

JOURNAL OF THE FACULTY SENATE (Norman campus)

The University of Oklahoma

Regular session -- May 10, 1982 -- 3:00 p.m., Dale Hall 215

The Faculty Senate was called to order by Dr. Gary Thompson, Chair

Present:

Baker(0)	Dunn(0)	Hardy(1)	Lis(0)	Schleifer(0)
Biro(0)	El-Ibiary(3)	Hayes(1)	Love(1)	Self(0)
Brown, H.(0)	Ford(3)	Hebert(0)	Maletz(0)	Sonleitner(0)
Christian(0)	Foster, J.(1)	Hibdon(1)	Menzie(1)	Stock(1)
Christy(3)	Foster, T.(0)	Howard(0)	Moriarity(1)	Thompson(0)
Conner(0)	Gollahalli(0)	Lanning(0)	Murphy(0)	West(0)
Covich(1)	Graves(0)	Levy(0)	Patten(0)	Whitmore(0)
Driver(2)	Gross(0)			

Provost's Office representative: Ray

PSA representatives: Cowen McNeil Powers

Liaison, Women's Caucus: Morgan

UOSA representative: Sevenoaks

Absent:

Brown, S.(0)	Huseman(1)	Lehr, Roland(1)	Ragan, T.(2)	Seaberg(1)
Fishbeck(2)	Kiacz(1)	Locke(2)	Rinear(2)	Smith(2)
Heaston(1)	Lehr, Robert(1)	Ragan, J.(1)	Scharnberg(1)	Wainner(3)
PSA representatives:	Clinkenbeard	Guyer	Little	

(NOTE: The numbers in parentheses indicate the total number of faculty absences during the 1981-82 academic year when 9 regular and 1 special sessions were held.)

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ACTION TAKEN BY PRESIDENT WILLIAM S. BANOWSKY: Faculty Position Paper, Traffic/Parking, Norman campus

On April 27, 1982, President William S. Banowsky acknowledged receipt of the 1982 Faculty Position Paper on traffic and parking, Norman campus, with the following message to Professor Anthony S. Lis, Senate Secretary:

"It was encouraging to note that the conclusions of the Faculty Senate ad hoc Committee studying traffic and parking problems on the Norman campus were generally consistent with goals I have enunciated at various times while addressing our problems.

"I believe that the final report of the consulting firm of Harland Bartholomew and Associates, Inc., will assist us in these efforts."

(Please see pages 22-27 of the Senate Journal for April 12, 1982.)

ACTION TAKEN BY SENATE EXECUTIVE COMMITTEE: Faculty nominations, Committee To Study Discontinuance of the Aviation Department.

In a recent memorandum to the Senate Chair, Provost J. R. Morris requested Senate nominations for the prescribed committee to study the proposed discontinuance of the Aviation Department on this campus.

To meet the early deadline set by the Provost, the Senate Executive Committee, on behalf of the Senate, submitted the following faculty nominations on May 3:

Betty L. Atkinson (Physics/Astronomy)
 Harry Benham (Economics)
 Michael Buchwald (Drama)
 Richard Kuhlman (Environmental Design)
 Marion C. Phillips (Management)
 Leonard Rubin (Mathematics)
 Fred Silberstein (Sociology)
 Bart Turkington (AMNE)

REPORT OF SENATE EXECUTIVE COMMITTEE

Professor Gary Thompson, Senate Chair, reported on the following activities of the Senate Executive Committee:

1. Executive Committee meeting with Provost J. R. Morris: At the May 6 meeting with Provost J. R. Morris, the Senate Executive Committee discussed the following items:

✓(a) Report of Senate Committee on General Education: In commenting on the report of the Senate ad hoc Committee on General Education approved by the Senate at its May 3 special session, Provost Morris indicated that he intends to refer that Committee report to each college on campus with the stipulation that an appropriate committee be formed to implement either that report of a general education curriculum. (Please see pages 4-6 and 13-29 of the Senate Journal for the special session on May 3, 1982.)

(b) University policy on student withdrawals. The Student Congress has recently approved an alternate proposal for revising the University policy on student withdrawals (W/F grades). (Please

Provost Morris indicated that he plans to refer that communication to the Deans Council, perhaps not until the fall semester.

(c) Proposed Honors College: On January 26, 1982, Provost J. R. Morris forwarded to the deans and the faculty members of the Honors College Committee copies of his proposal for an honors college. On March 8, copies were also furnished to the members of the Senate Executive Committee. A copy is available in the Senate office (OMU 242; 5-6789) for faculty perusal and review.

At one point in his memorandum, Provost Morris made the following comment:

"The proposed Honors College is a package of three important concerns: the development of a comprehensive, 4-year merit scholarship program; the enhancement of special course offerings; and the focusing of administrative effort on the education of the highly talented student."

Provost Morris has recently referred this proposal to the Academic Program Council for its reactions and suggestions.

2. Proposed Senate/UOSA Committee to study examination makeup policies: The Student Congress, on February 23, approved a resolution calling for the establishment of a joint Faculty Senate/UOSA committee composed of four students and four faculty members to "investigate the policies, penalties, and procedures for the makeup of exams, tests, quizzes and class work."

Mr. Bill Stanhope, author of that resolution, and Ms. Beth Garrett discussed this matter with the Senate Executive Committee on March 30, 1982.

In his memorandum of April 21 to Mr. Monte Wilson, Chair of the Student Congress Academic Affairs Committee, Dr. Gary Thompson, Senate Chair, confirmed the commitment to appoint four faculty members from four separate colleges to that Committee next fall with the following additional comments:

 "The Senate Executive Committee recognizes the full rights of University instructors to the long tradition of academic freedom guaranteeing each instructor the right to establish all rules of content, conduct, and procedure in the classroom. We also feel that guidelines for excused absences might be helpful in alleviating difficulties that may seem to have arisen.

"In my opinion, this joint committee should be charged to

"(1) Consider the need for a guidelines statement that recommends that instructors not penalize students who miss exams for valid reasons.

(2) If such guidelines are thought to be needed, recommend an appropriate policy statement.

(3) Consult with Associate Provost Joseph Ray concerning the possibility of having such a statement published in the Faculty Handbook."

Provost Morris supports the creation of this Committee and feels that this matter has become a problem on this campus and needs to be discussed.

3. Employment Assistance Task Force: Professor Thompson, Senate Chair and member of the University Task Force on Employment Assistance, reported that the deliberations of that group are continuing. The Task Force, which is composed of faculty, staff, and administration representatives, is looking at the problem of "how the University can respond in cases in which individual faculty and staff members have difficulties." Practically all large institutions have some type of employee assistance program.

Professor Thompson expressed the hope that the final report of that Committee will result in the establishment of an effective support system for the several thousand faculty and staff members at this University.

4. Policy on use of University facilities: The Senate Executive Committee has been pursuing this problem "with interest and vigor," according to Professor Thompson, Senate Chair.

Professor Foster, Chair-elect, volunteered to collect faculty reactions and suggestions about the policy statement issued by Vice President Jack Stout after the campus disturbance several weeks ago. On April 30, she submitted an eight-page report to the members of the Facilities Use Review Committee, whose membership includes Professor James Hibdon, also a member of the Senate. Copies of that report were also sent to President William S. Banowsky, Provost J. R. Morris, Vice President Gerald Turner, Vice President Jack Stout, and Professor Gary Thompson, Senate Chair.

Professor Hibdon reported at this Senate meeting that the Committee had held a number of meetings and open hearings. He felt that the Committee could submit its final recommendations as early as the following week. He added, "At present, there is no meeting of the minds."

Professor Thompson then reported on the lengthy conference that he and Professors Anthony Lis, Richard Wells, and David Levy recently had with Vice President Gerald Turner. In Professor Thompson's opinion, "The Faculty Senate is applying a great deal of pressure to see that the First Amendment rights are not violated." He concluded with the hope that the administration will regard "with an open mind" any recommendations for significantly modifying the current policy.

(Please see page 4 of the Senate Journal for April 12, 1982.)

5. University admission requirements. Professor Thompson reported that on April 13 he had sent a letter to President William S. Banowsky concerning the "complex" question of raising academic standards across the University, in general, and University admission requirements, in particular. He noted that, as a result of discussions at the Poteau conference in April, faculty governance groups on the Norman and the Stillwater campuses are planning to create appropriate parallel committees to discuss the question of admission requirements. Professor Thompson invited President Banowsky's "participation, leadership, guidance, and advice on this issue."

In acknowledging that letter, President Banowsky addressed the following message to Professor Thompson on April 20:

"The mutual interest of the Faculty Executive Committees from Norman, Oklahoma City, and Stillwater in making a full review of admission practices of the State's comprehensive universities is certainly a worthwhile endeavor. So often the pendulum swings between extremes without a full consideration of the particular standards and goals that are being sought. As long as such deliberations are made with a clear understanding of the political and financial realities, much good can come from them.

"After the heightened activities of the close of the semester diminish, I would be glad to meet with you and any others for a discussion of approaches that might be taken to the goal of encouraging better preparation for students before they reach the comprehensive university."

✓ REPORT OF SENATE COMMITTEE ON FACULTY COMPENSATION

Professor Deirdre Hardy, Committee Chair, thanked the members of the Committee for their support and efforts during the past academic year.

She next reported that the Faculty Salary Review Committee had spent over 60 hours on the task of auditing faculty salaries. The group recommended adjustments in the salaries of ten faculty members. In her view, the summary evaluation form that goes into effect next year should obviate the need for a faculty salary audit committee next year. She urged members of the Senate, as well as all other faculty members, to be sure to review the evaluation form with their respective chairs before signing them. Salary adjustments will be based on these forms.

REDESIGNATION OF PHYSICAL RESOURCES/CAMPUS PLANNING COUNCIL (Norman)

Background information: Last year, the Senate recommended changing the designation of the Administrative and Physical Resources Council to the Physical Resources and Campus Planning Council (Norman). (Please see page 2 of the Senate Journal for May 4, 1981.)

Subsequently, that Council has recommended to the Executive Committee of the Senate that its designation be changed to "Campus Planning Council (Norman)."

At a recent meeting, the Senate Executive Committee approved that recommendation.

Senate action: Professor Thompson, Senate Chair, presented the recommendation of the Senate Executive Committee that the Physical Resources and Campus Planning Council (Norman) be changed to "Campus Planning Council (Norman)."

Without further discussion and with one dissenting vote, the Senate approved the proposed redesignation of that Council.

✓ SENATE RESOLUTION: Tax sheltering of OTRS contributions.

Professor Stephen Whitmore, Chair of the Senate Committee on Faculty Welfare, moved approval of the following self-explanatory resolution concerning the previously approved Senate proposal for tax sheltering OTRS contributions. (Please see page 2 of the Senate Journal for May 4, 1981.)

WHEREAS the Faculty Senates at the Health Sciences Center and on the Norman campus of the University of Oklahoma in the spring of 1981 did recommend to the University administration that the faculties on both campuses be given the option of tax sheltering their monthly contributions to the Oklahoma Teacher Retirement System,

WHEREAS the appropriate Senate committees on both campuses, as well as the University Employment Benefits Committee, also recommend approval of this proposal last year,

WHEREAS at this time twelve state institutions of higher learning in Oklahoma already have varying types of such a tax-sheltering program for their faculties,

WHEREAS the faculties on both campuses are increasingly concerned over the long delay in reaching a decision in this matter of great interest to the majority of faculty members,

BE IT THEREFORE RESOLVED THAT the Faculty Senates at the Health Sciences Center and the Norman campus of the University of Oklahoma urge the University administration to take prompt, favorable action to implement the proposed program.

Without dissent, the Senate approved that resolution.

(Secretary's note: On May 20, 1982, that resolution was also approved by the Faculty Senate, Health Sciences Center. This joint action was reported to President William S. Banowsky on May 25, 1982.)

PROPOSED REVISION: University policy on student withdrawals.

On April 12, 1982, the Senate approved a proposal to revise the University policy on student withdrawals. Mr. Bill Sevenoaks, a member of the Student Congress and the newly appointed UOSA representative to the Faculty Senate, addressed the Senate at that time with a plea that the question be tabled. (Please also see page of this Journal.)

