

Background for Article 22/25 Taskforce

A short summary of actions (since 2000) concerning Articles 22 and 25 that are documented in EC and Senate Minutes as well as Meet and Confer Notes:

In the **July 17, 2001**, EC Minutes, is this motion: "Motion to send a memo to Ruth Meyer (copy to Roy Saigo) requesting a final report from the Ad Hoc Committee on Article 25 process. We further request a meeting with AVP Meyer, President Saigo and the deans on the issue of moving Article 22/25 towards an evaluation/review system that is contractual. The EC also authorizes an FA grievance if the meeting does not take place and the issue is not resolved."

In the **Tuesday, August 14, 2001**, EC minutes is this motion: "Motion that the Faculty Association Executive Committee approves the request, made by the FA President, to authorize FA grievances on the first day of Fall Semester, unless an alternative agreement such as an MOA can be reached, on the issues of: implementation of Article 22/25, contract violations in the governance of the History Department in the College of Social Sciences, and violations and misuse of the Academic Misconduct Policy in conjunction with Article 25. Furthermore, the Executive Committee supports the use of mediation as a university sanctioned ADR to resolve these issues internally and not file these grievances if an MOA, protecting faculty rights and interests, can be agreed upon."

On **February 27, 2003**, in Meet and Confer, the FA indicated that the draft for the **New Professional Evaluation Procedures** had "been approved by Faculty Senate on Feb. 18, 2003. Here is an original copy of the St. Cloud *Times* which contained an article about the grievance filed concerning this matter. Getting these procedures approved is a big victory, since it shows how the administration and the FA leadership together have changed policies in place since 1978, which nobody had been able to change until now. We can drop the grievance and proceed to work out a new interpretation of the contract." The Administration said that "We ought to cut a ribbon. It has taken a lot of time to get to this point; the President's staff, the deans, and the Faculty Senate have all come a long way, and we'll continue to work to get to where we need to be. This will change how departments evaluate faculty, and the administration will need to work with the faculty to become educated about how to do this. There will be a development workshop on March 21 to make sure that faculty members get the proper Article 22 response. Everyone needs to understand who in the department is responsible, and the new dates when things are due." The FA indicated that "Larkin is taking this agreement to the IFO board office even as we speak."

On **April 13, 2004**, EC notes say

President Fisher noted that there are concerns with Article 22 on p. 86 of the contract. No other state university gives the PDR comments to the Dean automatically except for Metro, where it's done both ways. President Fisher would like to take this to the IFO Board and if they agree with the interpretation, we should be fine.

It was mentioned that faculty might find it helpful to have Mark and Judy and Kristi Tornquist to hold some general meetings for EPT members to clarify issues now that the procedure has been in place for one year. We also need to update the policy on the web site.

On **April 15, 2004**, at Meet and Confer, we discussed promotion and tenure procedures and documents developed between Kristi Tornquist, Judy Foster, and Mark Nook pertaining to the calendar. This discussion included an FA request for "simplification" of this part of the

contract and pointed out the "numerous inconsistencies in this part of the contract." We talked about a "transition period," and the Administration mentioned that "It might be good to have a memo stating this; because in a few years where people describe the process of evaluation, we won't be able to evidence this." Then they indicated that "It's in the Meet and Confer notes we agreed to do this." Then the Administration specifically mentioned that "What we're doing here is agreeing to a calendar of dates." The FA then mentioned that "If the dates are agreed upon, we want to let you know we've been working on language changes. We're not ready to bring to them to Meet and Confer yet. It's possible we can bring them to the last Meet and Confer -- we have been tweaking some language and are working on more substantive issues." The Administration then thanked Judy (Foster) and Mark (Nook): "Judy and Mark -- we're forever in your debt!"

A **June 8, 2004**, EC Motion asked that "Administration place a disclaimer on the website on Step 3 and Step 8 stating there are concerns regarding the forwarding of comments from department chairs and departments regarding the Article 22 process, that have yet to be resolved and the Faculty Association and the Administration will work together to resolve these concerns during the fall semester '04, when the FA Senate will discuss this issue."

A meeting was scheduled -- **August 31, 2004** -- by the President and Provost for Deans and Department Chairs to discuss the Article 22/25 process. At least one representatives from MnSCU -- Chris Dale -- was present at the meeting as well. FA President Schoenberger attended this meeting along with other Executive Committee members. [See explanation under the **October 7, 2004**, Meet and Confer.]

