

THE EVERGREEN STATE COLLEGE

September 14, 1988

MEMORANDUM

TO: All Faculty

FROM: Patrick  
Deans  
Pris Bowerman

RE: The New Reappointment Policy

DRAFT

The new Reappointment Policy is now in effect. It is important that we evolve a common understanding of its meaning and potential. The faculty meeting September 22 will be devoted to a preliminary discussion of the policy (and on the related charge to the faculty development group). This memo, the product of many many hours of discussion over the summer, is meant as a contribution to that common understanding. It needs to be read in connection with the new policy itself (which was mailed to you and is also available in the new Faculty Handbook).

A. BACKGROUND

Work on the new Reappointment Policy began in September of 1985. For the benefit of faculty new to Evergreen and those who did not participate fully in the discussions about the Reappointment Policy, the following bits of background information may be useful. Four moments in the long process of evolving the new policy might be instructively recalled:

1. In September of 1985, the provost in his convocation address described the old system as (among other things) inefficient, redundant and (in terms of time invested) horribly expensive. He felt it could not be justified in results of either development or evaluation,. A DTF began working on a new policy in October, but developed little consensus.
2. In the following year, the institution, in the course of a contested judgment, discovered that the existing policy was

so filled with ambiguities and cross-purposes as to leave all judgments of both the faculty and the institution under a cloud of uncertainty.

3. The year 1986-1987 was a productive and creative one in the formulation of a new policy. Although constrained by legalistic necessities, the DTF devoted itself to a complete re-thinking of development and evaluation at TESC. Dozens of improvements in the old policy resulted.
4. In the summer of 1987, the Trustees accepted the legal advice that the new policy which the DTF had recommended was fundamentally defective in not recognizing and adequately protecting the "property-interest" of the regular faculty in the continuance of their contracts. Translation: despite a system of contracts, regular faculty members at TESC (i.e. those on three- or eight-year contracts) have from a legal point of view as much constitutionally rooted protection against the termination of their employment as do their tenured colleagues at traditional institutions. The burden of proof to terminate a faculty member, even at the time of transitioning from one three- or eight-year contract to another, rests with the institution. That decision on the part of Trustees necessitated the insertion of numerous due-process safeguards and a re-working of the hearing procedures, forced a wrestling with the issue of the difference between the contracts of entering and already proven faculty, and eventually introduced a still-evolving paradigm shift in how the institution thinks about evaluation and development.

#### B. SPIRIT OF THE POLICY

The policy is written in the context of the traditional values and aspirations of the college. It affirms the value of excellent teaching as the primary concern of the college, the centrality of team-teaching and rotation and curriculum planning, and the importance of meeting commitments and of service to the college community. The writers of the policy thought of themselves as clarifying rather than changing the existing values of the college.

The policy was collegially written and is, for the most part, a statement of the values of the faculty of the college. Not every faculty member participated in the many opportunities to shape the policy and, of course, the policy embodies many compromises on issues whereon the faculty did not agree. And there is one major issue, noted below, in which seeming faculty agreement met with Trustee disagreement, resulting in another compromise. But for the most part the policy embodies the values and aspirations of the faculty of the college. The requirements of the policy

which are binding on all faculty members were collegially agreed upon.

The policy affirms the existence of multiple conceptions of excellence in teaching and learning at TESC. We could have attempted--and would probably still be attempting--to reach consensus on a single standard of excellence. Instead, we allowed excellence to be defined contextually and empirically by those with whom one has taught. We understand that different groups of faculty would employ different conceptions and standards of excellence and would hence reach different judgments in particular cases. We understand that diversity of viewpoints not as a defect but primarily as a resource from which we can all learn and through which the learning of our diverse student body is facilitated. If the colleagues with whom one has taught believe that the high standards of the college have been consistently met and provide evidence in support of that belief, the major part of the case for reappointment will in most cases have been made. This approach has significant consequences for the role of the deans (see below).