At this meeting of the Senate, Mr. Sevenoaks reported on subsequent developments in this matter, including a meeting of a UOSA delegation with Provost J. R. Morris.

On May 4, the Student Congress passed its own resolution that was forwarded to the University administration and that recommends the following policy:

- "A. Weeks 1-2: Free withdrawal, no grade posted.
- B. Weeks 3-4: All withdrawals receive "W".

- C. Weeks 4-8: All withdrawals receive "W" or "WF". If grade cannot be calculated, a "W" shall be given.
- D. After 8 weeks, withdrawal permitted only in extenuating circumstances and only by direct petition to the Dean of the College in which the student is enrolled. It is recommended but not required that the student consult the instructor before petitioning the Dean.
- E. "W" as a final grade will no longer be permitted."

In Mr. Sevenoaks' words, "We have a little mixture of the Provost's recommendations, the Faculty Senate recommendations, and our own recommendations. The administration will come forward with a decision based on both proposals. The sad part is that the UOSA and the Faculty Senate could not work together--we have two proposals instead of a single proposal. This clearly hurts the credibility of both bodies. Both bodies will be unhappy whatever happens subsequently." He concluded with a renewed plea for both groups to work together.

(Secretary's note: During the past academic year, several oral and written requests have been made to the UOSA President, without success, for the selection of the five authorized student representatives to the Senate. Mr. Sevenoaks, appointed by the incoming UOSA President, was present at his initial meeting with the Senate on April 12, 1982.)

(Please see page 2 of this Journal.)

PROPOSED SENATE/OCCE ad hoc LIAISON COMMITTEE

Background information: On March 15, the Senate tabled the report of the joint Budget Council/Faculty Senate ad hoc Committee on Continuing Education and Public Service, "until such time as the Committee can provide additional, specific information concerning OCCE programs and finances." (Please see pages 5-7 of the Senate Journal for March 15, 1982.)

Senate action: Professor Ted Hebert, Co-chair of the above ad hoc Committee, first made the following basic statement on behalf of that group:

"Continuing Education and Public Service (CE&PS) should be a well-integrated component of the total University of Oklahoma.

"This being true, it is important for the faculty to become better informed about the various programs and activities of the Oklahoma Center for Continuing Education and to assure that these contributed to the accomplishment of the total mission of this University."

Accordingly, he next moved that the Faculty Senate create an ad hoc Liaison Committee on Continuing Education and Public Service for the academic year, 1982-83, to undertake the following tasks:

- (1) Examine and report to the Faculty Senate the nature and extent of Continuing Education and Public Service activities at the University of Oklahoma and comparable universities in this region.
- (2) Assess and report to the Senate the budgetary impacts of present programs of continuing education and public service at the University of Oklahoma.

(3) Submit to the Senate its recommendations concerning future funding of the continuing education and public service function.

(4) Consider the creation of a permanent council or committee to assure appropriate participation of faculty, students, and staff in matters concerning continuing education and public service and recommend to the Senate a structure and a charge for any such group.

The committee should be composed of five members of the General Faculty, who will be joined by four non-voting members representing the staff of the Oklahoma Center for Continuing Education.

The Committee should consist of five members of the General Faculty and four non-voting members representing the staff of the Oklahoma Center for Continuing Education.

In Professor Howard's opinion, the fourth item seems to be "premature." Professor Hebert, in response, commented that the item is offered as a suggestion and not a requirement.

In a voice vote without dissent, the Senate approved the motion.

FINAL REPORT: Senate Committee on Student Evaluation of Faculty.

Background information: On April 12, the Senate tabled until this meeting its consideration of the final report of the ad hoc Committee on Student Evaluation of Faculty. (Please see page 28 of the Senate Journal for April 12, 1982.)

In advance of this meeting, copies of the May 3, 1982, minority report prepared by Professor David Gross were distributed to Senate members.

At this meeting, copies were distributed of Professor George Murphy's May 7 response to the minority report.

Senate action: Professor Marvin Baker moved that the question be removed from the table. The Senate approved the motion without dissent.

Professor Thompson called attention to the fact that two separate reports had been submitted by the Committee--(1) the detailed resources report and (2) the Faculty Position Paper that includes six recommendations.

He next called on Professor George Murphy, Committee Chair, who summarized the historical and analytical aspects of the 48-page report. Subsequently, he moved Senate acceptance of the report.

Professor Stock questioned the number (18) of questionnaires returned in the process of the Committee's solicitation of faculty input. Professor Murphy responded with the statement that the solicitation came in the format of a memorandum and that the responses were "not returned questionnaires but rather individual in-depth analyses of faculty experiences."

Professor Gross questioned the validity of the solicitation memorandum (page 13) in view of the following question contained therein: "Do serious abuses of the system exist, on this campus?" He also noted that page 23 contains a comment about forty percent of the respondents.

Professor Schleifer called attention to the statement on page 23 that "student responses were a measure of popularity rather than teaching performance." In his view, most popular teachers are also the best teachers.

Professor Thompson at this point noted that the Committee submitted its report as requested and that Senate acceptance would not indicate either approval or rejection of the report itself.

With one dissenting vote, the Senate accepted the resources report.

Professor Murphy next moved approval of the Faculty Position Paper submitted by the Committee on Student-Faculty Evaluation.

Professor Gross next summarized his minority report. In his opinion, abolishing the SFE program not only would be a step backward but also would devalue the significance of teaching in merit raises, promotions, and tenure considerations. He moved that the report be amended as follows:

Recommendation 2:

Delete: "That anonymous mid-term student input instruments be employed in each course for the purpose of instructional improvement, with responses returned to the instructor only."

Substitute: "That carefully designed instruments for student evaluation of faculty be employed in each course for the purpose of instructional improvement and as a component in the evaluation of faculty teaching, for use in decisions regarding salary, tenure, and promotion."

Professor Covich expressed the view that research is not any more quantitative than teaching. He feels that evaluation of teaching is an important component and requires a considerable amount of consensus "before we can come up with something that we can all agree on."

Professor Baker, a member of the Committee expressed regrets that Professor Gross had not shared his minority report with the Committee. In his opinion, "the Committee had a very difficult task and did a pretty good job on its majority report." Besides considering the faculty responses to Professor Murphy's solicitation, the Committee heard 12 or 13 speakers who addressed these issues. He urged acceptance of the report.

Professor Love spoke in favor of the proposed amendment and stressed the need for retaining anonymity in evaluations. "I cannot see that the amendment will destroy the very good and extensive work of the Committee. The question, however, is a difficult one."

Professor Thompson commented that there is considerable concern and interest.

Professor Thompson commented that the various reactions indicate that there is considerable faculty concern and interest.

Professor Biro characterized himself as "being in difficulty." The majority report presents a concern about the use of student evaluations as the sole measure of teaching quality; the minority report shares that concern also. Committee members apparently would not object to the sentiments expressed in the minority report. He asked, "Where does that lead us?" "There has to be a way of putting these two together to meet both concerns. It looks to me as if the Committee has not done its job yet." In conclusion, he urged others not to vote for either the original (majority) report or the minority report.

Professor Murphy rejected the thought of postponing final action on the position paper. In his opinion, such action "essentially would mean that the Committee has not done anything."

Professor Murphy then proposed a change in Recommendation 6 of the position paper. In view of the fact that some of the members of the Committee will be on sabbatical next year and that UOSA representation on the Committee is being discussed, he proposed changing the phrase "present Senate ad hoc Committee" to "a Senate ad hoc Committee." Professor Gross raised no objection to the proposed revision in the language. No objections were raised from the floor.

Professor West next moved that this question be tabled because, in his view, "there was a need for a combined resolution that we can all agree on." The tabling motion was defeated in a 15 to 19 tally.

Professor John Foster felt that the Senate needs to address this issue much more broadly and substantively than just attacking the SFE. "There is general frustration not from the idea that some reform is made in the evaluation process but that people are left in a dark vacuum. The easiest target of opportunity is the SFE. When I don't know what I am being evaluated on, I become scared and I will attack."

Professor Driver urged that SFE not be excluded from any evaluation program. "We cannot ignore student input into the evaluation process. I agree with the majority report as long as we don't ignore the student input."

Professor El-Ibiary "found plenty of common ground in both reports." He expressed the opinion that the issue must be studied carefully and that perhaps a new committee should be appointed "to avoid squabbles."

Professor Dee Fink, Office of the Vice Provost for Instructional Affairs, appeared before the Senate to express his views and reactions concerning the Committee reports. At the outset, he commented, "I cannot imagine a good evaluation system without SFE." He expressed the hope that the Senate would encourage academic units to use additional measures for evaluating teaching. He commented favorably on several items and added that, if changes could be made, he would be very "supportive."

Professor Gross took exception to Professor Murphy's remark that the amendment would, in effect, "put us back to where we were in the

past." He noted that his minority report strongly suggests that SFE should be used in conjunction with other items. "We should continue to use them for both instructional and evaluation processes."

Subsequently, the faculty rejected the proposed amendment in a tally of 15 to 19.

The faculty next accepted the majority report (position paper) with 19 affirmative and 14 negative votes being cast.

(Please see the following pages for the documents listed below:

- (1) pp. 13-44--Committee resources report,
- (2) pp. 45-46--Faculty position paper (majority report),
- (3) pp. 47-49--Minority report,
- (4) pp. 50-52--Response to minority report.)

ELECTION OF SENATE CHAIR-ELECT, 1982-83

Professor Robert Ford (Finance) was elected by acclamation to serve as the Chair-elect, Faculty Senate, for the academic year, 1982-83.

RE-ELECTION OF SENATE SECRETARY, 1982-83

Professor Anthony S. Lis (Business Administration) was re-elected by acclamation to his fourteenth consecutive term as Senate Secretary for the academic year, 1982-83.

RESOLUTION OF APPRECIATION: Outgoing Senate Chair.

Professor John Biro next presented the following resolution of Senate appreciation to Professor Gary L. Thompson for his service as the Senate Chair-elect, 1980-81, and the Senate Chair, 1981-82.

RESOLUTION OF APPRECIATION

WHEREAS Dr. Gary Thompson, Associate Professor of Geography, has served the Faculty Senate on the Norman campus of the University of Oklahoma for five consecutive years-- as a representative of the College of Arts and Sciences (1977-80), as its Chair-Elect (1980-81), and as its Chair (1981-82),

WHEREAS Professor Thompson, during his term as Senate Chair, was a dynamic, articulate, and effective leader and spokesperson of both the General Faculty and the Faculty Senate,

WHEREAS Professor Thompson was eminently successful in his untiring efforts to maintain and enhance a harmonious and productive relationship, based on mutual respect and trust, between the faculty and the University administration, as well as the University Board of Regents,

WHEREAS Professor Thompson exemplified, in both word and deed, the high aspirations of an effective and responsible faculty governance system on this campus,

WHEREAS Professor Thompson has remained dedicated to the task of promoting a more favorable rapport among the various segments of the University community of this campus -- i.e., the administration, the faculty, the staff, and the student body,

WHEREAS Professor Thompson has fostered the mutually beneficial relationship existing among the faculty governance leaders on this campus, at the Health Sciences Center, and on the Stillwater campus of Oklahoma State University,

BE IT THEREFORE RESOLVED THAT the Faculty Senate on the Norman campus of the University of Oklahoma hereby express its sincerest appreciation and gratitude to Professor Gary Thompson for his many noteworthy contributions to the effectiveness of faculty governance on this campus.

The Senate approved the resolution by acclamation.

ADJOURNMENT

The Faculty Senate adjourned at 5:45 p.m. The next regular session of the Senate is scheduled for Monday, September 20, 1982, at 3:30 p.m., in Dale Hall 218.

The Senate will, however, meet in special session on Monday, June 28, 1982, at 3:00 p.m., in Adams Hall 104.