At the **September 9, 2004**, Meet and Confer, we talked about the following issues regarding the Article 22/25 process and explanations.

- whether all comments get forwarded to the dean
 - o "On this one issue, the IFO Executive Committee and the IFO Board both voted that the sentence in Article 22 that states *specific department members are encouraged to provide written comments on a faculty member's PDP and forward these to the faculty*, those comments do not go to the dean in this instance. We understand where the dean may consult with the department chair and the department members and that those comments have to be shared with the faculty and we understand the dean receives those comments; however, we still have some disagreement regarding whether a department, as a collective, can comment on the faculty member's PDP and these comments get forwarded to the dean."
- whether chairpersons may make comments and whether these are written or not
- whether the department makes *comments or recommendations*
- the nature of the dean's consultation with chair and department members concerning PDRs
- issues concerning the calendar
- the switch from processing non-renewal Article 25 to Article 22
- the underlying tension between professional development and evaluation

- these FA questions were put at the top of the list for the committee's consideration:
 1. Can a department form a committee to respond to the PDP and PDR?
 2. Do all comments get forwarded to the dean?
 3. Do the department members' comments go into the personnel file? Which comments get pulled?

In the **September 14, 2004**, Faculty Senate Minutes, we passed a "Motion to approve the recommendation from the SCSU Meet and Confer ad hoc Article 22 Committee." and the FA President invited people to volunteer for a taskforce to rewrite Article 22.

In the **September 23, 2004**, Meet and Confer, the document that the joint FA/Admin came up with was distributed. We discussed the possibility of creating an LOU that would rewrite Article 22. We discussed the difference between an MOA and an LOU, and both sides said that would check with the state level.

At the **October 7, 2004**, Meet and Confer, we discussed the fact that we could work locally to come to an understanding about the Article 22/25 process and then would need to work with the IFO/MnSCU if we wanted to enter into an LOU that would change the contract. In this M&C, we explained how, in an "RPT workshop at the beginning of the semester [August 31], MnSCU said you can't write a perfect procedure, and they didn't seem to be troubled by issues the administration and the FA on this campus and a lot of other campuses are struggling with." The FA said, "It would be good if we could get the support for this because I think there is common ground on how we can work to change Article 22 to meet our common needs." The Admin said, "We agreed on local procedures, and my conversation with folks from MnSCU's labor relations with regard to procedures was we were in agreement; but we weren't negotiating on behalf of MnSCU -- in some cases, it could be perceived this is what we did." The Admin also said that "The second half of the proposal, in the meantime, did lay out something we could work on while we're waiting; so we're not completely without a local understanding. I heard it is working out pretty well."

In the **December 16, 2004**, Meet and Confer, we shared names for an ad hoc committee so that it could be convened.

In **January 20, 2005**, we discussed at Meet and Confer "removal of inappropriate comments," and the group working on Article 22 and Article 25 were "going to meet again to discuss the process and a possible LOU and work in conjunction with Mankato . . . since they have some of the same issues."

In **March 22, 2005**, the EC passed a "Motion that the Faculty Association and the Administration construct a list of issues associated with Article 22 and Article 25 and present them jointly to the Negotiations Team (IFO/MnSCU)," and the **April 5**, EC minutes indicated that the Provost had shared the document containing revisions to Article 22 with the Presidents of the other universities, and they reacted positively to these revisions. These revisions were also going to be shared with the IFO.

The FA brought to Meet and Confer on **February 1, 2007**, as the FA position (motion from January 16, 2007, EC) an Article 22 and Professional Development Document from the IFO (FA – 2/1/2007) that was prepared by Pat Arsenault and reviewed by Fred Hill and Bob

Inkster. The FA said that this is the document for faculty to look at when they are preparing their Article 22 documents.

In the **March 22, 2007**, Meet and Confer, the Administration said that "We would prefer that we use the document that was agreed to by the faculty and the Administration, and approved by the Faculty Association in September of 2004 that describes the personnel process.We'd rather use the document that we agreed to and on the web now.If you recall, on September 14, 2004, this was approved by the Senate and accepted by the Administration."