

Rationale for Proposed Change to Faculty Handbook

Addition of Section 5.1.1.2.2 - Action Plan Mediation

Currently, the faculty handbook recommends using the PRS mediation process (section 3.4.4) to mediate a disputed action plan between a Department Chair and a faculty member resulting from an unsatisfactory annual review or Post Tenure Review (PTR). While there are not many disputed action plans across the university, when they occur, they require significant time and resources to reconcile. An examination of the current process, through interviews of several faculty, Department Chairs, Associate Deans, and Deans of multiple colleges, revealed the following deficiencies with the current process:

- Timeline to get Action Plan mediated is too long. This includes selection of committee, assessment of situation, and outcome of mediation. Process is taking well over 6 months in some cases.
- Mediation process is not clear to all involved.
- Unclear who has authority at each step of the process.
- PRS Mediation and Action Plan Mediation are separate processes and should be treated as such. Items in an action plan may not be articulated in a PRS.
- Without clear process, faculty feel like they are setup to fail.

Frustration with the current process was evident from those involved ranging from faculty to Deans to those in the Provost office. Therefore, FDAR focused on providing an Action Plan Mediation process to clarify: 1) who initiates the need for the action plan mediation, 2) committee selection, 3) who submits specific materials, 4) roles and responsibilities, 5) timeline, and 6) expectations and outcomes. The following new policy, that addresses the mediation of an action plan that results from an unsatisfactory annual review or Post Tenure Review, is proposed.

Current Faculty Handbook:

5.1.1.2.1 Action Plan

In the case of an unsatisfactory annual evaluation, the department chair, with the input of the faculty member, will develop an action plan to guide improved performance in accordance with the faculty member's position responsibility statement. The action plan must include the following elements: 1) a list of action items to be accomplished that are detailed, clear, and aligned with a timeline; 2) a specified date for a mid-term evaluation; and 3) a description of consequences if the action items are not completed by the designated timeline. If agreement on the proposed action plan cannot be reached, the action plan will be negotiated following the procedures outlined for PRS mediation (FH Section 3.4.4).

Approved by the Faculty Senate on 2/12/13, by the Senior Vice President and Provost on 2/23/13 and the ISU President on 3/6/13.

5.3.4.2 Post-Tenure Review Outcomes

Based on the outcomes of the post-tenure review, the following actions will be taken:

- A “meeting expectations” post-tenure review recommendation may include suggestions for future development of the faculty member. If a meeting expectations post-tenure review recommendation includes a determination of below expectations performance in any PRS area, then the faculty member will work with the department chair and the chair of the review committee to develop a detailed action plan for performance improvement in those areas. The action plan will be signed by all three parties. If agreement on the proposed action plan cannot be reached, the action plan will be negotiated following the procedures outlined for PRS mediation (FH Section 3.4.4).
- A below expectations post-tenure review recommendation will include specific recommendations for achieving an acceptable performance evaluation. The faculty member will work with department chair and the chair of the review committee to develop a detailed action plan for performance improvement in areas deemed below expectations. The action plan will be signed by all three parties. If agreement on the proposed action plan cannot be reached, the action plan will be negotiated following the procedures outlined for PRS mediation (FH Section 3.4.4). Failure to have the performance improvement plan in place by the time of the next academic year’s annual performance review may result in a charge of unacceptable performance as defined in the Faculty Conduct Policy (FH Section 7.2.2.5.1).

Proposed Revision:

5.1.1.2.1 Action Plan

In the case of an unsatisfactory annual evaluation, the department chair, with the input of the faculty member, will develop an action plan to guide improved performance in accordance with the faculty member’s position responsibility statement. The action plan must include the following elements: 1) a list of action items to be accomplished that are detailed, clear, and aligned with a timeline; 2) a specified date for a mid-term evaluation; and 3) a description of consequences if the action items are not completed by the designated timeline. ~~If agreement on the proposed action plan cannot be reached, the action plan will be negotiated following the procedures outlined for PRS mediation (FH Section 3.4.4).~~

5.1.1.2.2 Initiation of Action Plan Mediation

In the case of disagreement with an action plan resulting from an unsatisfactory annual performance evaluation or a below expectations post-tenure review, the faculty member or chair will can refer notify the matter to the department action plan mediation committee within 10ten 5 working days from the date the faculty member received the unsatisfactory

performance evaluation or below expectations post-tenure review written action plan that the mediation process will be initiated. Both parties must agree to this referral.

5.1.1.2.2.1 Purpose of the Action Plan Mediation Committee

The committee's purpose is strictly to examine the disputed parts of the action plan and offer a recommendation ~~an opinion~~ that may resolve the dispute. The committee is not to re-evaluate the faculty member, the process by which annual and post-tenure reviews are conducted, or to formulate a new action plan. The committee, after performing required tasks as set forth below, may recommend changes in specific action plan items in dispute.