Respectfully submitted,



Anthony S. Lis
Professor of
Business Administration
Secretary, Faculty Senate

March 31, 1982

STUDENT-FACULTY EVALUATION AT THE UNIVERSITY OF OKLAHOMA
(Norman campus)

A Resources Report Prepared by the Report Subcommittee of
the Faculty Senate Committee on Student-Faculty Evaluation

Marvin Baker
Alan Covich
H. Wayland Cummings
George W. Murphy, Chair

Maggie Hayes
Dan Kiacz
Tillman J. Ragan

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This report contains the detailed results of an intensive Committee review of Student-Faculty Evaluation during its 9 years of mandated campus-wide use. It contains no recommendations but is the basis for recommendations issued in a separate brief report.

I. Historical Background of SFE at the University of Oklahoma.

In October 1971 the Provost asked the Chairman of the Senate to initiate Senate action on the question of student-faculty evaluation (SFE). There was at that time both a nation-wide movement toward "accountability" in higher education and continuing Vietnam era student activism. The Chairman referred the matter to the Committee on Teaching and Research for study and subsequent recommendation (1). The extent of the Committee's investigation was a solicitation of commercially available SFE rating forms from the Educational Testing Service and a survey of deans' current practice in teacher evaluation. In January 1972 the Committee Chairman recommended to the Senate the implementation of a University-wide program of course content and instructional evaluation (2). After considerable discussion the resolution was sent back to the Committee for changes. At the February meeting (3) the Senate was informed of activities in Student Government to develop a faculty evaluation program for the information of students to be published in booklet form. This motivated the Senate to "get something on the books". The Committee was now ready with its revised resolution, the proposed evaluation program to be kept separate from that of the students. The report finally approved by the Senate reads as follows:

"The Senate Committee on Teaching and Research recommends that the Senate adopt a resolution favoring the implementation of a University-wide program of instructional evaluation. This program should be a continuing one, should be mandatory for all instructional programs in the University, and should include evaluation by students. The Committee believes that the responsibility for implementation of such a program should rest at the college level. Toward this end, the Senate should urge each college to establish a committee which will have representation from the faculty and student body of the college and which will have responsibility for developing and implementing an evaluation program most suitable to the college's instructional activities.

"In reviewing reports of evaluation programs of other universities it was noted repeatedly that, although there are few really objective criteria for teaching effectiveness, concern for effective teaching comes into prominence at all levels as departments, colleges, and universities examine their criteria for good teaching, their procedures for reviewing it, and their stated expectation with regard to faculty performance. The fundamental importance of evaluation is to provide a feedback to the instructor on his work. In this way, the evaluation takes on a constructive role in improving teaching. In a secondary role, evaluation is necessary if we hope to be able to give appropriate recognition to quality of instruction."

The revised resolution reflects the following changes from the original draft:

1. There is no longer a reference to "course content".
2. Wording had been changed to include the phrase "and should include evaluation by students"

3. The following phrase was deleted: "instructional evaluations should be reported to departmental chairmen and deans and be made available to departmental review committees."

4. Also deleted was the recommendation of "a centralized agency to assist the colleges in these endeavors."

Item 2 was to contribute to the subsequent exclusion of other mandatory means of evaluation than SFE except in a few departments. The original intent of a comprehensive evaluation program has not been accomplished.

The resolution probably would not have passed if (3) had been retained; yet the revised resolution did not prohibit deans from electing administrative use of evaluation results, and some did so.

On March 8, 1972 the Provost addressed the following memo to Deans (4):

"On March 4, 1972, President Sharp approved the teacher-evaluation recommendation approved by the University Senate on February 14, 1972 . . .

"You will note that the policy urges that each college establish a committee 'that will have representation from the faculty and student body of the college and that will have the responsibility for developing and implementing an evaluation program most suitable to the college's instructional activities.'

"I join the Senate in urging the establishment of the committee and the implementation of the program. I would appreciate receiving word from you about the action your college will take. Assuming that your college will wish to establish a committee, please let me know the names of those faculty members whom you expect to appoint to the committee and the number of students from the college whom you wish the Student Association to appoint to the committee. I would like to have this information as soon as possible, since I assume that President Sharp will wish me to provide him and the Senate with specific information before the end of the semester.

"Assuming that the committee can be established in time, I urge it to do all it can to see that an evaluation program suitable to the college's instructional activity is developed and a plan for its implementation formulated in time to be used in the fall."

The resolution was entered into the Regents Policy Manual Dec. 14, 1972. It first appeared in the Faculty Handbook as Sec. 3.29 of the Nov. 1981 edition.

II. Implementation and Evolution of College SFE Systems.

How does a college committee begin to establish an SFE system? Ideally, this would be done by stating what constitutes good teaching, and then trying to devise an instrument that would measure student response against the

agreed upon standard. Then there would be a period of validation to see whether the instrument measured what it was supposed to. There is no evidence that this approach was taken by any of the colleges. A standard of teaching performance is notoriously difficult to pin down, and it is typically ignored.

One widely followed approach is to acquire commercially available rating forms and use them as a basis for developing a form suited to the college's instructional purposes. Producers of commercial rating forms are happy to provide results of their own research studies to prove that the instruments indeed measure teaching performance. Independent studies, whose results can be found in the general professional literature, often contradict such results. Awareness of "in house" research is as far as some college SFE committees get.

Although the Senate resolution's emphasis was on SFE for instructional improvement (only the instructor receiving data), some colleges were quick to turn the instrument into an administrative tool for personnel decisions. The issue of administrative use soon attained dominating importance. Response to an instrument designed only for instructor feedback can safely be collected anonymously. Questions can focus on topics that can be helpful in improving an instructor's lecturing technique, etc., and there is no need for a global question, or most of the others that appear on the usual form intended in for administrative use. In shifting from the instructional feedback to the administrative use form, the anonymity provision is carried over into an entirely different setting. In four colleges the University now systematically collects student evaluations and requires their use in personnel decisions involving salary, promotion and tenure. In Section VII the Committee considers the legal and ethical consequences of this development.

In shifting from the instructional feedback to the administrative use form another problem was created. The typical dual purpose form that evolved has administrative use questions on one side answered by blackening multiple choice circles for computer analysis. On the back are spaces for answering open-ended questions intended originally to be seen only by the instructor as student feedback. That intent has not been honored by many departments. A common student assumption is that written responses on the back of the form will be used by administrators. They see themselves as talking directly to the administrator and telling him how good or bad the instructor is. The instructional feedback function is, therefore, no longer being served.

A third problem in shifting the questionnaire purpose results from failure to furnish the student with explicitly stated objective standards of teaching performance, a provision which seems highly appropriate for an evaluative instrument, but perhaps is an unnecessary appendage for the instructional feedback form. By implication, the student is supposed to produce his own standards in the few minutes available to complete the entire questionnaire. Under such conditions, even conscientious students may respond to the global question on the basis of superficial characteristics. Less conscientious students may ignore the question of generating standards and simply try

by their responses to promote or demote the instructor in the eyes of the Administration.

The absence of stated objective standards of teaching performance combined with the anonymity provision allows students to turn the system into a semester popularity contest having little or no relation to teaching performance.

III. Previous Senate Followup Studies.

In 1975 the Academic Program Council was asked by the Senate "to examine alternative methods of teacher evaluation which go beyond our currently used student evaluation of faculty", and "to prepare recommendations . . . on alternative methods of evaluation for use here at the University." The Senate Chairman informed the Council that "this request is the result of a growing concern among faculty here at the University over the use of student evaluations for decisions on promotion, raises, and tenure rather than as a tool to improve teaching. Several faculty feel there is a need for a systematic, professional evaluation of teaching to complement student evaluation."

The Council's response was a 16-page report that included 53 references (5). The report was accepted at the Nov. 10 meeting, but further action was postponed. The following motion was adopted at the Dec, 8 meeting (6).

"The Faculty Senate recommends that, as a matter of University policy, each academic unit shall adopt a written statement on the procedures it chooses for the evaluation of teachers in that unit. Upon agreement of the budget dean and the Provost, such a statement would then become effective departmental policy, subject to subsequent change by departmental action and agreement by the Dean and the Provost. This policy would enable each unit to fashion its own set of teacher evaluation procedures, suited to its mission and program. The Faculty Senate urges each academic unit to consult the 'Report of the Academic Program Council concerning Methods of Evaluating Teachers' as it prepares its written statement."

A subsequent motion carried specifying the effective date for implementing the proposal as Sept. 1976.

An earlier proposal approved by the Executive Committee carried the sentence "College-level student instructional evaluation and peer evaluation would remain a mandatory part of any such set of procedures, and each department would be obliged to determine what additional methods it chooses to employ." These specifics were deleted in the adopted proposal.

This proposal was not, however, approved by the President, who wrote (7),

"The Senate recommendations on teacher evaluation overlap some of the provisions of the personnel policy revisions . . . and indeed, anticipated some of the changes incorporated in the revisions. I am not approving the December 8, 1975, recommendation for implementation since we are proceeding with implementing the revised personnel policy. The

Provost will very shortly begin working with deans and academic units to develop a campus-wide evaluation policy which should accomplish some of the objectives of the policy proposed by the Senate."

The current (Nov. 1981) edition of the Faculty Handbook states as follows (Sec. 3.11.1 on salary adjustments):

"Each academic unit, with the participation and approval of the dean and the Provost, shall establish and publish specific criteria for evaluating faculty performance in that unit, consistent with overall University evaluation procedures . . ."

Essentially the same language is used in Sec. 3.7.4 and 3.12.1 with respect to tenure and promotion criteria.

In Sec. 3.29 under the heading "Instructional Evaluation", the Senate resolution dealt with in Sec. I of this report is reproduced verbatim. This completes the Faculty Handbook references to teacher evaluation.

In 1976 a joint Senate/UOSA subcommittee was appointed to consider Student-Faculty Evaluation. The following report was approved at the May 2, 1977, Senate meeting (8).

"The Committee met several times to identify and consider issues surrounding student evaluations of faculty. Sources of information used were (1) the diverse experiences of committee members--faculty from three departments in two colleges and students from three classes and majors; (2) a questionnaire sent to all deans that elicited about a fifty per cent response; and (3) survey results provided by the Provost's Office. The following conclusions were reached:

1. Student evaluations of faculty are necessary instruments under current policy but are insufficient, though useful, measures of faculty performance. Weaknesses suggested were:
 - a. evidence of varying degrees of seriousness by students in completing the forms.
 - b. an incomplete perspective on the part of some students who, nevertheless, are conscientious.
 - c. some criticism of specific questions.
2. Despite limitations with respect to the accuracy of results from student faculty evaluations, exaggerated importance is attached to them by both administrators and faculty in matters concerning salary increases, promotion, and tenure, disclaimers to the contrary notwithstanding. Presumably this occurs because of the seeming preciseness of measures which perhaps are better characterized as 'quantification of hearsay evidence', as one person put it."

In the fall of 1979 a Senate ad hoc committee was appointed to consider concerns similar to those expressed in 1975 at the time of the report by the

Academic Program Council. In its brief report dated March 28, 1980, the Committee recommended some cosmetic changes in the system, but failed to come to grips with real SFE problems.

Only the first of the three previous Senate studies (9) have considered the question of SFE validity, i. e., against an accepted objective standard of teaching performance. It states that student ratings have not been demonstrated to be valid. Five years later the same statement was still being made (10). It is safe to conclude that validity is incapable of being demonstrated.

The 1975 charge to the Academic Program Council was phrased in terms of complementing SFE with other methods, thereby precluding a detailed study of SFE itself. The two other studies as well have generally taken the view that, however severe the criticisms of SFE, it is here to stay; the only recourses are to try to improve the forms or to devise other evaluation methods to try to counteract SFE deficiencies. The three previous studies have been ineffective toward both of these aims. Since college SFE committees do not understand the basic deficiencies of the system, changes in the forms have generally been of a cosmetic nature. The adoption by a department of an alternative form of evaluation requires considerable time and effort, and often faculty resistance on fundamental grounds. When this is contrasted with the almost effortless force feeding of college SFE data, it is not surprising that there have been few departmental adoptions of peer evaluation and other alternative methods.

IV. Survey Results.

The Committee has conducted both external and internal surveys to determine current SFE practices at other colleges and universities and within OU at the college and university levels.

Through the courtesy of Professor L. Dee Fink of the Vice Provost's Office of Instructional Services, the Committee conducted a survey of SFE practice in nine major state universities (including OU) in Oklahoma and nearby states. Responses are from representatives of institutions at a conference on instructional development Nov. 6-7, 1981.