The policy is written in the context of the institution's encouragement of the life-long growth and vitality of its faculty. That encouragement is continued in several key features of the policy, notably:

1. The requirement that each faculty member teach with a specified number of different colleagues in each contract period.
2. The requirement that 50% of the teaching of each faculty member is done in teams.
3. The requirement that a specified percentage of one's teaching be outside one's area (and from the related policy on Core programs) and often in Core. In terms of eight-year contracts, the minimum was set at three years outside of one's area with at least two of those three in Core.
4. The definition of grounds for non-reappointment in terms of patterns of failing to meet the standards rather than in terms of single or isolated incidents of failing to meet them. To engage in risk-taking and innovation, faculty members must be assured that occasional instances of unanticipated results or even the termination of a program will not be regarded as grounds for eventual non-reappointment. Indeed, provided that the faculty member and the institution are learning how to improve future programming from the experience, such instances can not be regarded as unequivocally negative.

### C. MAJOR DIFFERENCES IN THE NEW POLICY

While the animating values of the old policy and the new remain constant, virtually everything else from the nature of portfolio contents to the constitution and procedures of a non-reappointment hearing, has been clarified or significantly changed.

1. Clarifications of Language. In the past, largely due to the conflation of developmental and evaluative purposes, but also because of the multi-focused character of collegial and decanal evaluations, the basic meaning of an evaluation was often unclear. Collegial evaluations intended to be comparatively critical were often read as positive by the recipients or by the deans. The situation was likewise with the deans. Persons were often in the dark if not in a state of anxiety as to where they stood with one dean or as to how the next dean would interpret the portfolio. The new policy addresses the confusion by a) specifying the foci of all evaluations, b) requiring an overall collegial judgment about performance in each of the specified areas, c) clearly separating developmental judgments from evaluative ones, d) limiting the extent to which deans may review past performance, and e) introducing the notion of clear "global judgments" by the deans for the interim and reappointment evaluations. Further, the new policy specifies that reappointment decisions for faculty on continuing appointments can be qualified--i.e., anything less than an outright and unconditional renewal of a contract--only in the case of movement from a faculty member's first three-year contract to his/her second three-year contract. In all other cases, the judgment to reappoint is not tied to conditions or obligations or warnings. With the exception noted, there is nothing in between a decision to reappoint and a decision not to reappoint.
2. Broadening of the Base of Peer Evaluation. The new policy is specific in defining the minimum number of different faculty with whom faculty on eight-year and three-year contracts must teach. (The requirements for faculty on the first three-year contract and the second three-year contract differ.) The numbers were chosen in reflection of the past behavior of Evergreen faculty and in order to continue the encouragement of rotation at Evergreen. Based on past behavior, the vast majority of faculty will easily fulfill the requirements.
3. Clarification of Team-teaching Requirements. The policy stipulates that faculty members on eight-year contracts at Evergreen must teach in teams at least one-half of the time reviewed for appointment. The requirement for faculty not yet on eight-year contracts is higher. What it means to be



"teaching in" a team is also clarified, referencing specifically program planning, intellectually focused faculty seminars and shared attendance in academic program activities.

4. Timing of Collegial Evaluations. The new policy moves the actual writing and exchanging of collegial evaluations to a period (not to exceed two weeks) at the end of the evaluation week. The intent is to provide more reflective distance on the evaluations and to lessen the occasional conflict between a critical evaluation and the harmony required for a team to complete a program.
5. Lessening the Frequency of Evaluations for Accomplished Faculty. Based on the desire to address the intolerable workload of the deans and on the judgment that the past frequency of evaluations led often to routinization rather than thoughtful reflection, and on the recognition that faculty new to the college are more in need of collegial and decanal feedback than are the accomplished faculty of the college, those in less need of feedback will be evaluated by deans in three out every eight years rather than the recent pattern of two out of every three years. The introduction of eight-year contracts to the college is intended to facilitate the new schedules of evaluations.

The intent of policy does not conceive the new schedule of evaluations for accomplished faculty as the introduction of rank anymore than was the dropping of the once-every-year schedule of evaluations in 1982. (A similar change at Hampshire which did involve the introduction of rank was considered and rejected by the DTF. The property-interest of the faculty member on a three-year contract is the same as for those on eight-year contracts. When persons are moved from three- to eight-year schedules of evaluations, there will not be a letter of congratulations from the provost's office to the faculty member (but there might be such a letter to the deans!)

