ACADEMIC SENATE

UNIVERSITY OF SOUTHERN CALIFORNIA

Meeting of September 26, 2018
McCarthy Honors College, UVF 1100
2:00 - 4:00 p.m.


Absent: M. Frey, L. Grazzette, R. Jubran, A. Wilcox, G. Zada


AGENDA

Yaniv Bar-Cohen, President of the Academic Senate, called the meeting to order at 2:05 pm.

President’s Welcome and Introductions
Bar-Cohen welcomed everyone to the meeting, stating this has been a particularly challenging summer and that he is glad there are so many faculty in attendance at the meeting today to participate in shared governance. He then asked all present to introduce themselves.

Award for Marshall Cohen
Scott Bice, Gould School of Law, presented a Senate award to Marshall Cohen for his dedication and commitment to the university through his work as the chief mediation officer for the past 20 years.

Cohen thanked Marty Levine who helped coach him in this role. He also thanked Scott Bice for being an exemplary Dean.

Dialogue with Provost Quick
Michael Quick, Provost, and Ginger Clark, Assistant Vice Provost for Academic and Faculty Affairs, discussed the Provost’s new policies regarding teaching evaluations.

Bar-Cohen stated he hoped we could would have open discussion today on teaching evaluations, including the role of student evaluations, and that the discussion would be a model for future conversations at the Senate level. Bar-Cohen added that he also hoped that everyone could have a productive conversation by allowing everyone to speak freely without worry about popular opinions or retaliation, by recognizing that multiple stake holders were present (in this case administration and faculty), and by being cognizant of the need to be respectful of one another and of different opinions.
Michael Quick stated this is a great example of shared governance being able to have this conversation together. He welcomed the Senate back and stated that he is looking forward to working with everyone and that he appreciates all the hard work that the Senate is doing during this tough time. He noted that he has spoken with Interim President Wanda Austin, and he is pleased that she is committed to making a difference and supporting this university in our endeavors. He thanked everyone for inviting him and Clark to the meeting.

Quick addressed the importance of the issue of teaching evaluations, as a large number of our faculty are here to teach. Families pay a lot of money to send their children here, and we want to do all we can to provide the best education to our students. We are a research university, but a lot of us would say the biggest impact we have is as teachers, and teaching is why a lot of us became professors.

He then went on to state that USC is working on how we train our teachers. He noted that we are all trained in our practices and research, but not necessarily in how to teach, which must change. He asked us to consider how we reward people for good teaching, and therefore how we evaluate great teaching. Senate and joint Senate/Provost task forces that have worked on this have stated that student evaluations are an important piece of teaching evaluations, but we need to do more than just using student evaluations; we are doing a disservice to our teachers if we are just doing “yelp” reviews of our teachers. Students need to continue to have a voice, but we need to be cautious; student evaluations often correlate with grades they receive. Students are often rewarding “performance,” not always best teaching. There is also starting to be evidence that student evaluations can be biased in regard to gender and race. This is a place where we can show we place great value in teaching. At the same time, we do not want to support systems that are biased. There are a lot of reasons to think about this. He is appreciative of the Senate and of the Task Forces who have done a lot of work on this issue.

Quick acknowledged that there is a lot of frustration right now, and this transition will not be easy. He thanked Ginger Clark who has reached out to many Faculty Councils and has been updating the Senate. The Administration has been trying to carry out the recommendations provided in the Senate and joint Senate/Provost committee reports, and to provide resources for schools and faculty to start thinking about how their disciplines could enhance the teaching evaluation process, in addition to how to best use student evaluations. It was not his intent that the sample evaluations they provided should be considered mandates; they were intended instead as resources that schools could use as they formulate their own evaluations. He believes we are still in the phase of talking, figuring things out, and determining how to move forward.

There are a number of universities who have reached out to us who want to know what we are doing for teaching evaluations, and we are finding out what others are doing too. There is a consortium including Harvard and the University of London that are also working on these issues. We are right on the leading edge of this and trying to figure out the best way forward.

