Hi Larry –

I have 3 issues with the handling of the professor of practice position, by senate. I do not blame you, but rather feel that you are the most appropriate person to direct my concerns to.

1) I don't think it was appropriate for a subcommittee to be formed for any reason other than to define the position. During the 11/2/15 faculty senate meeting, senators were first informed that the charge of the subcommittee included researching the merits of the position. I find this highly inappropriate.

2) I vehemently disagree with the claim that the senators were ill-informed when voting to approve the position in June 2014. The most frequently and strongly cited reason, revolving around the question of whether the position would be tenure track, is egregious.

3) The use of executive senate to discuss the position may have been inappropriate. This was justified in May 2013 minutes as "discussion surrounding rank and tenure qualify us for Executive Session". I'm not sure this is consistent with the OAR's.

Justifications of the above claims are in the pages to follow.

Finally, in senate, I made reference to a "simple solution" to the problem of defining the position. Frankly, I don't care how it is defined, just that it is defined (in a timely manner). I have major issues with one dissenting senator attempting to overrule the majority to fit their agenda.

My solution is to define the position analogous to a professor. The major difference between this position and that of our current professorial track, per senate discussions, is that the former was assumed to have external service expectations / community involvement. However, it seems to me that our current definition of scholarship is broad enough to include this service. As such, it seems foolish to argue semantics when we could just call the external service "scholarship" and make note that the hiring department/division could/would make recommendations as to the specifics of a professor of practice's scholarship.

I believe the above would resolve the issue that a professor of practice would look very different in different divisions. A corporate lecturer vs a concert flautist, for example would have very different expectations.

Please feel free to share this in part, or in its entirety, with senate.

Thank you for your consideration,
Brian

Justifications for first issue

To understand the first issue, significant background is necessary. It follows. I encourage senators to watch the videos of the dates referenced below and make public any corrections of my notes.

The minutes clearly detail that senate approved the position, and charged the constitution committee with defining the position, on 6/2/14. Prior to that date, relevant dates are:

2/6/12 when first introduced by Ettlich
4/29/13 when discussed
5/13/13 when discussed in executive session
5/5/14 when the merits of the position were discussed
5/19/14 when merits were discussed further

Relevant paraphrasing from 6/2/14
Start - 46:43
Carter - There were some questions last time around the different areas (scholarship, service, teaching). Area of concern is scholarship. Required?
Nordquist – Terminal Degree? 3 yr contract?
Ettlich– 3 yr piece decided in bylaws. Assumption was move to 3 yr extendable upon promotion to associate (similar to instructor moving to sr instructor)
Ferguson – Scholarly activity may or may not be required per OAR, but aligned with professorial?
Carter – Blending of instructor and professor. Up to SOU to determine scholarship and service. Our charge is to determine if this is something that we want to have as a rank. We are not making the determination of what POP looks like.

(Several minutes of discussion or pros/cons of position at the request of Jablonski (?). Advantages cited as: CS (Nordquist), flexibility (Ettlich), Math Education (Feist), Arts/Music (Purslow). A motion to approve followed.)

Ferguson – I'm confused. You're moving that we approve to have that as an additional rank, but not the characteristics of how it's defined.
Purslow - Correct
Carter – Let's restate. You move that we approve the rank of POP as a rank that we have at University, not the conditions.
Purslow - Yes. Correct.
Ettlich – If you approve a rank that doesn't exist in the bylaws, I suggest that you approve the rank and charge CC to develop the language in section 5. Don't want a rank with no guidelines.
Purslow – yes, friendly amendment.

(further discussion revolving around how one would attain this role)

Carter re-clarifies - so motion was, approval of POP with adjoining language through bylaws.

The motion carried with 8 in favor, 3 against (Brown, Ferguson, Sahr), and 3 abstained (Whitman, Nordquist, Richards).
End 1:04:10

On 12/1/14 Constitution committee brought questions about how to define the position to senate. The question was changed into whether the position should exist. I objected. Senators were told to speak with their constituents to help decide how to define the position. I pointed out that this had already happened prior to the vote. Then chair Carter confirmed as much, to no avail.

On 1/12/15 Discussion was reopened. It was again, by the same senator, framed as whether the position should exist. I again objected. As stated in the minutes, "A great deal of discussion about the merits of having the new rank was resolved by recognizing that the minutes reflect that the rank was approved in principle by vote of the senate in June."

Thanks to multiple failed attempts by one senator to reframe the discussion as one of the merits of the position, it was quite clear what was and was not asked by senate.