6. Differentiating the Contracts. The Trustees, though undisturbed and perhaps even pleased to acknowledge the property-interest of the regular Evergreen faculty, were not willing to extend that property-interest to newly hired people whose materials "do not give sufficient evidence to the college hiring authorities that the candidate will most likely meet the high standards of competency required of TESC faculty." Although many faculty agreed with the Trustees, the majority of the faculty who expressed themselves would have preferred to take the risks involved with granting the property-interest to such entering faculty rather than introducing a non-reciprocal relationship into teaching teams. The Trustees preferred that decisions about

granting the property-interest to such entering faculty be made after five years. The compromise is that the decision may be made after one year and must be made after two years of teaching in teams at Evergreen.

This compromise has ushered in, among other things, the notion of a "one-year continuing contract." A close but not exact parallel at a traditional institution is that of a tenure-track appointment.

7. Student Input. The policy is intended to strengthen student input into the evaluation and reappointment process. To that end, it is specified how students are to be educated about the policy and how it works; and faculty members are held responsible for encouraging students to write evaluations. (The safeguards for students from the old policy are continued.) Additionally, a former student sits with four faculty on the non-reappointment committee.
8. The Primacy of "Eye Witness" Evidence and Due-Process Safeguards. The most significant and perhaps most subtle changes are ones which pervade the whole of the new policy. The policy firmly roots the basis for decisions about reappointment in evidences provided by the colleagues and the students with whom the faculty member is working. When such first-hand or eye-witness evidence is in the judgment of the deans inadequate, due-process safeguards kick into place at every stage to protect the property-interest of the faculty. The consequences of these pervasive changes are enumerated in the next part of this memo, "The Role of the Deans."

#### D. ROLE OF THE DEANS

1. The new policy firmly roots reappointment decisions in the judgments of the colleagues with whom one has taught and with student evaluations. The primary, normal and positive contribution which the deans make in the reappointment process is in the promotion and facilitation of those circumstances and events which will make the policy function at its collegial best. The following three contributions can be distinguished:
  - a. Curriculum and team development. The assumption of the college at its inception was that intellectual and pedagogical stimulation for the faculty would grow naturally out of the practice of teaching in interdisciplinary teams. The new policy continues that expectation. The deans--particularly the curriculum and Core deans--drawing upon their broad knowledge of the faculty and their interests, assist the faculty in

putting together teams which are attractive to the faculty and useful in the curriculum.

- b. The facilitation of collegial evaluations. Where helpful or necessary, the deans facilitate the exchange and/or writing of evaluations by team members. This might take the form of assisting in locating and scheduling a retreat-site or of drawing upon a broader base of experience to frame a conversation about pedagogical differences.

The provost and the deans and Pris Bowerman hope that a major part of the deans' time will be shifted to activities of facilitation for teams. The new context of evaluations makes possible a less individually focused approach to evaluations.

- c. Portfolio Completion. It is a contractual obligation, as stated in the policy, for faculty members to keep and maintain a portfolio. It is the responsibility of the deans, acting in accord with specified due-process safeguards, to determine that the portfolio is complete. In doing so, the deans are assuring that the very foundation of the policy, namely the primacy of evidence provided by the colleagues and students with whom one has been working, will indeed be set in place.
  - d. "Global" Judgments. The deans look at all the evidence provided by colleagues and students,. They look at that evidence over the length of the contract. And they make the summative or "global" judgments which give to the faculty a clear sense of where they stand.
2. To assure understanding of the import of the positively phrased statements of the deans' roles in the reappointment process, it may be necessary to specify some of the things which the new policy is meant to exclude. Among the most important (as measured by clear differences from previous practice--or, more carefully, the perception of previous practice) are the following:
- a. The functions of evaluation and development have been thoroughly separated in the policy. The role of the deans in the reappointment process--at least the current deans--has been defined solely in terms of evaluation. The institutional hole created by the new conception of the deans' roles is being addressed in this year's Faculty Development/Enrichment DTF. The DTF might recommend the creation of dean(s) solely concerned with development. Or the DTF might separate out those developmental functions (e.g. fund-raising and orientation) which have nothing to do with

reappointment decisions and distribute them among the current deans.