Quick stated that he does think peer review is an important part of this; other professions use peer review to judge competency. Peer observation is different from peer review in that observation may be one part of review. He stated that we need to think about how to best use student evaluations, and he thinks we can work together to make something great. He then gave an example from the Dworak-Peck School of Social Work of a female faculty member that reached out to him with concern that her job was dependent upon student evaluations.
The floor was then opened to questions.

A Senator stated feedback was requested from his school’s faculty and some common concerns were raised. These included (1) logistical concerns about peer reviews being an added duty when time is already short, (2) a peer reviewer or observer only being in the classroom for a short period of time (as opposed to students being with a faculty for 15 weeks), (3) faculty and students not having enough training in evaluations, and (4) the risk of faculty bias in peer evaluations. Lastly, it was suggested that voluntary participation on peer reviews would be a better way of improving teaching, as it indicates a desire to improve; making this mandatory may lose this genuineness.

Another Senator stated that concerns had also been raised by his school’s faculty and chairs. There were concerns amongst RTPC faculty that if we do not also make changes to the tenure process, this will just amount to more hoops for underpaid RTPC faculty to jump through. He further asked how good teaching will be rewarded and stated that a budget may be necessary to encourage good teaching. Both RTPC and tenured faculty had raised concerns about faculty recruitment and academic freedom potentially being impaired (by rubrics that are too restrictive). Questions arose about how and why we are making these differentiations between teachers if what we are trying to do is foster a culture of good teaching by everyone. Lastly, there was a concern reported about poor communication, in that there was a gap between discussions in the Senate/committees and the “jump” to the proposed peer-reviewed process, as things felt sudden and therefore top-down. People are still unclear about whether we are talking about whether the teaching evaluation discussion is related to merit, promotion, reappointment, or something else.

Another Senator posed questions about whether we are talking about a pilot process, whether these new measurements have been validated or are experimenting with them, and whether these new evaluations are a step back.

A Dornsife Chair then read a statement that was signed by all 26 Dornsife Chairs: it stated that teaching evaluations are best when designed by faculty and supported by administrators, requested that the “Center for Excellence in Teaching (CET) mandate” be withdrawn, and that each department devise their own teaching evaluation process.

Ginger Clark, Assistant Vice Provost for Academic and Faculty Affairs, responded to the Chair statement. She clarified that there is no “CET mandate,” and that CET does not have the power to make mandates. She stated schools do need to reassess their teaching evaluations and get them approved by the Provost’s office, but each school can develop their own process. She clarified the process that occurred before trying to implement these new policies: at first they asked each school develop their own teaching evaluation strategic plans (the same model that was used for Diversity, Equity, and Inclusion strategic plans), but the feedback was that schools did not have enough resources to develop their own new evaluation tools so CET created a set of resources/tools for schools to potentially use. They made these documents editable so schools could use them (or not use them at all) in developing their own teaching assessment tools. The same principle of suggested tools/recommendations applies for the teaching institutes that CET offers. At this time, schools have been given the resources/tools and have been asked to develop a plan for teaching evaluations, rewards, and faculty development. She apologized that all of this was not communicated more clearly to the schools; she was able to visit about half the schools’ faculty councils over the recent past, but the intent has always been to turn this over to the schools.
A Senator offered suggestions about the process that was involved because it ties into a larger discussion about governance. He stated it is important to insist that faculty be partners in producing policy. We need to abandon the “broadcasting” mentality and realize the process should be two-way. He appreciated the transparency from the Q&A document that was included in Bar-Cohen’s recent email which included different documents produced by different committees and was helpful in following the development of this effort. He offered 5 suggestions for improving the process, to help people not feel blind-sided:

1. Anything implemented at the Provost level should involve members of the Senate
2. Any committee at the University level should have proportional representation from across the University (e.g., schools)
3. The recommendations from these committees should be delivered to the Senate
4. Any recommended changes from these committees that affect research, teaching, etc. should become the official recommendations; there should be no “gap” between committee work and ultimate policy
5. Any changes to policy should be voted on and approved by the Senate

He finished by stating that we need to commit to improving the process, as this will help people to not feel blindsided.

