more nearly to reflect the prejudices, preferences, and tastes of senior faculty applied to whatever evidence they chose in the exercise of their professional judgment to examine. Good character or integrity was said to guarantee the results and juniors were not expected to complain of their treatment. Within the last decade, this manner of doing business has given way within the CSU to a system of rights and duties governed by law. This new system requires publicity, systematic gathering of evidence, application of known criteria, standards of proof and review. This system may not be the best way to run a university but the best way is no longer the issue. The issue has become one of fairness to candidates and institution alike. On this issue, the Committee has concluded that the means of securing fairness now embodied in the M.O.U. and University policy is not so inconsistent with the orderly and effective expression of this University's mission at this moment as to require a revival of the inconveniences the means was designed to eliminate.



# California State University, Sacramento

6000 J STREET, SACRAMENTO, CALIFORNIA 95819-2694

## M E M O R A N D U M

DATE: March 9, 1987

TO: Peter H. Shattuck, Chair  
Academic Senate

FROM: William A. Dillon, Jr.  
Presiding Member  
University ARTP Committee

SUBJECT: Section 5.05.B, Statement of University ARTP Policy

The University ARTP Committee has considered the proposed amendment to the subject section which the Senate Executive Committee referred to it on 4 March. After discussion with Senators Farrand and Morrow and among its own members, the Committee has decided to recommend that the Senate refrain from adopting the proposal.

Without retreating from or modifying the criticism expressed in its memo of October 24, 1986 to you, the Committee has concluded that the proposal is inconsistent with the division of power between a unit and its peer review committee which Trustee and campus policy and the M.O.U. generally establish. It has also concluded that the proposal violates the intent of Trustee policy about the assignment of relative value to the criteria for retention, tenure or promotion.

Currently approved policy requires a primary unit to decide the relative value of its criteria as a matter of policy without regard to its view of any aspect of the performance of particular faculty members. To that extent, the decision is a legislative one. As such it is impersonal and impartial as

March 9, 1987

between competitors for the favor of the evaluator. Subsequently, the unit's peer review committee, acting to administer unit policy, weighs evidence of performance in light of the criteria and the relative weights the policy has assigned to them. This process reflects the exercise of administrative discretion limited by policy for the sake of those subject to administrative power.

The proposal before you would permit a primary unit's peer review committee to make and apply unit policy about the relative value of criteria in the act of judging performance on a case by case basis. Doing so would, in effect, enable the peer review committee to evaluate performance unguided by any previously determined unit policy that defines the relative value of the criteria. It would also enable the committee to establish the relative value of the criteria in any case in light of its evaluation in that and other cases.

This proposal, in the opinion of the Committee, turns the exercise of administrative discretion under policy on its head. Instead of administrative discretion being bound by policy, policy will become a function of the peer review committee's discretion. But nothing in currently approved Trustee or campus policy or the M.O.U. delegates final legislative authority to a peer review committee. On the contrary, university policy requires a vote of all eligible members of a unit and the concurrence of the University ARTP Committee to recommend unit policy, including statements of relative weight, to the President for approval.

Even if current policy did not confine peer review committees to administering RTP policy, the University Committee believes that determining relative weights under the proposal would necessarily be governed by the rule

March 9, 1987

of confidentiality. In that case, a determination of weights on the basis of performance would remain the exclusive knowledge of the peer review committee, the appropriate administrator, the affected faculty member, and those authorized to know at subsequent levels of review. All other faculty, whether affected by the determination or not, would therefore be deprived of that knowledge and thus of the complete and clear knowledge of the criteria which both fairness and Trustee policy require.

While the requirements of fairness may be debatable, the content of Trustee policy is not. After listing the criteria of evaluation, that policy states in pertinent part that "The relative values of the criteria which are used in the review process should be clearly stated and at each campus review level." (Source: Report of the CSUC Ad Hoc Committee on Procurement and Retention of a Quality Faculty as revised 23 December 1975, and adopted January 1976, p. 21, items 4 and 5.) The Committee believes that a complete statement of criteria at each level of review includes a clear statement of relative weights made as a matter of policy and binding on the peer review committee and appropriate administrator alike. The Committee believes as well that the intent of Trustee policy is that clarity shall include publication of the statement in advance of the evaluation cycle to all affected by it including the peer review committee, the appropriate administrator and those faculty subject to their power. Furthermore, the Committee believes that without prior publication, a peer review committee making a statement of relative weights will be able to evade meaningful review of its statement by the appropriate University Committee and the Vice President for Academic Affairs. It will also be able to evade review of the application

March 9, 1987

of its weights for procedural regularity. This review is required by University policy and is conducted routinely by the Chair of the primary unit, the Secondary Committee, the appropriate administrator and the University--all checks short of grievance on the occasional exercise of administrative power by the primary committee.

Finally, the Committee notes that current University policy enables the primary unit to require both its peer review committee and its chair to exercise their discretion in light of the relative weights it has adopted prior to the beginning of the evaluation cycle. But the Committee cannot find in the proposal or currently approved policy a warrant for the power of the peer review committee to bind the Chair's independent evaluation with the committee's determination of weights. Presumably, therefore, under a notion that weights are a function of evaluation, a Chair would be as able as the primary committee to evaluate a faculty member's performance under each criterion and to derive from that evaluation a sense of the appropriate relative weights governing the final decision. Such a determination by a chair would, of course, be as liable as the committee's to administrative review or grievance, however effective these reviews might actually be as checks upon the power. But the possibility remains that a different statement of relative weight might govern each recommendation about a faculty member coming from the primary unit. This possibility seems to the Committee to be contrary to the intent of Trustee policy that the same statement of weights publicly announced beforehand shall bind every instance within a unit of the power to recommend retention, tenure or promotion.

March 9, 1987

In summary, the issue central to the proposal before you is whether the weights assigned to the evaluation criteria shall be a function of policy or of administration. Needless to say, the University Committee believes weights set as a matter of policy will best serve the University and the faculty undergoing evaluation and will be most consistent with the orderly exercise of administrative discretion under currently approved policy and the M.O.U.

Having said so, the Committee wishes to assure you that it is sympathetic to the desire to improve the University by emphasizing the strengths of its faculty. At the same time, it continues to believe, based on its understanding of the experience of units with the currently approved policy, that that policy permits sufficient flexibility to primary committees to enable them to promote the deserving without amending the subject section as proposed. The Committee therefore urges primary units to read the current policy in a facilitative rather than an unduly restrictive way and to craft their evaluative statements in light of the evidence of actual performance to make the cases required to secure the promotions they want.

WD/CD

cc: S. Farrand  
Members, University ARTP Committee