NOTES:
How the Proposed New PS-36 (2/17/05) Differs
from the Present PS-36 (Version of 7/1/97)

Notes about these NOTES

- These NOTES are organized by sections, subsections, and subsubsections of the present PS-36. The reader should place within view a copy of the present PS-36, which is available on the LSU website.

- "Section II.C" means II.C in the proposed new PS-36—the version dated February 17, 2005.

- "Section II.C" (italicized) means II.C in the present PS-36.

- "P1" means paragraph 1.

What’s New in the Proposed New PS-36? Highlights

1. The new PS-36 is restricted to tenured and tenure-track faculty. It is easier to write appropriate policy when one is not trying to cover too many very different cases.

   - A separate Instructor Policy has been approved and recommended by the Senate, which will make it easier for an Instructor to find the regulations that are relevant to Instructors. This Policy is now being reviewed and revised.

   - We have asked HRM to draw up a separate policy or policies on non-tenure-track professorial-rank faculty and other faculty ranks besides Instructors and tenured and tenure-track faculty. The HRM document should reflect current practice, much of which is drawn from interpretations of the present PS-36. It should be reviewed by a faculty committee before being promulgated as a Policy Statement.

2. **Organization, format, and style.** The new PS-36 is designed for the reader who needs to find a certain topic quickly—not for a reader who will read the whole PS from beginning to end. Accordingly:

   - We break the text into more enumerated items and subsubsections with meaningful titles, than was done in the present PS-36.

   - The Table of Contents is detailed. It is intended to help find a topic quickly.

   - There are lots of cross-references.

   - There is an index.

   - We’ve restrained the use of commentary and exhortation. Preambles appear in close proximity to the subject matter they apply to.
3. **Guidelines for Criteria**: Section IV, page 4, is significantly different from II.A General. See the discussion below of II.A.

   - The "two out of three" doctrine is gone, and the word "notable" does not appear.
   - The term "collegiality" is gone. Certain cases at other universities have made us aware that it may lead to inappropriate considerations. On the other hand, we believe that properly understood, collegiality is a value that ought to be upheld. We have tried to address the matter properly.

4. The provisions for "rules of an academic unit," Section III, page 3, are new; they assign an important role to rules which are duly adopted by departments and colleges—like those that exist now in the Manship School (see http://www.math.lsu.edu/~mcgehee/ManshipP102.pdf) and the School of Library Information and Science (see their home page; you’ll find the document link at the bottom of their faculty page).

5. We have used the commonly understood term "tenure clock," and there are new provisions for setting and adjusting the clock. See VI.E, page 18, and VII.D, page 21.

6. Section XI is new, defining a formal assistance program which would work on a volunteer basis.

7. The subject of conflict of interest is addressed in V.G, page 10.

8. The use of advisory committees at the deans’ and Provost’s level is mandated, not only in promotion and tenure cases, but also in initial appointments carrying tenure. See V.O, page 14.

9. Standards are imposed for the set of outside letters used in cases of initial appointments carrying tenure. See item 1 in VI.A.5, page 16.

10. In Section X, procedures for annual reviews are more thoroughly codified than in Section IV. However, there is not much change from Section III of PS-109, which has already superseded Section IV (of the present PS-36). We wish to restore PS-36 as the traditional location for annual-review provisions. So the adoption of the New PS-36 will entail editorial changes in PS-109, particularly the deletion of its Section III. On the other hand, Section IV of PS-109, which regards mandated remediation programs, should remain in PS-109.

11. **VIII.B**, the System-mandated format for LSU C.V.s, is **NOT** to be part of PS-36, although it should remain easily located online.

   **I. General Policy**

   The provisions of these 7 paragraphs are all re-worded and relocated in the new document, but not materially changed. Highlights:
P1: We make reference to PS-01 in subsection II.C instead of repeating PS-01 provisions in PS-36. Repeating provisions from other Policy Statements, instead of referring to them, tends to be a bad idea. In this case, for example, the present PS-36 quotes provisions from an outdated version of PS-01.

There is an error in the present PS-36: At the end of P1, the reference should be to Section II, not Section IV.