Another Senator added a few additional concerns. There is the logistical issue of the current year if we are not going to only use student evaluations to evaluate teaching. There is concern about the literature on student bias, and whether there was discussion about its merits. And finally, in many states and districts of education, there has been major overhaul of teaching evaluations with a lot of work and very little proven benefit in teacher performance; we should therefore be careful in looking at outcomes to see if this new system is actually working.

A faculty member stated that teaching evaluations should be aimed at improving teaching and that they had previously advocated for adding peer evaluations to student evaluations. Peer review has already been added as part of the promotion process for all fulltime faculty at Gould. A concern was raised that one of the previous committees on teaching had made recommendations regarding this process (emphasizing the importance of student evaluations), but more recent teaching committee recommendations offered different suggestions (less emphasis on student evaluations), which was the ultimate direction that we are going.

Another faculty member stated that student evaluations are part of our responsibility to look after students’ welfare, as he would want to know if a teacher caused a student to change majors, or what went wrong if many students are getting low grades and/or dropping a class. To separate engagement from teaching effectiveness is the wrong approach. Peer evaluations need to be at arm’s length. He stated this was a breakdown of governance, and noted the CET Director is also an Assistant Vice Provost who sets policy. He stated he has lost confidence in the Provost.

A Senator then stated that he has not lost confidence and trust in the Provost. He is glad much progress has been made in diversity, equity, and inclusion, and that the issue of student evaluations also fits into that effort. There is a lot of evidence that student evaluations are biased, and he has his own anecdotal experience as a person of color. He has experienced bias himself in the classroom, sometimes even based on whether he invited the class to his house or not, and has been financially impacted by biased student evaluations. However, at the same time he has also been applauded by his faculty peers for great teaching. He stated that if we want more people of color on our faculty, we are going to have to make changes that may cause short-term
inconvenience in an effort to be more fair. He then provided an example of faculty of color being 
undermined.

Another senator stated that we are all here for our students, but at no other level aside from the 
collegiate realm are faculty not trained in teaching. We need to be honest about the reality of 
teaching; we can ask if this is going to impact our salaries, promotions, etc., but we should 
welcome opportunities to grow from a collective shared governance perspective. The senator 
stated that we want to model lifelong learning, and the classroom is a 360-degree learning place 
for everyone, meaning we should be open to learning about ourselves as teachers. If we cannot be 
honest with ourselves that we maybe need to change the way we teach, there is something 
wrong; we should all be excited about the ways in which we can improve.

Quick responded to the comments. Many directions in recent years have come from the Senate 
(e.g., diversity, equity, and inclusion initiatives, valuing RTPC faculty and their tracks, and now 
teaching). We do not always get it right; shared governance is hard, but he is very committed to 
working with us to get where we want to be. He thanked the Senate for putting this together, as 
frank discussions are how we get started. President Austin wants us to move forward in research, 
teaching, service, and clinical work; he does not want to lose sight of that and lose momentum. 
There is a lot to do and sort out, but he looks forward to continuing the discussion on teaching and 
anything else we want to talk about.

A clarification was requested about the use of the CET resources/tools not being mandated. Clark 
responded that this is correct: teaching evaluation improvement plans can be determined at the 
school or department level. Quick concurred that there was no specific mandate.

Another clarification was requested about whether schools must turn a plan into the Provost’s 
office. Clark responded that each school must still turn in a teaching excellence plan. Regarding 
teaching evaluations, if the plans differ from what has been released as “best practice” materials 
from CET, they may be fine as long as they provide best practices for that school or discipline. The 
requester asked a follow up question about what to do if best practices for the school are not 
financially viable; Clark replied faculty need to work with their deans to find a viable plan.