Near the end of the 2014/2105 AY, senators were informed of the subcommittee by Slatterly in his 4/20 AC report:

"Decided that Professor of Practice, since it's not as timely as some others, [we'll create] a taskforce and have recommendations made and tackle that as we go into fall term."

Note there are no references to the taskforce debating the merits of the position. Had such a charge been made public, I certainly would have objected, as would many fellow senators, I would hope.

Justifications for the second issue

In their report on Professor of Practice, the subcommittee recommended that the position not exist at SOU. When I claimed that this recommendation was out of their purview, I was informed that their charge differed from that of the constitution committee. Issue one addresses this aspect.

While I don't find this portion of the work of the subcommittee relevant, I will comment upon it. The subcommittee claimed that senators were ill-informed during the 6/2 vote. The relevancy of this claim aside, I find it misleading. Specifically, the committee claimed that the issue of this being non tenure track was not clear, and new information was found upon reading the AAUP report.

The position has consistently and repeatedly been referred to as a non-tenure track position. It is defined as such in the OAR's.

A non-exhaustive list of quotes about the non tenure track nature of the position are below. Many more are available. There was never a question of tenure that wasn't immediately resolved. These are pulled directly from minutes or transcribed to the best of my ability from senate videos. Several quotes are from members of the subcommittee.

The literature referenced by subcommittee (AAUP.org) was also brought to senate (twice) prior to the forming of subcommittee.

Quotes pertaining to non tenure track nature of position.

- Two most discussed new ranks are Professor of Practice (non-tenured) and Librarian ranks (tenure option). – 2/6/12
- Some institutions have had issues centered around Professor of Practice since it is not a tenure track position. It would be a three-year, extendable contract. It would be possible that a person could be "not renewed" after a year, which would result in a two-year notice of intent to not rehire. – 4/29/13
- PSU faculty members oppose adopting Professor of Practice because it is not tenured and would further reduce the number of tenured faculty at PSU. – 4/29/13
- Marlowe voiced concerned about the possibility of current tenured faculty who qualify for this potentially losing tenure already earned. In the past, no member holding earned tenure had that tenure removed; instead, those on tenure tracks were rerouted. -4/29/13
- PSU is at about 50% tenured faculty and they are worried that implementing the Professor of Practice will increase the number of non-tenured faculty. -5/13/13
- The major con [in adopting the position of Professor of Practice] is that the position would be non tenure track. – 5/13/13

- "Q: This person would not be eligibile for tenure? A: Correct, not eligible for tenure." – 5/5/14
- The assumption at the beginning was that they would move to 3-year extendable contracts upon promotion to Associate's, similar to Instructors being promoted to Senior Instructor. But that depends on how Section 5 gets laid out in the Bylaws. – 6/2/14
- This requires a new and different job description; is it a back-door way to allow substitution of non-tenured for tenured personnel? – 12/1/14
- Q: What is job security if [this position is] not tenure track? A: 3-yr was assumption. – 12/1/14
- We are converting from a 2-class system to a 3-class system where the third class does not have tenure. This implies different expectations regarding academic freedom. See AAUP.org.

Justifications of third issue

I could find no rules pertaining to the use of executive senate in SOU's bylaws, with the exception of a reference to the OAR's. While I am unfamiliar with these documents, I believe 192.660 is the relevant passage. It is included in its entirety below. I have trouble understanding which clause is being used as justification for the two executive sessions discussing professor of practice.

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

(a) To consider the employment of a public officer, employee, staff member or individual agent.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

(c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.

(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

(f) To consider information or records that are exempt by law from public inspection.

(g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

(j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

(k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.

(L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.

(m) To discuss information about review or approval of programs relating to the security of any of the following:

(A) A nuclear-powered thermal power plant or nuclear installation.

(B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.

(C) Generation, storage or conveyance of:

(i) Electricity;

(ii) Gas in liquefied or gaseous form;

(iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

(iv) Petroleum products;

(v) Sewage; or

(vi) Water.

(D) Telecommunication systems, including cellular, wireless or radio systems.

(E) Data transmissions by whatever means provided.

(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

(5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

(a) The filling of a vacancy in an elective office.

(b) The filling of a vacancy on any public committee, commission or other advisory group.

(c) The consideration of general employment policies.

(d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:

(A) The public body has advertised the vacancy;

(B) The public body has adopted regular hiring procedures;

(C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and

(D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

(a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.

(b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172

§6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134; 2007 c.602 §11; 2009 c.792 §32]