P2, last sentence: The right to a peer advisor at certain meetings is, in the new PS-36, stated at the points where the meetings are described. See “peer advisor” in the index.

P3 and P4: The notification and communication provisions are, in the new PS-36, stated at the appropriate points, where the processes are described. All appeal provisions are in Section IX.

P5, departmental and college guidelines: Section III defines the status of written departmental and college rules, and places them under faculty control, subject to review.

P6: The first sentence is rewritten less mysteriously and appears in II.A. The remaining provisions are rewritten and appear in IX.B.

II.A. General

The authors of the present PS-36 had to cover all categories of faculty. That’s why they were led into this kind of general statement. As stated in II.A, page 2, the new PS-36 limits itself to tenured and tenure-track faculty.

Taken as a whole, the formulations in Section II tend to balance and correct each other. But passages in policy statements tend to be taken in isolation, and then they can cause difficulties. Our Section IV attempts to avoid the pitfalls. Section II.A is perhaps the most troublesome part of the present PS-36. For example:

P1 and P3 may be interpreted to elevate "collegiality" to the status of a fourth major area for evaluation, such that one may fear it to mean conformity and subservience. We have avoided the use of the term, which is currently associated with certain unfortunate practices in higher education. On the other hand, surely there’s a sense in which collegiality is an appropriate concern. Section IV, page 4, deals with the issue. In the third paragraph of IV, we speak of certain "essential and fundamental expections" that must be upheld. Serious misbehavior aside, we believe that legitimate components of "collegiality" resolve themselves into measures of effectiveness in the performance of duties in scholarship, teaching, and service, and ought to be addressed whenever job performance is evaluated, under those headings.

In its rambling discussion of criteria for evaluations, II.A meanders among doctrines, and we may detect three tendencies, as follows.
1. One tendency, which makes good sense, is to say that criteria are to be contained within the three traditional areas, but allows the distribution of emphasis to vary. Thus:

(a) In P2, "Faculty will be judged . . . considering . . . teaching, research and other creative achievement, and service;" but we will "evaluate . . . consistent with job assignments . . . ."

(b) " . . . tenure-track faculty will not be given major assignments that do not contribute toward tenure." This statement seems to rule out an assignment outside the three areas.

(c) In P4, we have "overall assessment of the individual’s contribution," which taken in isolation implies variation in the way one may qualify for a favorable evaluation, though presumably the criteria consist in some distribution among the three areas.

2. But then, weakly stated in the passive voice, we find the assertion that "... judgments will be made as to whether the individual is engaging in a program of work that is notable in at least two of the areas and satisfactory in the third." That assertion seems to have the underlying premise that every faculty job has those three parts more-or-less in equal measure, which is not the case. Even when it is the case, the assertion is logically consistent with allowing there to be one area in which all faculty are merely "satisfactory"—presumably a lower standard than "notable."

The two-thirds clause is in fact balanced (and contradicted) by other statements in II.A, and elsewhere in Section II, so that it cannot be called a central and pervasive doctrine of the present PS-36. Nevertheless it is misleading and unhelpful, and we have removed it.

3. Finally, later in P4 the university "enters new fields of endeavor;" "the work of faculty members departs markedly from established academic patterns;" and all bets are off. This provision seems unnecessarily and dangerously vague.

It seems agreed that the "two out of three" clause in the present PS-36 is unfortunate. It is honored more in the breach than th'observance. In some departments, at least for assistant professors, the two primary concerns are necessarily scholarship and teaching. In others, there’s a definite service component to their duties. Departments should be able to define and uphold appropriately high standards in all the areas in which a faculty member must perform. There should be no stated license to uphold a lesser standard in any one of the three areas. PS-36 should recognize the interrelated nature of the three areas, and the fact that they may have various proportions in various academic units. We have rebuilt the guidelines for criteria (Section IV) accordingly.

II.B. Teaching

This subsection is a reasonably good statement about teaching. IV.B, page 6 is a re-write, which uses two lists of examples instead of one. One list is of contributions,
the other is of means to judge quality. There are disclaimers: These are examples, the list is not complete, and no example necessarily applies in every department.