Questions asked:

1. Are course evaluations required or voluntary in your institution?
2. Are the instruments used, used as institution-wide, college-wide, or department-wide instruments:
3. How are the results used?
4. If you have been doing course evaluations for some time, has an effort ever been made to validate the instrument?

Results:

Oklahoma State:

1. Required of all classes in fall term.

2. Institutional requirement. Same form, with departmental option to develop their own.
3. Used in varying ways. Usually faculty development, with some impact on salary considerations, extent varies from department to department.
4. Has been attempted--recently revised--still under review.

Iowa State:

1. Voluntary (=strongly urged). Some institutional evaluations by student government.
2. Required by some departments. Individual department forms. Institutional one available.
3. Allegedly in support of promotion/tenure.
4. Yes--many times/many of the different forms involved.

Nebraska (Lincoln):

1. Required.
2. University bylaws requires evaluation of teaching. Different forms, decided by department.
3. Personnel decisions (promotion, tenure, salary). Distinguished teaching award selection.
4. No.

Arkansas:

1. Not done presently.
2. Were required in the past by university.
3. Unknown (possibly as reward in past).
4. Unknown.

Texas (Austin):

1. Voluntary for most faculty.
2. Some colleges require it, e. g., Business. Many require it of TAs. Many "strongly urge" it. There are many different forms.
3. They are used for promotion and tenure decisions by many departments. Probably not used for salary decisions. Are used for some merit decisions and awards.
4. Yes, but the number of forms has expanded so much that all data are out of date now. However, we are now going to explore a new one which will be.

Kansas State:

1. Voluntary at university level.
2. In some departments, some form of evaluation is urged; at others, some particular form is used by everyone in the department by group decision.
3. Teacher improvement; administrative decisions--it depends.
4. Yes (IDEA form has been validated).

Missouri (Columbia):

1. Course evaluations are voluntary.
2. Required by some departments.
3. Use varies by departments. Ranges from use by instructor (Arts and Sciences), by department chair and department executive committee (also Arts and Sciences), by Dean (some professional schools). Use for promotion and tenure uneven but frequent.
4. Do not know about local validation.

Wichita State:

1. Strongly recommended.
2. Varies by department, with at least three different forms in use.
3. As evidence of teaching quality for tenure and promotion purposes.
4. Yes.

In summary, there were half as many universities employing SFE for mandatory administrative use (at least in some colleges) as for voluntary or no use at all. Of the three mandating administrative use, only OU has mandated college administered forms.

Through the courtesy of Professor and Senate Secretary Anthony Lis, the Committee also conducted a survey of SFE practice in Oklahoma state colleges and universities. Respondents were representatives from state institutions attending the fall meeting of the Oklahoma Conference of Faculty Organizations, Ada, OK, Nov. 6, 1981.

Number of institutions represented	18	Institutions responding	
" " " not "	21	East Central University	
" " " responding	9	Northeastern OK State University	
(Last number does not include OU)		Oklahoma State University	
		Univ. of Sciences & Arts of OK	
		Southwestern State University	
		Eastern Oklahoma College	
		Oscar Rose Junior College	
		Cameron University	

Question response summary:

1. Does your institution have a formal system of teacher evaluation as a component in the annual salary review and promotion process:

4 yes 5 no

Comments: "Departmental review"
 "Some departments do"
 "We are evaluated, but it is developmental in nature and not used for salary, etc."
 "No university wide system--some departments may make it a formal component of salary and promotion process."

2. If yes, does it include mandatory student evaluation of teachers?

3 yes 2 no

Comment: "every 5th year, yes"

3. What other components of teacher evaluation are in your system, e.g., peer evaluation?

Comments: "Within departments--made by students"
 "Division review"
 "Varies with departments"
 "Peer, chairperson, academic vice president evaluations. Each faculty member writes a self-evaluation which is reviewed by chair and V.P. for Academic Affairs."
 "Faculty are evaluated by students and immediate supervisor."
 "Administrative-division chairperson-annually"
 "Faculty members are expected to give students opportunity for evaluation. Faculty member, at his option, submits these to chairman. Teacher evaluation as it applies to salary and promotion is a subjective judgment of chairman."
 "Peer evaluation when need arises."

4. If the answer to (2) is no, have you ever had mandatory SFE?

1 yes 1 no

If yes, why was SFE dropped?

"It was deemed invalid."

Again there were half as many colleges employing SFE for mandatory administrative use as for voluntary use.

Although SFE for administrative use has made inroads during the past decade, the general conclusion is reached that it has not been adopted by a majority of institutions, at least in this part of the country.

SURVEY OF OU COLLEGES AND DEPARTMENTS

Following is a summary of responses from OU deans concerning alternative means of evaluating effective teaching in determining merit raises, promotions, and tenure:

Environmental Design: Peer evaluations and a general knowledge of the students' progress, as well as surveys of advanced students, are the major alternative means of evaluation. Individual course evaluations are used by the instructor to improve the particular course. External evaluations, such as visiting teams for accrediting purposes, professional advisory groups and comments by visiting or adjunct professors, competence demonstrated in licensing examinations.

Engineering: Assessment of overall teaching quality and effectiveness should draw on data of regular student course evaluations and peer evaluations--along with: visitation evaluations, alumni or student exit interview data, and course materials evaluation.

Fine Arts: Although the SFE scores may be reviewed by Committee A and the Dean regarding merit increases, tenure and promotion, there is no mandate within the college concerning the extent, if any, these scores are to play within department decisions. This is at the discretion of Directors and Committee A. There are no alternative systematic means of evaluation.

Education: Faculty members are encouraged to include evidence of teaching effectiveness when they prepare their annual reports, or are reviewed for tenure or promotion. The student evaluation summaries are one appropriate form of evidence, but they may also use comments on particular emphases, course development activities, or on new methodological approach that was attempted. Peer reviews have not been used in the past but are being considered.

Arts and Sciences: College requires other than impressionistic data; otherwise, no college-wide policy statement. Each department has contributed its own policy statement, subject to dean's approval.

By departmental survey the Committee found that college policy statements are not always followed by departments in practice. The results are summarized in Table 1.

Of the 28 questionnaires returned, 22 were from Arts and Sciences, 4 from Engineering and 2 from Fine Arts. Since Business Administration, Environmental Design, and Law are not departmentally structured, no questionnaires were sent to them.

More than two-thirds of the respondents indicated SFE scores are mandatory in their department or school; the same fraction indicated they tried to adjust individual scores for circumstances believed to affect them. Two-thirds of the respondents also indicated that Committee A does not believe it could prove the validity of SFE scores as a measure of teaching performance if challenged.

In answer to the question of whether or not Committee A uses the student comments on the back of the form, 82% reported they were used.

All but six chairs/directors indicated that Committee A also employs other methods of teacher evaluation, usually indicating the method was optional. Optional peer evaluation was marked by 61% and exit surveys by 25%. The "other" methods mentioned were: syllabi, course materials, instructional improvement activities, student success, student interviews, student performance, graduate committee work, advising, student exams, handouts, alumni, questionnaire, judging quality of work of students.

The Committee has found by informal survey that "optional" use of an alternative method of teacher evaluation means little or no use in practice.

Table 1

Questionnaire Responses of Chairs/Directors
on Current Practice in Evaluating Teaching

	A&S n=22	ENGR n=4	F.ARTS n=2	Total n=28	%
1. Use of college system SFE scores is or is not mandatory in personnel decisions?					
(a) is	16	3	0	19	68
(b) is not	6	1	2	9	32
2. If mandatory, Committee A takes SFE scores					
(a) at face value	0	0	0	0	
(b) adjusts for circumstances	16	2	1	19	68
(c) discounts SFE scores	1	0	0	1	4
(d) no answer	5	2	1	8	29
3. Does Committee A believe that it could prove validity of SFE scores if challenged?					
(a) yes	7	0	0	7	25
(b) no	13	4	2	19	68
(c) no answer	2	0	0	2	7
4. Committee A uses or does not use comments on the back of the form					
(a) uses	18	4	1	23	82
(b) does not use	3	0	0	3	11
(c) no answer	1	0	1	2	7
5. Committee A also employs the following methods of teacher evaluation:					
Mandatory:					
(a) peer evaluation	3	0	0	3	11
(b) exit surveys	2	1	0	3	11
(c) other (see p. 11)	5	0	1	6	21
Optional:					
(d) peer evaluation	14	1	2	17	61
(e) exit surveys	5	2	0	7	25
(f) other	5	2	0	7	25

V. Responses to Faculty Input Solicitation.

On Jan. 27, 1982 the following memo was sent by the Committee to all faculty:

"This committee is undertaking an intensive review of SFE during its nine years of campus-wide use. It will employ a variety of fact-finding tactics before arriving at recommendations. Its work will culminate in a Faculty Senate Position Paper.

"Four colleges, Arts and Sciences, Engineering, Environmental Design, and Law, mandate SFE use in in the annual salary review and promotion process. This group easily constitutes a majority of the faculty. SFE systems are employed in Business Administration, Education, and Fine Arts, but administrative use of the results is not mandated.

"The principal problems of SFE are derived from mandated use. Is SFE a valid and fair measure of teaching performance? There is great controversy in the professional literature on these points. Do serious abuses of the system exist on this campus? This memo seeks faculty input to help answer questions of this type and others. It is not a questionnaire. Rather, we are seeking individual in depth analyses of the system based on the faculty's experience with it. The Committee welcomes written responses and requests for interviews by interested and/or concerned faculty. Confidentiality will be preserved if desired. Call any of us for information. Direct written responses and requests for interviews to the Chair."

Eighteen varied responses were received. Three interviews were conducted. Most written responses were in the form of letters or memos varying from one to four pages. Among other responses were a dissertation from the College of Education on the effects of sex and of male dress attire on SFE results, a questionnaire form used in "The Principles of Economic Instruction", and a detailed analysis of a tenure review case.

Major points made in written responses are as follows:

1. "Anything that can be done to improve the teaching process should be welcomed. I believe that student evaluations are a powerful weapon in this cause. Comments made about my own teaching have been fair and helpful." [This positive to SFE response did not address the question of administrative use.]
2. ". . . any court challenge would require that OU document the accuracy or predictive value of the instrument. I doubt that OU could do this if it tried. . ." [This point was cited by three respondents.]
3. ". . . the ratings have a very deleterious effect on the performance of too many of our colleagues. Realizing that a good student rating is necessary to 'get ahead', these people prostitute themselves into putting on a 'dog and pony' show and/or easing up on the rigor-ousness of their requirements. There is no doubt in my mind that a

great deal of the grade escalation we have been experiencing is due to the uses we make of student ratings."

"Since administrators evaluate teaching based solely on numbers, faculty members tend to look solely at the numbers and a dangerous cycle results. In our department, one's evaluations can vary greatly, depending on the course taught as well as on the level of student. If the instructor tries to be rigorous and firm, you arrive at lower evaluations than if you spend your time entertaining students." [The same point was made by several of the respondents.]

4. "In examining the scores and score distributions [of SFE] in the 1977 second semester course, I was surprised to find 5's (the worst score) on the main question "How do you rate this instructor among all others, etc." on two questionnaire forms, and also 5's on every other question relating to my teaching performance. Furthermore, these two students wrote vitriolic commentaries on my teaching on the back of the form. These two responses were so out of line with all the others, that I was prompted to try to find out who had executed them. Hand-writing analysis proved to be unexpectedly easy. The students were two girls, one an A and the other a C student, both departmental majors. They were partners in a lab attached to the course, and their collaboration on the instructional evaluation was made evident by the similarity of wording in the written commentaries. I recalled that I had earlier noticed strange behavior in their personal relations with me. It was now clear that they had been out to "torpedo" me from the beginning, taking advantage of the built in anonymity."

". . . students may use the evaluation 'to get' the professor. On at least one occasion a colleague of mine was told face-to-face by a student that the student would do just that."

"The protection afforded by the anonymity of SFE responses relieves the student of responsible judgment. It obliterates normal restraints in social relations, leading some students to attempt to destroy or create reputations of individual teachers with no requirement of supporting evidence. These attempts may have political motivation. There is nothing whatever in the system that offers faculty protection against this type of abuse."