Report from Office of Equity and Diversity

Gretchen Dahlinger Means, Executive Director, Equity and Diversity, and Title IX Coordinator, and 
John Jividen, Director, Equity and Diversity, provided an update.

Bar-Cohen stated the Senate invited them to come today to give an update on processes at the 
Office of Equity and Diversity (OED).

Dahlinger Means opened by stating there is movement at a national and state levels, and here at 
USC, in the field of protected-class conduct (e.g., sex, gender, race, ethnicity, disability, religion). 
USC has adapted to this changing environment. In 2014 the Office of Equity and Diversity (OED) 
had 4 investigators, and Title IX had 1; by the end of this year OED will have 10, and Title IX will 
have 4. They have also increased their hiring standards, hiring lawyer and trained investigators. 
OED and Title IX do the same type of work; OED handles investigations when faculty or staff are 
the alleged offender, and Title IX handles cases with student alleged offenders. OED and Title IX 
have different staffs, but in recent years these offices have grown more and more similar.

Traditionally in investigations, information was not shared or attributed, and very little went back
to the accused, reporting party, or working environment. This is changing now, in industry too.

Title IX has always been very process-oriented; due process points are very public, and there are opportunities for each side to ask questions to each other. The process is transparent.

In the last couple of years, there has been “Title IX creep,” as alleged faculty and staff offenders have been asking to have more information, as is available by law in Title IX cases, in order to be able to defend themselves. The Office of Civil Rights (OCR) is also adopting many of these transparency pieces that we have had in our policies for the past couple of years.

At any time, 1/4 to 1/3 of the cases OED is investigating are Title IX cases. OED has incorporated due process points that they felt were owed to faculty into the Faculty handbook. At the same time, the #MeToo movement and other movements have increased scrutiny of outcomes and procedures (what we are doing and if we are doing it right). Their office has been working on this for the past couple of years.

Jividen then stated that in 2018 OED received a directive from then President Nikias to provide both parties all the same evidence and as much of it as possible. This was after faculty grievance committees sided with accused faculty who were asking to receive as much evidence as possible. After that, the OED process has become much more transparent; they now provide both parties with a letter that notify them about the scope of the investigation, the nature of the allegations, who they are investigating, etc. The alleged offender is allowed one advocate (who is often a lawyer) to provide the alleged offender with guidance throughout the process. Each party is given a list of all the witnesses who have been interviewed.

During the evidence-review phase of investigation, OED also offers both sides an opportunity to review the evidence in the file, has made the file documents more available, and allows both sides to ask questions. At the end of the investigation, they send letters again (and also CC the Provost’s office and dean of the school).

These investigations are now taking 3-6 months using this new process, but the seriousness of the potential repercussions provides us with good reasons to make sure that we are providing both parties with due process that will be survive scrutiny. They are also giving involved schools status updates on a monthly basis to keep them abreast of what is happening. This is a totally revamped process, and they are getting good feedback from people and administrators.

Lastly, now that their investigations are more open, they have also taken steps to prevent any retaliation against any involved witnesses or parties. They asked both parties and witnesses what retaliation would look like to them and are trying to every step to prevent retaliation.

The floor was opened for questions.

A Senator stated that he likes the added due process. It is important to take the victim’s story seriously, but also important to give due process to the accused, which may not have been happening previously. He thanked Dahlinger Means and Jividen.

Dahlinger Means added that the new additional evidence-review process has helped clarify things when the outcome of the investigation was not what the claimant or accused expected. She stated their obligation and fiduciary duty is to the evidence as they find it.
Another Senator asked when the letters come out in the process. In the past, some people have given testimony and then have not heard back. Jividen replied that they try to inform the accused as early as possible about the nature of the allegations and the scope of the investigation, but that sometimes to preserve the integrity of the investigation, there is some delay while they interview witnesses. They may need to do more interviews before they are able to accurately inform the accused about the nature of the charges. They also always caution witnesses to keep their discussions confidential if possible, but this does not always happen. If they have not collected all relevant information, then they cannot tell that person what they are accused of and the scope.