II.C. Research and Other Creative Activity

IV.A, page 5, is our re-write of II.C. Instead of "research and other creative activity," we use the term "scholarship" to cover everything, and we define it by a list of examples, being careful not to claim that the list is exhaustive or that every item applies to everyone. We provide a separate list of examples of how quality may be determined, with appropriate disclaimers.

II.D. Service

In IV.C, page 8 we have tried to offer a balanced and rounded statement of current understanding and practice. We recognize that in some cases, "specific service will be a substantial and explicit part of a faculty member’s work," and also that there are broad and varied areas of citizenship-service in which quality contributions should be recognized when performed.

III.A.1. Minimum Qualifications

See VI.B, page 17. The case of Instructors is not covered in the new PS-36. The case of Boyd Professors is mentioned in item 2 of II.C, page 2.

III.A.2. Inbreeding

We’ve modified the wording. We’ve not added any rigid rules. See VI.D, page 17.

III.A.3. Terms of Appointments

- Provisions with regard to Instructors will be located in the new PS on Instructors, not in the new PS-36. Terms of initial appointments of assistant, associate, and full professors are covered in VIE, page 18.
- P1 of 3.a. means that each extension of term for an Assistant Professor can be for up to three years, but it is subject to another interpretation which contradicts other provisions. See VI.E.1, page 18.
- P2 of 3.b. allows the title of Instructor for someone hired as an assistant professor who, as of the time when the job begins, has not been awarded the Ph.D. In VI.F, page 18, we’ve ruled out the use of the Instructor title in such a case, because it could easily be thought to imply that the Instructor PS would then apply to the person.
- P1 of 3.c: The higher ranks can already have initial appointments of up to five years, not four; five years is already the current rule because of a change in PM-23. See VI.E.2, page 18.
- 3.d: This provision is not repeated in the new document. We are advised that it serves no purpose.
III.A.4. Joint Appointment

No changes. See items 18 and 24 in Section XII, page 36. See item 3 of VI.A.5, page 16.

III.A.5. Voting Eligibility

- The faculty panels for the various decisions are identified all in one place in the new document. See V.J, page 11.
- 5.a: The case of Instructors will be covered by a different PS.
- The provision in 5.b is modified so that the use of a committee must be duly established in a department’s rules (instead of "on an annual basis"); see item 1 in V.J and Section III, page 3.
- P3 in 5.c: The "consulted" provision is too vague to be in a PS and has been discarded.
- P4 in 5.c: There’s no provision for "enfranchise" in the new document.
- P5 in 5.c: See the last paragraph of VI.A.5, page 16.
- See also the comments below under V.A.3.

III.B.1. Recruitment and Screening

With regard to the material of these two paragraphs, see item 1 (page 2) in II.C; and VI.A.1, VI.A.2, and other material in Section VI, which begins on page 15.

III.B.2. Interview

The statement has been rewritten. No rigid rule has been introduced. See VI.C, page 17.

III.B.3. Department Review and Recommendation

The following comment arrived by email from a faculty member: "[The present] PS-36 seems to envision that the question to be voted on is so simple and universally acknowledged that it doesn’t even need to be stated. But in a real search this is rarely the case. A typical example: We have 3 candidates, and we don’t merely want to select the one best; rather, we want to make a first choice AND have a second choice ready so that, in the event of a declination, the chair and dean can move quickly without convening another meeting. · · · The question is, should all of the possibilities for a given search be spelled out in gory detail by the chair ahead of the meeting, so that absentee ballots can be solicited on all of them? Or should absentee ballots be solicited on a small number of well-defined questions, with the idea that absentee ballots may not be counted for subsequent unanticipated questions? If the question changes, is the chair entitled to decide whether absentee ballots are relevant enough to count? The absentees don’t hear the substance of the discussion. So although I
may favor candidate X going into the meeting, but am swayed toward candidate Y by the
discussion, the absentees continue voting the same way throughout the meeting. Is this right? The PS-36 position is also interesting because it seems very different from Robert, who says absentees should not vote except under very tightly regulated conditions."