5. ". . . the evaluations are intrinsically worthless because of the questions asked. Questions involving whether the instructor was biased against someone in the class, or whether he or she 'related' well to student needs and ideas are ridiculous. An instructor's first obligation is to transmit information, ideas, and analytical skills, not to maintain a superficial harmonious relationship with students."

6. "If the University administration wishes to equate popularity with effectiveness, then it has the right tool for the job. However, in most cases there is little if any relationship between these two concepts."

"Most of the questions on the SFE encourage . . . inter-instructor comparisons without specifying to the student the basis on which such comparisons are to be made. For example, question #10 asks the student to rank the instructor 'compared to other university instructors I have had.' (i.e., pick the most popular teacher you have had and compare this one to him or her)."

7. "An administrative use of evaluation forms . . . should not be mandated under any circumstances. Questionnaires should neither rank courses nor teacher, but provide space for written comments . . . the only part of the current questionnaire useful for teaching performance."

"Evaluation questionnaires ask the students to rank courses and teachers, a task for which not all of them are well equipped; frequently, a single dissatisfied student skews the statistical curve, thus making the result unrepresentative of even the limited number who answered the questionnaire."

8. "I do not consider students competent to judge their mentors. An experienced professional may utilize teaching techniques which, to the inexperienced student, may seem remote. The professional may have the students' best interests in mind in employing unpopular teaching methodology to elicit certain reactions or actions on the part of the young adult. Only maturity and experience later in life will make it possible for the student to realize the purpose and appreciate the end result. Meantime, an immature student evaluation may adversely affect the professor's future if weight is given the students' evaluation,

"A classroom should not necessarily be a democratic forum for obvious scholastic reasons."

"Anyone who has used student evaluations over a period of years knows that in any given class the evaluations range from excellent to poor and generally this is true no matter who the instructor may be. In any large group some students are conscientious in filling out evaluations, some are disgruntled because they are not doing well in the course and a larger number could care less as they fill out their evaluations in class after class during the course of a single week. Since administrators who read the evaluations do not know the identity of the student authors of the evaluations, every student's vote counts the same."

"No allowance can be made for different philosophical differences which exist among professors as to what may be in the best interests of young people. . ."

9. "Since the idea of evaluation often tends to invite a student to search for "negatives", there is a tendency for some to remember the one or two days when a new teaching approach proved disastrous. There is, therefore, a subtle pressure to avoid experimentation on the part of the professor."

10. "The fact that [SFE] is being used in Engineering School for salary evaluation is very suspect. My reflection on the students after teaching here for 1 1/2 years is that they have very poor mathematical backgrounds and they want to think and be taught in simple terms . . . they love concise examples. They are here to be "taught" as opposed to being at OU to "learn". About 30% of the students become frustrated during the semester because they are not being "taught". For some reason, they seem to be intimidated and they fail to take any corrective action so that they start 'learning'. They are afraid to say anything in class, such as, after a point has been explained, 'I still don't understand', because they think that it could affect their grade if the professor thought they were dumb. On the other hand, this 30% then vents their spleen on the student-faculty evaluation. This is okay, since it is good they can let off steam somewhere. However, on the other hand, isn't it a shame that they go through the whole semester frustrated instead of getting on top of the situation and turning it into a winning, learning experience?

"I think this evaluation should be used in a more qualitative way. It is not as important that all the students love us all the time as we work hard and excell in areas where we are good. The present course evaluation should be used as a 'flag' to indicate where a problem area exists, but they should not be used as a quantitative measure of a faculty member's teaching ability. I feel that this present system puts too much pressure on the faculty to be popular and keeps a status-quo academic standard."

11. "I believe that SFE tells you how much the student liked the class - a Nielsen rating - but not if the student was taught the right material at a level commensurate with his or her ability. The feedback should help you make the course more interesting but not necessarily a better learning or educational experience."

12. "When SFE is considered, two aspects of it need to be taken into account: the reason for which it is collected, and the uses to which it is put.

"Purportedly, SFE is to improve teaching. This I find difficult to believe because I have been unable to elicit a definition of good, or effective teaching. As a result, the quality of teaching is in effect defined by the results of a poll by individuals who themselves do not know how to define good teaching. Unless, of course, one confuses 'bedside manner' with the results of the treatment. Unquestionably, good bedside manner is an asset but not of primary importance, in my estimation. The reason for this view is that motivating students is not the primary function of the teacher. Pursuit of a college degree is not compulsory. It follows then that those seeking it are already motivated. It follows that SFE as an instrument defines by its measure what it is supposed to measure. As such, it contravenes the fundamental scientific as well as reasonable procedures.

"The uses to which SFE is put constitutes a travesty, for it allows

those who use it, to a greater or lesser degree, shirk their responsibilities from securing valid data on which to base their recommendations, be they for promotions, raises, or other purposes.

"Consequently, it has been my conviction . . . that the use of SFE for purposes other than information to the respective instructors has an adverse effect on the quality of education. To paraphrase H. L. Mencken, it may well be that the current use of SFE favors those who are proficient in . . . swathing the bitter facts of life in bandages of soft illusion . . ."

13. "A number of studies published in recent years investigate differences in student faculty ratings by sex. Much of the literature indicates that women professors are given lower ratings as teachers than men especially in large lecture classes. There is also evidence that information presented by women is less likely to be accepted at face value than material presented by men and that articles attributed to women tend to be devalued. A related body of literature shows that teacher effectiveness may vary by sex. Some of the more recent studies indicate that female students tend to rank female teachers equal to or higher than male teachers. Thus attention must be paid to the sex composition of the class as well as the sex of the teacher."

VI. Review of Literature.

The Committee has reviewed the extensive literature on SFE. Many proponents of the system, especially those who produce commercial rating forms, say that the literature is overwhelmingly in favor of the system, but this is not the case. There is much controversy in the literature, and this has grown more vehement in recent years. The Committee reports here some excerpts from the literature which are especially pertinent to SFE problems at the University of Oklahoma.

Paul Dressel's (11) chapter on faculty evaluation in general has numerous references to SFE, some of which are:

". . . the evaluation of all faculty activities is generally quite limited, sporadic, and inadequate. An adequate evaluation of teaching and student learning, for example, would require a major effort with attendant costs, so the relatively easy and inexpensive alternative of some form of student evaluation is adopted. Whether any actions are taken on the basis of these evaluations, a sop has been thrown to students; and both administrators and faculty can join in asserting that instruction is evaluated at Euphoric State University."

"These tasks [related to teaching] extend to selection of text, additional reading, preparation of instructional materials, preparation of bibliography, preparation and grading of tests, interactions with other faculty members teaching the same course or with those in other departments whose majors take the course. Like the tip of an iceberg, classroom teaching is the most visible part of instruction, and concentration solely on that visible portion can result in tragedy. Yet, student evaluation of classroom teaching behavior (and a few closely related

factors, such as scholarship and accessibility) is the most prominent and most discussed means of evaluating teaching. Ease of administration to students in classes, the resulting quantity of data quickly processed by electronic equipment, and the pseudoobjectivity of responses, buttressed by much talk about the reliability and validity of the results, yield a false sense that the evaluation is constructive and is contributing to progress."

". . . we impose such limits on what students evaluate that the student sees each course and each instructor in isolation rather than as a part of a much broader and more significant cumulative educational experience. Generally, students are asked to evaluate petty details which have little significance to them and often no significance to the instructor who might wish to use student reactions to improve teaching."

". . . student evaluations do not provide an adequate appraisal of instruction for these reasons.

"1. The usual faculty and student conceptions of the nature, objectives, and obligations of teaching and learning are too restricted, being bound by traditions, limited experience, and bias.

"2. Unless based upon objectives and teacher obligations beyond the traditional classroom, the impact of student evaluation is limited. It may indeed be more of a distraction than a benefit.

"3. Student evaluation alone, whether by structured inventory or other means, is obviously not an adequate basis for judging total faculty effectiveness. It is even inadequate for assessing teaching effectiveness. Hence, unless balanced by other evidence, student evaluation may be both inequitable and dangerous.

"4. Published student evaluations are not useful to faculty members, are probably used by a minority of students, and may be grossly unfair to junior members of a faculty whose careers are still in a formative stage and who should be receiving concrete positive help in improving their teaching rather than published criticisms made by naive individuals whose own conception of teaching, formed as it has been by their limited college experience, is grossly inadequate."

"Those who develop forms, collect data, write articles, and react almost vindictively when anyone reports research which suggests that student ratings may not even be positively related to good teaching talk mainly to each other and have virtually no audience among or impact on the faculty."

Evelyn Kossoff (12) questions quantification of the teacher evaluation process:

"The roads to truth are many and varied; the path need not be paved with numbers and mathematical formulae. Why, then, do educational researchers insist on forcing qualitative traits into a quantitative role? Why

must questionnaires collect statistical rather than verbal data? Why construct a quantified profile of an instructor rather than a descriptive profile? A rating scale assumes a continuum divisible into discrete parts, but are all human qualities continuous or divisible? If a teacher collapses in front of a classroom, we could, I suppose, survey the five hundred students in the lecture hall to see if they believe he is 'thoroughly dead', 'moderately dead', a little bit dead', or 'slightly alive', but all we really need is the opinion of one doctor who can tell us whether to call for the ambulance or the mortician."

Robert Powell (13) destroys the validity claim of SFE as follows:

". . . The truth is that 'research' never has supported claims that student ratings of faculty have any substantial validity, even when 'validity' is given a much broader definition than usual. It is true that Professors Eble and Eagle and Epstein can reach down into the research literature and lift out studies here and there to support their opinions, but they must be carefully selective in doing so. Not only must they ignore much of the research, but they must also depend on research studies of questionable design from the developers of rating scales, and others who had a vested interest in promoting rating scales.

"At least six of the ten references Professor Eagle cites as proof that rating scales are valid can be recognized as coming from people who who have worked at places where rating scales or evaluation consultation services have become available for a fee. Professor Eagle would no doubt tend to look critically at research produced by even the most ethical pharmaceutical house if it were contradicted by research done by disinterested outsiders. Yet in his article he ignores the outside research, cites the house research, and finds it 'curious' that Ms. Kiernan ignores it.

"When Professors Ebel, Epstein and Eagle, for example, all assure us that research has shown that the grades students receive don't affect the ratings they give to teachers, they are continuing a commercialized myth that began many years ago. Their assertion is absurd on the face of it. Students, like any other humans, simply don't act that way, even though developers and merchandisers of rating forms have long insisted that they do.

"The problem with the misunderstanding of what research has really shown is that those useful collections of data, properly belonging under the title 'student opinion of teaching', which good teachers and administrators have long balanced in one form or another against grading standards and course objectives, have been transformed into something called 'faculty rating scales'--competitive instruments used in scores of colleges to compare one teacher with another. 'Student opinion of teaching' results don't have to be particularly valid to be useful. 'Faculty rating scales', on the other hand, are too often assumed to have a validity that they don't possess. Some colleges, therefore, make personnel decisions based in whole or part on average ratings issuing from the computer, in the mistaken belief that the figures in front of them are supported by the same type of reliability and validity research

that supports standardized reading tests.

"It is not unusual to find that teachers have been rank-ordered throughout a college on the basis of a single average rating statistic; or to find colleges selecting a single rating statistic, such as 5.50 on a 6.00 point scale, as a target--those above it being designated "outstanding" teachers, even though reaching that level would in some departments require giving grades well above the departmental average. Nor is it unusual to find one college committee agonizing over the so-called grade explosion while another sets in motion a faculty rating system which penalizes those who have resisted the movement toward higher grades."

Miriam Rodin (14) comments on the origin of SFE as practiced today in universities.

". . . Faced with increased student activism, falling enrollment, and the dwindling of research support, the universities have focused increasingly on their teaching mission. They want to encourage and reward good teaching. Accomplishing this requires, of course, knowing what good teaching is.