5.1.1.2.2.2 Outcome of Review by an Action Plan Mediation Committee

Once the committee has completed its review ~~has and provided~~ ~~occurred, which may result in recommendations~~, the role of the committee in the dispute process is complete. Any recommendations provided by the committee are non-binding. The faculty member and chair are to review and discuss the recommendations and attempt to reach a resolution on the action plan. The committee plays no role in these discussions nor will the committee be provided any information on the outcome. If an agreement between the faculty member and the department chair cannot be reached within ~~five~~ working days of receipt of the committee's recommendations, the matter will be forwarded by the party disagreeing with the proposed action plan to the dean of the college for a final decision. The dean's decision is binding.

5.1.1.2.2.3 Selection of the Action Plan Mediation Committee

Selection procedures for committee membership are defined in the college governance document. ~~To promote a fair process and avoid potential conflicts of interest, the following restrictions apply.~~ Faculty members involved in the review that led to the disputed action plan are ineligible to serve on the action plan mediation committee. ~~A faculty member is ineligible to serve on the action plan mediation committee when he/she: 1) is in the process of mediating their/ his/her own action plan, 2) is currently a respondent party in a faculty misconduct case, 3) has received an unsatisfactory annual review or below expectations post-tenure review in the same area(s) under mediation in the past cycle, or 4) has a conflict of interest or commitment as defined by the ISU Policy Library or Faculty Handbook related to the mediation. Other potential conflicts of interest will be reviewed by the dean of the college on a case by case basis.~~

5.1.1.2.2.4 Action Plan Mediation Committee Review Process

The faculty member will submit to the action plan mediation committee a written document describing the ~~unacceptable~~ ~~disputed~~ elements of the action plan and any proposed changes. The chair will submit to the committee the proposed action plan, the ~~written~~ annual performance review or post-tenure review report ~~on with the chair's evaluation upon~~ which the action plan is based, the faculty member's submitted performance evaluation materials, the faculty member's PRS, the faculty member's vita, and a written explanation of why the faculty member's proposed change(s) in the action plan are not acceptable. ~~All of these~~ materials will be sent to the committee within ~~five~~ working days of the dispute being forwarded for mediation. These would be the same ~~five~~

working days to elect substitute committee members, if needed. If either party fails to deliver materials within the ~~five~~5 working days, the committee will still convene and begin their process.

The action plan mediation committee will review the ~~submitted~~ materials, ~~that have been submitted~~, meet with both parties, meet with any others party deemed pertinent to the disputed items, and deliberate on the issues. The committee will deliver a written recommendation in a memo, signed by the entire committee, on how the disputed elements of the action plan should be resolved to the department chair and faculty member within 10 working days of receipt of the review materials. Travel, busy schedules, or other normal faculty duties are not acceptable reasons to delay the mediation process. Video or in-person meetings and deliberations will carry equal weight, and technology should be used for meetings to ensure timely handling of the dispute. The committee will complete their assessment and ~~written produce the memo recommendation~~ regardless of the responsiveness of the disputing parties.

5.1.1.2.2.5 Tim ~~Tim~~ Timelineing of the Action Plan Mediation Process

To initiate the action plan mediation process, the department action plan mediation committee will be notified within ~~10~~ten5 working days from the date the faculty member received the unsatisfactory performance evaluation ~~written action plan or below expectations post-tenure review~~.

As outlined above, the action plan mediation process is set to occur within 20 working days as follows:

- 5 working days for disputing parties to deliver relevant materials to committee. This time will also be used to replace, by faculty election, committee members, if needed.
- 10 working days for the committee to meet with the disputing parties (and others as needed), evaluate materials, and deliver a written recommendation in a memo signed by the entire committee.
- 5 working days for the disputing parties to consider the recommendations of the committee and either agree or forward the dispute to the dean.

5.1.1.2.2.6 Prior ~~Prior~~ Multiple Action Plans

If an action plan is already in place, or a new one is proposed, coincident with an action plan under mediation, the action plan mediation committee will not use this information during their assessment of the currently disputed action plan. Once all review and mediation processes conclude, effort should be made by either the dean (in the case of unsuccessful mediation) or the department chair to integrate multiple action plans into a single one for a faculty member.

The action plan mediation committee shall not consult any action plan(s) already in place for the faculty member under review. When the mediation process is concluded, the department chair or dean (for those cases decided by the dean) shall integrate multiple action plans into a single plan for the faculty member.

5.1.1.2.2.7 Concurrent Reviews

An annual review may occur while an action plan is in place. In such cases, the affected area(s) of performance shall be evaluated in terms of progress on the action plan. All other areas shall be evaluated in accordance with the departmental standards. Due to university policy, all employees must be evaluated on an annual basis. Thus, faculty under an action plan will most likely undergo an annual review. If this occurs, its progress shall be the focus of the faculty member's annual review in the areas to which it pertains and to provide unified goals and directions.