In the way we have written VI.A.3, page 15, we have taken into account the concerns expressed in that note. We have retained provisions giving absent faculty members the right to participate in decisions; see V.K, page 12, and VI.A.2, page 12 for examples. We think those provisions are appropriate and important, and not impractical to observe, in the academic setting, though of course they are at variance with Robert’s Rules. We allow departmental rules to address details.


See VI.A.5, page 16.

IV. PERFORMANCE EVALUATION

See Section X, page 30, entitled ANNUAL DEPARTMENTAL REVIEWS FOR TENURED AND TENURE-TRACK FACULTY, where the material of the old Section IV has been re-worked. The procedure is more fully spelled out, and the "faculty member’s file" is now located in the department (not in HRM) with assured ready access by the faculty member. Departmental rules may further specify.

It should be noted that Section IV of the present PS-36 has already been superseded (as of July 17, 2003) by Section III of PS-109. Section X of the proposed new document would supersede, and does not differ substantially in substance from, Section III of PS-109—which in turn is quite similar to “the May 15 document” as discussed by the Faculty Senate in April and May of 2003.

VA.1. General

See I, page 1, which refers to a "rigorous, careful process of examination and deliberation" that must precede advancement to tenure, and the expectations implied by advancing someone to tenure. See also item 28, page 38. The cautionary precepts expressed in VA.1, it seems to us, are adequately embodied in the provisions for reappointment reviews.

VA.2. Candidate Eligibility

- Part a: Instructors are not covered in the new document.

- PM-23 now sets a limit of five years total employment for a Professor or Associate Professor who is hired without tenure - until and unless he or she is advanced to tenure. This change has been observed on this campus since PM-23 was changed. Otherwise, the provisions in the new document are consistent with VA.2. See V.P, page 14; item 13, page 3; and V.F, page 10, regarding notice requirements.
Regarding the length of term for an initial appointment, see all of VI.E, page 18, and VI.F.

Regarding the length of term for a reappointment, see item 3 of VII.C, page 20.

V.A.3. Voting Eligibility

• P1 is affirmed in V.J.2, page 11. Instructors will be covered in a separate PS.

• In the definitions of faculty panels, there is no discrimination against faculty who have decided to retire or resign from LSU.

• The definitions of faculty panels established for various decisions appear in one place; see V.J, page 11.

• The provision "Faculty without tenure ..." allows an informal participation. The new document contains no such statement, since it takes the point of view that there is no need to regulate, in PS-36, informal consultation and participation.

• The passage "Faculty holding joint appointment ..." and the recusal requirements correspond to V.J.5, page 12 and V.J.3, page 12.

V.B.1. Nomination

The determination of when a reappointment review will be conducted is discussed in VII.B, 19. The procedure is described fully in VII.C, page 20. The Provost and dean are required to promulgate timetables and deadlines; see V.E and V.D, page 10.

V.B.2. Department Review and Recommendation

• P1: The annual review process, which is designed to keep the file up to date, is set forth in detail; see Section X, page 30.

• P2: Just as in current practice, reappointment reviews are mandated at certain times and discretionary at others; see Section VII, page 19, particularly subsections VII.A and VII.B.

• P3: The steps of the procedure for a reappointment review are described in VII.C, page 20.

• P4-P5: The voting provisions are in V.J; see in particular V.M, page 13, V.J.2, and V.N.

• P6: The manner of the departmental report, somewhat modified, is in V.N, page 13.

• P7: Regarding joint appointments, see items 1-2 of VII.C, page 20.

• P8-P10: This material is covered in items 4-5d of VII.C.
V.B.3-V.B.4. College Review and Recommendation; University Review

These provisions, excluding those for Instructors, are re-stated in VII.C.1, page 21.

V.B.5. Timetable for Notice of Nonrenewal

See V.P, page 14; item 13, page 3; and V.F, page 10, regarding notice requirements.

VI.A.1. General

The provisions of this summary-section are essentially unchanged, and appear in the appropriate places. In V.O, the use of advisory committees at the Provost’s and deans’ levels is mandated in promotion and tenure cases, and also in initial appointments that carry tenure.