"Defining good teaching was one of those problems too important to leave to the experts. The universities, resolved to act, did not want their resolution sicklied over. Academics would have complicated the problem. They would have worried over issues like whether the nature of good teaching might vary with the aims of education or with the nature of the society; whether it might differ with the person of the teacher, with the subject matter, with the student. They might have tried to make explicit the different value assumptions which underlie various definitions of good teaching, and the implications of those definitions. Furthermore, after their interminable gnawing at it, they would not even have produced a definitive answer to the problem. The answer would have been hopelessly hedged with conditions and qualifications. It would not have been the kind of simple and straightforward answer that offers a firm and obvious basis for administrative action.

"How then, to get out of the dilemma of finding out which faculty are good teachers in the absence of a clear answer to the question of what constitutes good teaching? The universities have found a surprisingly simple solution. They now ask the student. The question which seems so opaque and complex to the teachers themselves is transparent to the students. At the end of every school term, all across the country, and without any difficulty, students take five minutes out of the class hour and say, usually on IBM cards, how good at teaching the teacher was. An elegant solution. A quick and easy way to measure good teaching. And scientific as well, for the result is a number that indicates just how good or bad the teacher is. . ."

Betty Lou Raskin and Patricia Plante (15) develop the related ideas of SFE-affected faculty morale and lowering of teaching standards.

"Gregory, six-year-old Californian, came home from school recently with a larger than usual sheet of paper taped to his Izod sweater. This mimeographed sheet was not the usual request for volunteers to accompany the children on their next field trip, but a bona fide student evaluation form which all first graders were asked to fill out and to return within a week. Mothers would have to help, for some of those students whose opinions were being sought could not read very well and others might have difficulty interpreting the scale used for the responses. 'Do you feel at ease with Ms. Y?' 'Does Ms. Y make you feel that she likes you?' Ad absurdum. An apocryphal story? Would that it were. . ."

"Cynics find it amusing that so much emotionalism can be generated by what they might term this 'nonissue', for they contend that though a vast number of colleges and universities insist upon the student evaluation of the faculty, very few take the results seriously when making decisions regarding tenure, promotions, and salary increases. However, even if academicians have reached that level of dishonesty (a fact which would constitute an issue in itself), the question of faculty being evaluated by students remains central to the well being of academia for one very serious reason: such evaluations dictate behavior . . ."

"To demand that faculty transcend the fears and pressures which student ratings place upon them, particularly in these days of budgetary constraints and retrenchment, is simply naive. The process should be recognized for what it is: demeaning, arbitrary, and demoralizing. Admittedly, universities do not exist for the purpose of maintaining the high morale of faculties; but when the morale sinks as a result to self-doubt and guilt, due to a system that requires heroic self-abnegation to escape the lowering of standards, corruption has wormed its way into the enterprise. As a consequence, no benefits, real or imagined, accrued from student evaluations can possibly be given equal weight."

In other publications, Milton (16) has discussed approaches to learning other than the classroom lecture method. Sheehan (17) has argued the validity question when SFE is used in personnel decisions. Stone, Rabinowitz, and Spool (18, 19) have investigated the effects of anonymity and retaliatory potential on SFE. In a controlled experiment Zelby (20) showed that student ratings could be manipulated by altering the degree of difficulty of the same course in successive offerings. Zelby (21) has also commented on the long term effect of course standards relaxation due to SFE. Greenwood and Ramagli (10) discuss alternatives to student ratings of college teachers.

VII. The Legal-Ethical Issue in Student-Faculty Evaluation.

After receiving several faculty input responses suggesting "grave legal risk" to OU in SFE administrative use respecting faculty employment, the Committee sought a legal advisor, and was able to obtain the services of OU Law Professor Harry F. Tepker, an expert in constitutional law and employer-employee relations. The Committee furnished him with copies of SFE forms and policy statements used in various colleges, a bibliography of SFE, copies of some individual publications on SFE, and relevant responses from its faculty input file. He used these data in conjunction with relevant legal

cases to arrive at an opinion received by the Committee March 1, 1982. He concluded that OU indeed faces substantial legal risk in mandating SFE use in personnel decisions (See Appendix 2).

All legal issues have an underlying ethical basis. In fact the ethical to legal transition occurs when damage to person or property becomes sufficiently severe and uncontrollable without the protection of laws. Even if legal restraint were absent, unwritten ethical principles could still be invoked against mandated use of anonymous SFE scores in personnel decisions. The results cannot be validated, and students cannot be held accountable for their ratings. A false institutional accountability is gained while evaluator accountability is lost.

VIII. Summary and Conclusions.

Although the first formal campus action on the establishment of student faculty evaluation was taken in the 1972 Senate, it was motivated by a request by the Administration, whose probable concerns were accountability in higher education and student pressure. The Senate resolution adopted was a compromised instrument with serious weaknesses. While the emphasis was on the improvement of instruction (only the instructor receiving data), four out of seven colleges adopted it for mandatory use in personnel decisions, and this became the dominating issue in the Committee's deliberations.

A survey of nine state universities in Oklahoma and nearby states found half as many employing SFE for mandatory administrative use as for voluntary or no use at all. The same ratio was also found in a survey of nine state colleges and universities. Only OU among the universities does not presently have the departmental option of developing its own evaluation instrument. Only OU is now required to "evaluate" every course by what is shown in this report to be a seriously defective instrument.

The Committee surveyed deans regarding college policy in the use of alternative means of teacher evaluation than SFE. Several alternative means were mentioned in each case. A separate department/school survey regarding current practice was also made, which indicated that college policy was being followed in this respect only on an occasional optional basis, if at all. In practice SFE is mandated in 2/3 of the departments to the virtual exclusion of other methods. Whereas back-of-form comments were intended originally only for use of the instructor, 82% of departments reported use of these in addition to the numerical data in personnel decisions. Students now commonly assume that these comments will go to the Administration and respond accordingly. The main resolution purpose of instructional feedback is thus no longer being served.

The Committee also solicited faculty input, not in questionnaire form, but as "in depth analysis of the system based on the faculty member's experience with it". Ninety per cent of the memorandum and letter responses addressed the question of mandatory administrative use, and of these, all were in opposition to it.

Several of the "faculty input" respondents indicated their belief that

mandatory administrative use of anonymous student ratings violated the instructors civil rights or that OU faced legal risk in this practice. This prompted the Committee to seek a legal advisor on this question. It was fortunate to obtain the services of OU Law Professor Harry F. Tepker, an expert in constitutional law and in employer-employee relations. He concluded that OU did indeed face substantial legal risk mandating SFE in personnel decisions.

Forty per cent of the "faculty input" respondents indicated that student responses were a measure of popularity rather than teaching performance. About the same percentage asserted that SFE "leads professors to prostitute themselves into putting on a dog-and-pony show and/or easing up on the rigorousness of their requirements to get ahead in the ratings", or similar words to the same effect. (The other sixty per cent did not comment on these particular issues.)

The Committee also surveyed the SFE literature, finding great controversy concerning its validity as a measure of teaching performance and on other issues.

The Committee is strongly committed to the principle of teacher evaluation, but this is not being accomplished in the present system. What is now called student faculty evaluation should be referred to as "student reaction to teaching". The system is relatively inexpensive, easy to collect, and can be useful for instructional feedback, but this exhausts its uncontested virtues. It is not based on objective standards of teaching performance. Used with anonymous collection of data for personnel decisions, it may violate unwritten ethical principles because the scores cannot be proved valid as a measure of teaching performance and the raters cannot be held accountable. The University could run into serious legal difficulties in trying to prove the validity of a faculty member's adverse SFE rating in a court contested personnel decision case. The system contributes to a lowering of course standards and to grade inflation. These are a few of the deficiencies in OU's system.

If most of these defects have been apparent to many for years, why is the system still in use? There are several reasons. A viable teacher evaluation method with fewer defects would require more money and effort. Some faculty members may be satisfied with SFE because they obtain high scores, and are unwilling to look at the system on an objective basis. Cases of individual SFE abuses may be hard to document, and abused faculty members may fail to protest because of the highly personal nature of evaluation data. Administrators need some method of evaluation for public accountability. SFE serves this need at present, despite the fact that it is not evaluation in the strict sense.

The Committee will make recommendations regarding instructional improvement and teacher evaluation in a brief separate report.

NOTE: Appendix 1 - specimen forms - (pp. 24-39) withdrawn.
AVAILABLE in Faculty Senate office, OMU 242.

Appendix 2

M E M O R A N D U M

To: Senate Ad Hoc Committee on Student Faculty Evaluation

Re: Use of Student Evaluations as Means of Making Personnel Decisions

I

INTRODUCTION

This memorandum focuses on two legal problems respecting the use of anonymous student evaluations of faculty as a basis for making decisions affecting faculty employment.

First, whether the Fourteenth Amendment to the United States Constitution restricts the use of such evaluations,

Second, whether federal and state anti-discrimination statutes limit use of such evaluations in personnel decisions.

Although the University of Oklahoma has mandated a student evaluation system, there is wide diversity in how the data is actually obtained and used. Indeed, according to the "Policy Manual of the Regents of the University of Oklahoma" this system was designed primarily to allow "feedback" to the professor and only secondarily to allow "appropriate recognition to quality of instruction."

Perhaps as a result of this indefinite mandate, the individual colleges charged with the responsibility of developing student evaluation systems have developed different questionnaires, different procedures for securing student responses, and different policies respecting application of the data to personnel decisions.

As a result of this diversity, I have tried to analyze the legal problems based upon the assumption that OU has followed procedures similar to those described by Robert Powell in his article "Faculty Rating Scale Validity: The Selling of a Myth": "It is not unusual to find that teachers have been rank-ordered throughout a college on the basis of a single average rating statistic . . ." 39 College English 616, 617-18 (1978). Also, colleges at OU have evidently been known to use this statistic--the average rating based upon a "global question"--as a basis for calculating salary increases, recommending promotion or evaluating overall fitness as a member of the OU faculty.

At this point, it is perhaps appropriate for me to confess to bias: for five years I practiced law in Los Angeles representing management in employment discrimination litigation. During this time, I frequently had the task of trying to articulate and prove "legitimate, non-discriminatory explanations" for employer schemes to quantify the judgments of supervisors and administrators in various job evaluation systems. Generally, lawyers for all

parties in these cases (not to mention judges) came to an obvious conclusion: the effort to establish apparently objective, quantified "ratings" based on quintessentially subjective judgments usually had the flaw of creating a mechanistic, automatic method of making decisions that could be criticized--all too easily and persuasively--as arbitrary, casual, irrational and inexplicable. The "statistics" became a camouflage for the underlying motives for whatever assessments led to the "ratings." The numbers did not aid understanding of a specific employee's real strengths and weaknesses. This tendency made the tasks of all counsel in an employment case more difficult: counsel for the plaintiff alleging discrimination would have difficulty demonstrating intentional discrimination, in the absence of statistics demonstrating that the overall system tended to generally reduce the employment prospects of minorities or females; counsel for management would have difficulty explaining that the "numbers" really differentiated the better employees from the worse employees. In short, the "ratings" were no substitute for a detailed analysis and a witness capable of translating the number into a persuasive assessment of an employee.

With this professional bias in mind, I have tried to focus on the problems raised by a number of faculty to the effect that "OU runs grave legal risk by mandating use of [student faculty evaluation] . . . since any court challenge would require that OU document the accuracy or predictive ability of the [evaluation system]."

II

SUMMARY CONCLUSIONS

1. The maintenance of a mandatory system of soliciting student evaluations of faculty (even on an anonymous basis) is not a per se violation of applicable constitutional and statutory law. Students have a constitutional right under the First and Fourteenth Amendments to comment on a teacher's academic performance. It is not illegal for a university to provide a mechanism or forum for the expression of student views.
2. There is substantial legal risk if the student evaluations are used as a basis for making personnel decisions. The danger is that the data will be used in a casual, arbitrary or invalid way--even when the system is apparently designed to provide for an objective, statistical quantification of the evaluation. The danger is most likely to be realized if OU encounters a suit involving allegations of employment discrimination.
3. Statistical summaries of student evaluations should not be the sole basis for assessments of teaching ability, and should not be relied upon as a primary or significant basis for personnel decisions.
4. If student evaluations are to be considered as one factor in an assessment of teaching ability, substantial scrutiny of the data should be undertaken to insure that there is substantial evidence of teaching deficiencies. This substantial evidence should include proof of demonstrated pattern of student dissatisfaction corroborated by evidence of the actual validity of the student criticisms. The anonymous criticisms themselves, even

if multiplied into a so-called pattern, cannot be "cross-examined" or corroborated unless some responsible authority investigates the alleged deficiencies.