5.3.4.2 Post-Tenure Review Outcomes

Based on the outcomes of the post-tenure review, the following actions will be taken:

- A “meeting expectations” post-tenure review recommendation may include suggestions for future development of the faculty member. If a meeting expectations post-tenure review recommendation includes a determination of below expectations performance in any PRS area, then the faculty member will work with the department chair and the chair of the review committee to develop a detailed action plan for performance improvement in those areas. The action plan will be signed by all three parties. If agreement on the proposed action plan cannot be reached, the action plan will be negotiated following the procedures outlined for ~~PRS mediation~~ Action Plan Mediation (FH Section ~~3.4.45.1.1.2.2~~).
- A “below expectations” post-tenure review recommendation will include specific recommendations for achieving an acceptable performance evaluation. The faculty member will work with department chair and the chair of the review committee to develop a detailed action plan for performance improvement in areas deemed below expectations. The action plan will be signed by all three parties. If agreement on the proposed action plan cannot be reached, the action plan will be negotiated following the procedures outlined for ~~PRS mediation~~ Action Plan Mediation (FH Section ~~3.4.45.1.1.2.2~~). Failure to have the performance improvement plan in place by the time of the next academic year’s annual performance review may result in a charge of unacceptable performance as defined in the Faculty Conduct Policy (FH Section 7.2.2.5.1).

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5.1.1.2.1 Action Plan

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detailed, clear, and aligned with a timeline; 2) a specified date for a mid-term evaluation; and 3) a description of consequences if the action items are not completed by the designated timeline.

5.1.1.2.2 Initiation of Action Plan Mediation

In the case of disagreement with an action plan resulting from an unsatisfactory annual performance evaluation or a below expectations post-tenure review, the faculty member or chair will notify the department action plan mediation committee within 10 working days from the date the faculty member received the written action plan that the mediation process will be initiated.

5.1.1.2.2.1 Purpose of the Action Plan Mediation Committee

The committee's purpose is strictly to examine the disputed parts of the action plan and offer a recommendation that may resolve the dispute. The committee is not to re-evaluate the faculty member, the process by which annual and post-tenure reviews are conducted, or to formulate a new action plan. The committee, after performing required tasks as set forth below, may recommend changes in specific action plan items in dispute.

5.1.1.2.2.2 Outcome of Review by an Action Plan Mediation Committee

Once the committee has completed its review and provided a recommendation, the role of the committee in the dispute process is complete. Any recommendations provided by the committee are non-binding. The faculty member and chair are to review and discuss the recommendations and attempt to reach a resolution on the action plan. The committee plays no role in these discussions nor will the committee be provided any information on the outcome. If an agreement between the faculty member and the department chair cannot be reached within five working days of receipt of the committee's recommendations, the matter will be forwarded by the party disagreeing with the proposed action plan to the dean of the college for a final decision. The dean's decision is binding.

5.1.1.2.2.3 Selection of the Action Plan Mediation Committee

Selection procedures for committee membership are defined in the college governance document. To promote a fair process and avoid potential conflicts of interest, the following restrictions apply. Faculty members involved in the review that led to the disputed action plan are ineligible to serve on the action plan mediation committee. A faculty member is ineligible to serve on the action plan mediation committee when he/she: 1) is in the process of mediating his/her own action plan, 2) is currently a respondent in a faculty misconduct case, 3) has received an unsatisfactory annual review or below expectations post-tenure review in the past cycle, or 4) has a conflict of interest or commitment as defined by the ISU Policy Library or Faculty Handbook related to the mediation. Other potential conflicts of interest will be reviewed by the dean of the college on a case by case basis.

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The faculty member will submit to the action plan mediation committee a written document describing the disputed elements of the action plan and any proposed changes.

The chair will submit to the committee the proposed action plan, the annual performance review or post-tenure review report on which the action plan is based, the faculty member's submitted performance evaluation materials, the faculty member's PRS, the faculty member's vita, and a written explanation of why the faculty member's proposed change(s) in the action plan are not acceptable. These materials will be sent to the committee within five working days of the dispute being forwarded for mediation. These would be the same five working days to elect substitute committee members, if needed. If either party fails to deliver materials within the five working days, the committee will still convene and begin their process.

The action plan mediation committee will review the submitted materials, meet with both parties, meet with any other party deemed pertinent to the disputed items, and deliberate on the issues. The committee will deliver a written recommendation in a memo, signed by the entire committee, on how the disputed elements of the action plan should be resolved to the department chair and faculty member within 10 working days of receipt of the review materials. Travel, busy schedules, or other normal faculty duties are not acceptable reasons to delay the mediation process. Video or in-person meetings and deliberations will carry equal weight, and technology should be used for meetings to ensure timely handling of the dispute. The committee will complete their assessment and written recommendation regardless of the responsiveness of the disputing parties.

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