



UNIVERSITY OF WISCONSIN
PLATTEVILLE
SCHOOL OF AGRICULTURE

Date: April 15, 2014
To: Dennis Shields, Chancellor
From: Appeals Commission Subcommittee for Lorne Gibson Hearing
CC: Lorne Gibson, Assistant Professor
Mittie Den Herder, Provost
Elizabeth Throop, Dean of the College of Liberal Arts and Education
Michael Dalecki, Criminal Justice Department Chair
✓ Cheryl Banachowski-Fuller, Criminal Justice DRB Chair
Re: Decision on Lorne Gibson case

On March 24, 2014, the subcommittee of the Appeals Commission met to hear Dr. Lorne Gibson's appeal against the Criminal Justice Department Review Board (DRB). On April 1, 2014 the subcommittee met to deliberate this appeal.

The primary basis for Dr. Gibson's appeal was that the current department chair for Criminal Justice was put in place in violation of the Handbook. Dr. Gibson also asserted that the makeup of the DRB changed abruptly as a result of the change in leadership.

The DRB alleged that the rankings for Dr. Gibson's student evaluations and his scholarly activities were appropriately scored low and did not warrant retaining him.

The Appeals Commission subcommittee dismissed the manner in which the current interim chair of the Criminal Justice department was put in place. Right or wrong, this procedure does not fall under the responsibility of the Appeals Commission. The responsibilities of the Appeals Commission are described as "Hears any faculty member's appeal of a decision not to renew a probationary member's appointment, or to deny tenure at the completion of the maximum probationary period, made by a Department Review Body, the tenured members of a department or its functional equivalent, or a College RST Committee, according to the appeal procedure set forth in the Faculty Bylaws, Part III, Article VIII, Section 3."

The subcommittee reviewed the Criminal Justice Department Review Board procedures of the past four years. The CJ DRB procedures for 2013-14 state, "The department may constitute itself, or some members thereof, as a department review body, providing that the review body shall include at least three tenured faculty members other than the department chair." This policy provided that faculty members on tenure track but not yet tenured be allowed on the DRB. This was apparently changed in the Fall of 2013 with a unilateral decision made by the new interim department chair. DRB procedures are to be voted on by the department. This decision by the new interim department chair violated that procedure.

According to the University Rank, Salary, and Tenure (URST) Procedures, Section 6: Retention, Tenure, Salary and Emeritus Status: Calendar and Checklist - Department Level requires the



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following action to be taken by the middle of January of each year: "Department chair sends a copy of the annual statement (beginning in the second year) from the tenured faculty in the discipline regarding the probationary faculty member's prospects for tenure to the faculty member under review and inserts a copy in the RST file." This action was not taken in the past three years by the Department Chair and the tenured faculty in this department. In an email, Dr. Tom Caywood admitted, "I have looked for the tenure faculty letters to tenure track faculty member [sic] about progress toward tenure. I've checked hard copy files as well as electronic files. I can't find any for Lorne and only found 1 for Aric Dutelle for 2012. So as department chair during that timeframe I dropped the ball on this. It is my fault letters to tenure track faculty were not done. I take full responsibility for this glaring error." Dr. Gibson's DRB evaluations during that time period provided feedback to him that he was making satisfactory progress towards tenure.

Section III.5 of the Criminal Justice 2013-14 procedures states "Tenured Faculty who hold full-time appointments in the department are required to observe probationary faculty members teach a class at least once prior to the probationary faculty member's promotion or tenure vote." Only one faculty observation was included in Dr. Gibson's RST file. This procedure provided some confusion. It appeared that time remained for other observations prior to Dr. Gibson's mandatory tenure year. However, since Dr. Gibson requested consideration for promotion, it appeared that all tenured faculty were obligated to observe Dr. Gibson teach a class. Furthermore, while observations from all tenured faculty are required prior to tenure or non-tenure, it is unclear that the same procedure would apply to non-retention prior to the mandatory tenure year.

According to section II.3 of the Criminal Justice DRB procedures for 2013-14 regarding student evaluations, "Questions 1-10 ... are weighed equally and together count 70% of the overall computation of student evaluations. The COMMENTS section will make up the other 30 percent. The CJ department chair or his designee will summarize written comments noting any prevailing patterns which emerge. Thus, the summary will include a representative sample of student comments. The department chairperson's student evaluations will be summarized by a person designated by the chair." It seemed Dr. Gibson's non-retention was based quite heavily on the subjective assessment of the student comments. This summary was not included in Dr. Gibson's RST file. This missing summary was deemed important by the Appeals subcommittee since Dr. Gibson's numeric scores for the 10 questions were consistent in previous years as with this year.

Section II.4 of the CJ procedures states "After receiving both the statistical portion of student evaluations and a summary of the written comments, the CJ DRB will assess faculty member's teaching effectiveness as part of our peer review process and summarize on Form 1." University policy dictates that peer evaluations be made prior to knowing student evaluations. Section II.4 appears to violate that university policy. In practice, it appears that the CJ DRB made their peer evaluations with the knowledge of student evaluations whether or not they actually reviewed the student evaluations.



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The Appeals Commission subcommittee concluded that the Criminal Justice DRB procedures are confusing and are not being followed. The subcommittee believed that the abrupt change in the constitution of the DRB and practice of enforcing the DRB policy did not provide time for a tenure-track faculty member, who perceived themselves to be on track, to make needed improvements to remain on track to be tenured. The Appeals Commission subcommittee therefore unanimously recommends retention for Dr. Lorne Gibson for the 2015-16 academic year. We recommend mentoring for improvements needed to make satisfactory progress towards tenure, peer evaluations as required by the DRB procedures, formal feedback from tenured faculty regarding progress towards tenure, and reevaluation of Dr. Gibson this year and next year.

It is unclear what the next steps should be. In an email, Tom Stafford of System Legal wrote, "You could send this back to the DRB for reconsideration, but my sense is that you feel (probably correctly) that since they split 2-2 on this initially and on reconsideration, that would serve no useful purpose. The chancellor is the final decision-maker, so it seems best to send this recommendation to him as you planned for his consideration and decision. The last sentence in Article VIII, Section 1(b) also suggests this should go to the chancellor as the 'court of last appeal.'" Therefore, the decision of the Appeals Commission subcommittee is being forwarded to the chancellor and copied to other parties.

This decision of the Appeals Commission subcommittee was deliberated by and unanimously agreed upon by the following:

Mark Zidon

Mark Zidon

Corrine A. Enright

Corrine Enright

Lisa M. Landgraf

Lisa Landgraf

Julia McDonald

Julia McDonald

Balar 4/16/2014

Swaminat Balachandran