III

CONSTITUTIONAL GUARANTEES OF RATIONAL AND FAIR DECISION- MAKING PROCEDURES

In one faculty member's criticism of student evaluations, it is asserted that "The Fourteenth Amendment and its interpretations surely support the idea that [anonymous student evaluations] constitute deprivation of property without due process of law." Although this observation identifies the relevant constitutional considerations, I must respectfully disagree with the bold conclusions that the student evaluation system is unconstitutional per se when used as a basis for making personnel decisions.

A. The First Amendment

First, students possess an indisputable right to comment on a professor's performance in class. Any effort to prevent or punish such comment would violate the First Amendment principles applicable to all state agencies through the Fourteenth Amendment. By the same analysis, it is hardly constitutionally suspect for a university to maintain on-going procedures--in the nature of a forum--for expression and communication of student views.

The foregoing does not lead to the idea that the First Amendment mandates such a system; also, students are not entitled to some insurance that their views will be believed or used as a basis for personnel decisions. Nevertheless, the alleged unconstitutionality of student evaluations must be based on a closer examination of the specific methods by which the evaluations are used as a basis for personnel decisions--recognizing the countervailing constitutional solicitude for students' rights of free expression.

B. The Supreme Court's Narrow View of "Property" and "Due Process"

A principal obstacle to any faculty member's challenges to a personnel decision that is alleged to have been tainted by anonymous student evaluations will be recent Supreme Court decisions which have made it more difficult to invoke due process standards to regulate employment decisions by the state. The Fourteenth Amendment prohibits only deprivation of life, liberty or property without due process of law. There is no "free-standing" guarantee of due process.

For better or worse, the idea that a public job is "property" within the meaning of the Fourteenth Amendment was seriously injured by several recent cases of the Supreme Court. In Board of Regents v. Roth, 408 U.S. 564 (1972), Arnett v. Kennedy, 416 U.S. 134 (1974) and Bishop v. Wood, 426 U.S. 341 (1976), the Supreme Court rejected a popular argument advanced by many legal commentators that individuals had a constitutional right to personal security in certain of their relationships with government: in this rejected view, public sector jobs, licenses, housing, education and the like were "a new property," deprivation of which without due process would violate the

constitution. Compare Reich, "The New Property," 73 Yale L.J. 733 (1964) with Van Alstyne, Cracks in 'The New Property': Adjudicative Due Process in the Administrative State, 62 Cornell L.R. 445 (1977).

This is not to say that the Fourteenth Amendment is no longer relevant to this issue. On the contrary, if a government employee can point to a contract, statute or some other representation that supports the idea that the employee has an enforceable expectation in continuing employment, the employee may still be able to invoke constitutional protections. The due process standard is relevant to a faculty member's objections to a personnel decision by reason of the decision's "questionable validity in light of the dubious or casual circumstances under which it was determined." Van Alstyne, supra at 448. Also, it remains "plausible to treat freedom from arbitrary adjudicative procedures as a substantive element of one's liberty" despite the Supreme Court's restriction of the constitutional guarantees of "property." Id. at 487.

An aggrieved faculty member must not only conquer the Supreme Court's narrow view of due process challenges to a state's personnel decisions; the would-be plaintiff must also demonstrate that use of student evaluations is a violation of constitutional protections against injury caused by "arbitrary adjudicative procedures." At this point, it seems only fair to suggest that most strangers to this problem might reasonably conclude that student evaluations are, at the very least, relevant evidence on the issue of teaching competence. This evidence may not be conclusive. It may not be persuasive. It is relevant.

Obviously, if the faculty member could demonstrate bias or personal animus motivating an adverse employment decision, the case for the plaintiff would be greatly advanced. In the absence of such proof--or proof of some other improper motive such as a desire to penalize the teacher for political views--the difficulties in any effort to show the "arbitrariness" of student evaluations would be enormous (my bias notwithstanding).

Nevertheless, even if the constitution provides a dubious basis for a challenge, the legal risks to OU are, in my judgment, substantial if the issue arose in the context of an employment discrimination suit.

IV

APPLICABLE STANDARDS FOR PERSONNEL POLICIES DERIVED FROM THE LAW OF EQUAL EMPLOYMENT OPPORTUNITY

Since the enactment of Title VII of the Civil Rights Act of 1964, federal courts have issued a number of judgments that have had the effect of dramatically changing personnel practices in the United States. Although the statute was originally conceived as a prospective ban on intentional discrimination--bigotry and employment decisions motivated by prejudice--the statute's effects have been more intrusive and sweeping than the authors of Title VII intended. For instance, although there is little in the legislative history to support the idea, Title VII has effectively prohibited most employers from requiring a high school diploma in any jobs, except where there is a demonstrated, well-proven necessity for such a requirement, (It is far more difficult to demonstrate the need for such a requirement than one might expect).

Similarly, the statute has also induced employers to take a close look at their policies with an eye toward improving the chances that the evaluations and evidence maintained as a justification for personnel decisions will eventually prove persuasive in federal court litigation.

In my judgment, the University of Oklahoma should take a close look at the diverse ways in which the quantified statistical ratings based upon student evaluations are obtained and used in order to minimize the risk that its judgments about teaching competence will be ignored in a suit involving allegations of employment discrimination.

A. Student Evaluations as "Legitimate, Non-Discriminatory Explanations" for Personnel Decisions.

The Supreme Court has recently rendered a decision which settles much controversy about the burdens of proof in cases in which an individual alleges intentional discrimination. First, the plaintiff must prove a prima facie case. To do this, the plaintiff must show: (i) that the plaintiff suffered from an adverse employment decision; (ii) the plaintiff is a member of a protected class (minority, female, etc.); and (iii) any other facts necessary to demonstrate that it is more likely than not that the challenged decision was motivated by discrimination. As usually applied, this judicial standard is rather easy for any plaintiff to satisfy. Second, after the plaintiff proves a prima facie case, the employer must come forward with admissible evidence to explain the challenged employment decision. In the language of the Supreme Court, the employer must "articulate a legitimate, non-discriminatory explanation for the employment decision." This standard is also relatively easy to satisfy. Only at this point is the legal battle really joined: the plaintiff has the ultimate burden of proof to show that the alleged "explanations" of the employer are really a "pretext" or "camouflage" for discriminatory motives. Texas Department of Community Affairs v. Burdine, _____ U.S. _____, 101 S. Ct. 1089 (1981).

Burdine thus establishes the basic legal context for any situation in which the student evaluation data might be used by OU as a defense against allegations of employment discrimination. The legal danger can be easily summarized. The current procedures--evidently lacking general credibility among the faculty--could easily be attacked as "pretextual" and "camouflage."

To be sure, student evaluations would be relevant evidence. In Meehan v. New England School of Law, 522 F. Supp. 484 (D. Mass. 1981), the district court pointed to a "history of student complaints" as evidence of the fact that the school of law legitimately concluded that the plaintiff was an ineffective teacher. In Hernandez-Cruz v. Fordham University, 521 F. Supp. 1059 (S.D.N.Y. 1981), faculty evaluations of the plaintiff were considered as the district court found that the plaintiff's allegations of employment discrimination were without merit.

Still, there are two important factors to remember when considering whether the student evaluations--as now obtained and used--would help or hinder OU in its defense of a hypothetical employment discrimination suit.

First, the times have been changing. Federal courts have been reluctant to intrude into a university's decisions about faculty because of a solicitude for academic freedom. See, e.g., Green v. Board of Regents, 474 F. 2d 594 (5th Cir. 1973); Faro v. New York University, 502 F. 2d 1229 (2d Cir. 1974), in which the court stated:

"Of all the fields which federal courts should hesitate to invade and take over, education and faculty appointments at a university level are probably the least suited for federal court supervision."

502 F.2d at 1231-32. The federal court's growing willingness to look closely at a university's employment practices is exemplified in Sweeney v. Board of Trustees, 569 F.2d 169 (1st Cir. 1978), vacated and remanded, 439 U.S. 295 (1978), on remand, 604 F.2d 106 (1979), cert. denied 444 U.S. 1045 (1980). In this case, the district court and the court of appeals twice reached conclusions that a female professor had been victimized by discrimination. In Sweeney, the courts exhibited a willingness to give the school's explanations for adverse employment decisions a close scrutiny. This included a judicial examination of the differences of opinion among faculty members respecting a decision of tenure--and the proffered evidence allegedly supporting the critics of the plaintiff. See also: Kunda v. Muhlenberg College, 463 F. Supp. 294 (E.D. Pa. 1978), aff'd 621 F.2d 532 (3d Cir. 1980) (in which the court held that there was no real difference in the legal standards to be used when examining university personnel decisions as opposed to such decisions in industry).

Second, reliance upon a statistical average of responses to a "global question" could eventually conceal evidence of real teaching deficiency. The statistics would not constitute articulated reasons for dissatisfaction. Such statistics could not be cross-examined. The reality of such "ratings" could not be corroborated without some additional investigation. A low "rating" would not be self-explanatory, or self-evident indicia of a defect in teaching approach.

Consider the probable response of a faculty member in a hypothetical employment discrimination case to the following questions at trial or in deposition:

1. Do you believe that the "rating" accurately reflects an individual's relative teaching competence compared to other faculty members?
2. Do you believe that the data acquired from the student evaluations takes reasonable account of possible adverse student reaction due to the difficulty of the subject matter?
3. Do you believe the data takes reasonable account of the possibility that some students will inevitably dislike the course because of the course content--quite apart from the skill of the teacher?
4. Do you believe that the data takes account of the possibility that the professor might be rated poorly because of his use of some unpopular, yet effective teaching strategy?

5. Do you believe that the ratings take account of the fact that students might discriminate against the professor in their evaluations on account of the professor's sex? Race? National origin?
6. Based upon the low "rating," why was X a poor teacher? What did X do to earn this low "rating?"

In my judgment, these would be difficult questions for the most sincere advocates of some student evaluation system. These--and many other questions that could be asked by a skillful lawyer in deposition--could provoke admissions of doubt and criticism of the student evaluations as a valid indicator of teaching competence. Such admissions would be of enormous aid to an attorney trying to prove that the university's reliance on this indicator of teaching competence was pretextual. The net effect might be that the university would have no persuasive evidence of a teacher's ineffectiveness in such litigation. As an attorney accustomed to preach caution and prudence to management clients, I would respectfully suggest that any strategy designed to evaluate teaching competence must supplement the student evaluations in the ways suggested in the summary conclusions, supra.

B. The End of Secrecy as a Protection for the Academic Freedom to be Subjective.

Once upon a time, schools and universities defended their asserted rights to academic freedom from employment discrimination suits by resisting legal efforts to discover the basis for decisions on tenure, promotion, salary and the like. For a time, courts were deferential to this asserted academic freedom from judicial scrutiny.

More recently, academic decision-makers have been forced to explain their decisions and to reveal the data upon which they relied. The policies of the federal courts allowing plaintiff's access to the information upon which the university relies for its decisions is expressed in Lynn v. Board of Regents of the University of California, 656 F.2d 1337 (9th Cir. 1981), a case involving peer evaluations:

"When determining whether tenure review files, including peer evaluations, are privileged, courts have balanced the university's interest in confidentiality, i.e., in maintaining the effectiveness of its tenure review process, and the need which Title VII plaintiffs have for obtaining peer evaluations in their efforts to prove discriminatory conduct. Jepsen v. Florida Bd. of Regents, 610 F.2d 1379, 1384-85 (5th Cir. 1980); Keyes v. Lenoir Rhyne College, 552 F.2d 579, 581 (4th Cir.), cert. denied 434 U.S. 904, 98 S. Ct. 300, 54 L.Ed.2d 190 (1977). In making that determination it is necessary to consider the importance of enabling plaintiffs to prove that discriminatory conduct has occurred, the difficulty of obtaining direct proof of discriminatory motivation and the strong national policy against discrimination in educational employment.