- b. While a legitimate and important role of the deans to make judgments about evidence vis a vis the four foci of the reappointment policy, it is not a legitimate role of the deans in the reappointment process at any stage to introduce consciously their own standards and values and pedagogical expectations separately from or in contradiction to the standards and values employed by the colleagues and students. Neither is it legitimate for the deans under normal circumstances to gather new evidence on his/her own relative to a reappointment decision.

Two particular consequences of this limitation on the deans' role deserve special mention:

(1) The new policy continues the requirement that the deans visit the faculty member's class or faculty seminar in the year of an evaluation. However, the policy specifies that these visits are for the sake of acquiring a context for the evaluation. The policy specifies that "these visits per se do not provide evidentiary material for evaluations" (Section V). The deans themselves cannot directly provide evidence in the evaluation of a faculty member except under the limited conditions specified in the policy.

(2) an instructive instance of possible imposition of the pedagogical values of one or more deans into the evaluation process concerns the longstanding lack of agreement among our faculty on the comparative pedagogical worth of learning environments which unsettle and disrupt and those which approach growth in the context of supportive encouragement or non-judgmental hospitality. Wherever and however we are to seek more widespread appreciation of the value of each of these approaches for certain situations and for certain teachers and students, the reappointment or non-reappointment judgments of the dean(s) is not a legitimate vehicle for advancing one or the other end of this pedagogical spectrum. Instances of student discomfort with a particular faculty member, or of feeling unchallenged in the familiar mode of traditional education by another, instances which are not part of a broader pattern of unsuccessful teaching, shall not in themselves be presumed by one or more deans to be a fault with the faculty member's teaching.

- c. Deans' recommendations for non-reappointment can be



based only upon a pattern of failing to meet the standards of competency. The deans' warnings to a faculty member which appear in the interim evaluation letter can only be based upon emerging patterns in the faculty member's work. Deans' criticisms of a faculty member's work, short of a warning, can be based only on evidence provided by colleagues or students or gained directly under the limited conditions specified in the policy.

- d. While interpretive judgments on the part of the deans are not encouraged by the reappointment policy, they are in some sense inevitable. The faculty are protected against arbitrariness on the part of a dean in the following ways: by the requirement that a majority of the deans must concur in a negative interim or reappointment judgment, by the presence in the deanery of what we expect will always be a majority of deans from our own faculty, by the review of the provost's decision, by a faculty-dominated review panel with the authority to overturn the judgment of the deans and/or the provost, by the absence of a role beyond that review for the president and the Trustees (who might be expected by some to side with the deans and the provost) and by the courts which will uphold the reappointment policy.

#### E. TENURE OR NO TENURE ?

Inevitably, the question will be asked, if only by incoming faculty, "Does the faculty at Evergreen have tenure or not?". A simple 'yes' or 'no' answer would be misleading. From a purely legal point of view, TESC faculty members on three- or eight-year contracts have as much protection against the termination of their employment as do their tenured colleagues at traditional institutions. There are at least four reasons to think that the protection is as great or greater: 1) the reappointment process is more thoroughly rooted in the evaluations of peers with direct knowledge of one's strengths and weaknesses; 2) the decision of the provost is reversible by a committee made up mostly of faculty; 3) the president and Trustees--unlike the situation at most traditional colleges--do not have the final word in the process; and 4) the appointment of the TESC faculty is to the college, not to a program or a department, thus eliminating the possibility, sometimes used at a traditional college, of the loss of one's property-interest in the complete elimination of a department. However, several non-trivial dissimilarities exist between the TESC system and the traditional system of tenure. Most notably:

1. TESC faculty members are regularly evaluated. Tenured



faculty may, without penalty, simply delay the first of the two permissible reviews until such time as the material directly related to the four foci has been naturally built up.

PJH/sh