VI.A.2. Review Schedule

- The general advice about the timetable appears in the last paragraph of VIII.A, page 22. The details of a timetable are to be promulgated by the Provost and dean; see V.D, page 10, and V.E.

- Last paragraph: The "without prejudice" clause appears now in VIII.A.4, page 23.

VI.A.3. Accelerated Review

The term early review is used instead. The provisions are found in VIII.A.4, page 23.

VI.A.4. Mandatory Reviews

- P1-P6: These provisions are stated in terms of the initial setting of the tenure clock, V.IE, page 18; and later adjustments to the tenure clock, VII.D, page 21. The latter passage makes provisions for childcare, following AAUP guidelines; and certain other situations including dependent care or disability, following provisions at the University of Wisconsin. These are consistent with current LSU practice. At present, the LSU System must approve adjustments to the tenure clock, hence the wording that calls for approval “... of such other officers as may be required ...”

- P7: This provision appears in II.B, page 2.

- P8: This provision appears in VIII.A.3, page 23.

VI.A.5. Candidate Eligibility

See VIII.A, page 22. For the definition of when a tenure review is mandated, see VI.E, page 18.

VI.A.6. Voting Eligibility
The definitions of faculty panels established for various decisions appear in one place; see V.J, page 11. See the comments above under V.A.3. With regard to the last paragraph, the appointment of added faculty to those who vote on a decision: The provision in the new document is different, but still provides only for discretionary action. It is found in V.J.4, page 12.

VI.B.1. Nominations
See VIII.A and VIII.A.2, page 23.

VI.B.2. External Evaluation
We use the term "outside evaluation." See VIII.B, page 24. VIII.B.4 represents a modification of restrictions on the choice of outside evaluators. VIII.B.2 provides guidelines as to when letters that have been received must be used.

VI.B.3-4-5-6-7-8-9. Department Review, College Recommendation, University Review, LSU System Review, Notification
This material is treated in VIII.D, page 28. In item 6 of VIII.C, on page 28, the deadline for the "formal letter of response or rebuttal" has been changed from 5 days after a certain deadline (as stated in VI.B.6, P4) to "seven working days after the present date."

VII. APPEAL PROCEDURES
Compare with Section IX, page 29.

VIII.A. Definitions
This subsection is replaced by Section XII, page 36, entitled "Glossary." The new glossary was built from scratch, with terms added as needed. It seems a bad idea to state policy in the Glossary, as is done in VIII.A with regard to (for example) "eligible voting faculty" and "enfranchised faculty."

- The term "collegiality," which is defined variously in VIII.A and IILA, is not used in the new document. The concept is addressed in IV, page 4.
- As for "eligible voting faculty," see V.J, page 11; note that in the definitions of faculty panels, there is no discrimination against faculty who have decided to retire or resign from LSU.
- The "enfranchised faculty" definition in VIII.A is very generous and is out of line with PM-23 and with current practice so far as we know. There’s no such provision for "enfranchisement" in the new document.
- The "official personnel file," located in HRM according to the present PS-3, will certainly continue to exist. However, the new document assigns a central role to the "official departmental personnel file;" see X.B, page 31.

VIII.B. Documentation and Supporting Material
This standard form for a C.V. is the occasion for more complaints than any other aspect of the present PS-36. We note that the form is required by the LSU System. Under the provisions of the new document (V.D, page 10, and VIII.A.2, page 23), the Provost is charged with promulgating whatever form-and-content requirements are in force. So this form should still be easily accessible online. On the other hand, we are proposing that it not be part of PS-36.

The Senate should point out the reasons for the general unhappiness with this form and seek to have more flexible guidelines. Faculty members using this form as a guide find it confusing and interpret its categories variously, even within the same department. Faculty members often need a C.V. in connection with visiting positions, grant applications, and such, and for those purposes this form is at best odd. At worst it causes problems. External participants in program reviews find it strange and inconvenient, since what they expect to see is a standard C.V. for the discipline and profession in question.

VIII.C Sample Letter to External Evaluator

See VIII.B.5, page 26. We have made extensive modifications to the wording of the form letter, to accommodate various situations more flexibly. Further variations are still allowed with the approval of the dean.