Another Senator then asked if there is a responsibility to inform the others who work in the same environment about the nature of an investigation. Dahlinger Means replied that if there is someone who presents a threat to the environment (e.g., by their actions, retaliation, discouraging reporting, etc.), the OED or Title IX office will bring that fact to the Provost’s office. Then, the Provost, in consultation with the faculty president if the person is faculty, decides whether protective measures, such as temporarily removing the individual from the community, are necessary until the full investigation is complete. However, there are employment-law rules that may restrict what can be done: warnings cannot be put out about people preemptively. OED and Title IX are always trying to balance all these rights and responsibilities, and they want to do it better. They were recently reorganized under the Office of Professionalism and Ethics (OPE), and they are hoping that along with this reorganization will come more support.

The Senator followed-up with a question about whether they can issue an anonymized general report of statistics. Dahlinger Means noted that Stanford produces this kind of an anonymous report that lists the types of cases and the constituencies of the parties (e.g., this many cases against faculty, this many cases brought by students, this many cases brought by race). USC knows that we need to produce a similar report, and now that we have one structure under OPE, we can hopefully collect all of the involved data and produce this kind of report.

Another Senator asked if there are counseling resources for teaching someone how not to retaliate. Jividen replied that OED/Title IX currently counsels parties about the non-retaliation policy, and often the parties will ask questions about exactly where the line of retaliation vs. teaching, management, etc. is. They talk about what retaliation looks like in general (interfering with someone’s work or learning), and they also bring in what the other individual has said retaliation would look like to them.

A question was asked if staff get the same rights and due process as faculty. Dahlinger Means replied yes, they do.

Another question was asked about whether the Office of Conduct, Accountability, and Professionalism exists. Dahlinger Means replied yes; this office exists and is designed to investigate misconduct or harassment not associated with a protected class. It is up and running, and will increase in size to 3 staff on UPC and 3 staff on HSC soon. This office is trying to put in place a process that will allow them to intervene at the ground level by putting people on notice that certain kinds of behavior that may have previously been tolerated are now no longer acceptable.

A Senator asked a question about how we are making sure we are not working in siloes, despite a lot of ground work being done. Dahlinger Means asked the Senator to email her about this since
there was insufficient time left in the meeting.

A faculty member asked if we use a preponderance of evidence standard, and if so, if we could change it. Dahlinger Means replied that we do apply a preponderance standard throughout the school units (SJACS, OED, and Title IX), and that if we do change it, we would have to change in all units. Changing it would be difficult and would raise larger issues, but this is a discussion we could have.

**Approval of May Senate meeting draft minutes**

Ashley Uyeshiro Simon, Secretary General from Chan/Ostrow, presented the May 9th draft minutes for discussion and approval.

_Sharoni Little, Marshall, moved to approve the minutes; P.T. McNiff, Dornsife, seconded; 16 in favor; 0 opposed; 12 abstentions._

**Approval of May 23 special Senate meeting draft minutes**

Uyeshiro Simon presented the May 23rd draft minutes for discussion and approval.

Lines 48-50 were stated to not be clearly accurate as drafted and were viewed as not essential to the Max Nikias discussion. The minutes would therefore be voted on with those lines deleted.

_Sofia Gruskin, Executive Board Member-at-Large from Keck/Gould, motioned to approve the minutes as amended; Rebecca Lonergan, Academic Vice President of the Senate, seconded; 20 in favor; 0 opposed; 8 abstentions._

**Adjournment**

Meeting was adjourned at 4:09 pm.

Respectfully submitted,

Ashley Uyeshiro Simon

Secretary General of the Academic Senate