The Fourth Circuit has suggested, Keyes v. Lenoir Rhyne College, 552 F.2d 579, and the Fifth Circuit has held, Jepsen v. Florida Bd. of Regents, 610 F.2d 1379, that when evaluations serve as the alleged

basis for the University's decision to deny tenure or promotion, the plaintiff's interest in proving his case outweighs the University's interest in protecting the confidentiality of a file and that in such cases the evaluations must be provided to the plaintiff. In Keyes, the Fourth Circuit denied plaintiff's request for all peer evaluations for the entire faculty of the College. The court noted, however, that "if the College had sought to justify any male-female disparity on the basis of these evaluations the plaintiff should have been granted the opportunity to use them" to prove her case. 552 F.2d at 581. The Fifth Circuit, in Jepsen, found the reasoning in Keyes to be "persuasive," and held that where "the university defends a claim of discrimination on the ground that promotional decisions were based solely on unbiased faculty evaluations which involved criteria unrelated to sex," a plaintiff is entitled to obtain the evaluations. 610 F.2d at 1384.

The University claims that Lynn was denied tenure because of deficient scholarship. Since its view of Lynn's ability is based, in large part, on the content of the tenure review file, including peer evaluations, the University is defending, in essence, on the ground that its tenure decision with respect to Lynn was based on non-discriminatory peer evaluations. Under Jepsen and Keyes, disclosure of the evaluations would be required. We agree fully with the views expressed by the Fourth and Fifth Circuits in that respect."

656 F.2d at 1347-48. In other words, in any employment discrimination suit, the plaintiff would be entitled to examine the data, the policies under which the data was obtained, and to cross-examine university witnesses about the reliability of the student evaluation system. The system for evaluating teaching competence would be visible to the court, "warts and all."

V

CONCLUSION

In my judgment, the safest course is to limit use of student evaluations to a "feedback" function. If there is a need to use student evaluations as an indicator of teaching difficulties, the university should not rely upon generalized statistical data from the questionnaires. Instead, any personnel decisions based upon perceptions of teaching deficiencies should be made only after extensive, reliable investigation of the alleged deficiencies. The evaluations should be considered as student allegations of teaching deficiency, not as proof.

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March 31, 1982

Faculty Senate Position Paper: Instructional Improvement and
Teacher Evaluation at the University of Oklahoma

Student faculty evaluation is employed as the almost exclusive means of teacher evaluation in four out of seven OU colleges, which constitutes a large majority of the faculty. There is no comprehensive teacher evaluation program. The Committee finds SFE to be seriously defective as a measure of teaching performance. The system measures at best "student reaction to teaching." There are adverse ethical and legal implications in the use of anonymous student ratings in personnel decisions.

The present policy is supposedly derived from the 1972 Senate resolution on teacher evaluation. However, the principal thrust of that resolution, instructional improvement, is not presently being served by the system.

The documentary basis for these conclusions will be found in the Committee's resources report, dated March 31, 1982, and entitled "Student Faculty Evaluation at the University of Oklahoma."

In order to assure a valid program of instructional improvement and teacher evaluation at OU, decisive action is needed at this time. The Committee urges adoption of the following recommendations:

1. That a formal instructional improvement and teacher evaluation program be established in each academic budget unit subject to the following conditions:

a. Objective standards of teaching performance shall be stated independently of the means to evaluate them.

b. Academic units are urged to apply the principle of accountability to each component of the evaluation system. They are warned that components with anonymous inputs subject the University to substantial legal risk.

c. Each component of the evaluation system shall measure in qualitative terms teaching performance against the objective standards stated in (a). There shall be a validation period to determine whether each component measures what it is supposed to and to assure that the measures are accorded appropriate weight in the overall teacher evaluation.

d. In assessing teaching performance, the burden of proof shall rest with the Administration, i. e., Committee A, the Dean, and the Provost.

e. At least one component of the system shall be employed in at least one course during the academic year. Other components, such as external peer review, may be employed less frequently.

f. The creation and the implementation of the program shall involve the entire faculty of the academic unit and not merely Committee A.

2. That anonymous mid-term student input instruments be employed in each course for the purpose of instructional improvement, with

responses returned to the instructor only.

3. That the Vice Provost's Office of Instructional Services, which upon request provides individual faculty assistance for instructional improvement, be strengthened and its services expanded.

4. That administration of instructional improvement and teacher evaluation programs be at the departmental level, with published plans therefor subject to approval of the Dean and the Provost. These plans and their execution shall be periodically reviewed by a Faculty Senate oversight committee.

5. Upon approval of the above recommendations by the President, the instructional improvement and teacher evaluation program shall replace the existing college-administered student faculty evaluation program. Appropriate changes shall be made in the Regents Policy Manual and the Faculty Handbook.

6. That a Senate ad hoc committee on student faculty evaluation be continued through the 1982-83 academic year with a name change to the Committee on Instructional Improvement and Teacher Evaluation. The committee function during the extended term shall be to advise and assist departments/schools in implementation of the new program.

Respectfully submitted,

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MINORITY REPORT: Faculty Senate ad hoc Committee report May 3, 1982
on student evaluations of faculty.

Having examined carefully all the documentation gathered by the committee and having done further research in the area, I find I cannot accept certain key premises and recommendations of the report. I thus submit this minority report, in opposition to those findings.

It seems that the key questions are a) the reliability or validity of student evaluations of faculty, and b) their suitability or appropriateness as an important component in the evaluation of faculty teaching performance, as part of departmental, college, and university decisions on salary, promotion, and tenure. In the paragraphs which follow, I shall try to address both questions.

With regard to the first question, it must be recognized that the extensive research on the matter of reliability of such evaluations shows mixed results. It is a complex matter and a difficult one to measure. However, the largest body of evidence, contrary to the position asserted in the majority report, suggests that student evaluations do work quite well. Wilbert J. McKeachie's "Student Ratings of Faculty: A Reprise," AAUP Bulletin, Academe, 65:6 (Oct. 1979) provides an exhaustive summary of research in the area.

Among McKeachie's key conclusions is that "teachers rated as effective by students are generally those teachers whose students achieve the most" (p. 385). Also highly relevant with regard to our present Arts and Sciences short-form instrument is his finding that "global ratings of value of the course to the student tended to have higher validities than items assessing specific aspects of teaching" (p. 386). McKeachie also reports findings that "alumni ratings of faculty correlate highly with these of current students" (p. 387). Like the articles summarized by Aleamoni (see below), the research examined by McKeachie indicates that such factors as size of class, sex of student or instructor, type of class, style of teaching, etc., which might be expected to have a negative effect on validity, have very little such effect.

McKeachie concludes "Student ratings are highly valid as indices of achievement of attitudinal and motivational goals of education. They are reasonably valid as indices of achievement of cognitive goals." (p. 390).

Another major research summary is a book-length study edited by Jason Millman, Handbook of Teacher Evaluation, National Council on Measurement in Education, Sage Publications, 1981. Lawrence Aleamoni's "Student Ratings of Instruction" (pp. 110-46) provides an exhaustive survey of current and past research in this area. His summary conclusion is that "Well-developed instruments and procedures for their administration can yield high internal consistency reliabilities." He reports also that "14 studies in which student ratings were compared to (1) colleague ratings, (2) expert judges' ratings, (3) graduating seniors' and alumni ratings, and (4) student learning measures all indicated the existence of moderate to high positive correlations, which can be considered as providing additional evidence of validity." (p. 113)

Aleamoni also debunks the notion that extraneous factors such as the dress of the instructor, size of the class, composition of the class, its relation to the rest of the student's course of study, etc., have so strong an effect as to invalidate the results, citing extensive

research which shows it simply is not the the case (pp. 111-14). Of particular interest is Aleamoni's response to the assertion that student ratings are "nothing more than a popularity contest." He presents research that indicates that students are discriminating judges, who may well praise instructors for having a warm, friendly, or humorous manner, while frankly criticizing them for such things as poor organization and rating them low on "global" questions (p. 112).

As McKeachie says, "It is hard to conceive of anyone more expert than students themselves with respect to the degree to which the teacher has stimulated intellectual curiosity and interest in the subject matter field--an important educational goal." (395) And the overwhelming weight of the research evidence suggests that a well-constructed and administered instrument for student evaluation of faculty can be an appropriate and effective means of improving instructors' effectiveness as teachers and an appropriate component in the judging of that effectiveness. All the research articles caution that the evaluations must be used reasonably and carefully, preferably in conjunction with other measures of teaching quality. But the research does not suggest that student evaluations of faculty are unsuitable for the purposes for which they are now being used in this University.

With regard to the O.U. faculty response reported on pp. 13-17 of the majority report, it must be noted that the sample was ridiculously small--less than 3% of the University faculty. Surely of greater significance is the April 1981 report of over 100 faculty responses in which 64.9% of those responding felt that data from student evaluations were being used appropriately.

The summary and conclusions section of the majority report (pp.22-3) relies heavily on that absurdly small sample of faculty opinion and is riddled with unsupported assertions and pure speculation. And a careful reading of Professor Tepker's report on this legal questions reveals not only a strong bias against use of student evaluations but also the implication that, if used carefully and in conjunction with other measures of teaching effectiveness, student evaluations can be appropriate.

Moreover, the majority report argues that, besides legal issues, an "unwritten ethical" principle should be invoked against "mandated use of anonymous SFE scores in personnel decisions" since "the results cannot be validated, and students cannot be held accountable for their ratings" (p. 22). The same argument could be brought against the anonymously referred journals and scholarly books. These anonymous decisions result in an important component of the evaluation of research for personnel decisions. Most agree that publication record is an important component to faculty evaluation even though readers are often not "accountable." The fact is, student evaluation, like peer evaluation, is based on assumed fairness and good will, and the same kind of consistency of evaluation which gives our best anonymously reviewed publishers their just reputations has also been shown to occur in anonymous student evaluations. While students may not be in a position to evaluate the content of courses--that, after all, is a function of peer review--the evidence shows they are in a position--the best position--to evaluate the effectiveness of courses.

Finally, if evaluation of teaching is to be an important component in decisions on merit raises, tenure, and promotions--and it is to be

hoped that it will, since to do otherwise would be seriously to undervalue that crucial, central aspect of the professorial function--then student evaluation of faculty should be an important component in the assessment of faculty achievement in teaching. To abolish such use of the evaluations would be to take an important step backward, to the days when corridor gossip and intuitive hunches provided the basis for evaluation of teaching performance. The evaluation forms should be continually monitored, and every effort should be extended to see that they are improved and that they are used fairly, honestly, and in conjunction with other measures of teaching effectiveness, which can provide a check on their validity.

It is thus the recommendation of this minority report that the Senate reject the majority report recommendation No. 2 (p. 2) and that the following language be substituted at that point: "That carefully-designed instruments for student evaluation of faculty be employed in each course for the purpose of instructional improvement and as a component in the evaluation of faculty teaching, for use in decisions regarding salary, tenure, and promotion."

This report also recommends the deletion of the last sentence in majority report recommendation No. 1b, p. 1.

Every effort should be made to see that student evaluations, like other measures of achievement in teaching, as in research, are used fairly, carefully, and objectively; this matter is obviously very important in the careers of faculty members and for the quality of the university, and, as in all such evaluations--whether of research or teaching--the possibility of abuse or misuse does exist. But if appropriate procedures and safeguards are followed, student evaluation of faculty is a legitimate and useful practice, which can help encourage and reward excellence in teaching at the university.

Respectfully submitted,

David Gross (English)

May 7, 1982

Response to the Minority Report: Faculty Senate ad hoc Committee Report on Student Evaluation of Faculty.

I welcome the minority report of Professor Gross in defense of student faculty evaluations, because it helps to sharpen the issues for Senate deliberations. That report is organized primarily as a rebuttal of portions of the majority report. I would like to point out that he had a month to write it but has given the majority report subcommittee only a weekend at the most hectic time of the year in which to respond to his report. The subcommittee has not had time to meet for this purpose, so I am framing my own response, which I believe will be generally consistent with the opinions of the other committee members. I think it important that this be done in writing for the record and to avoid the loading of too much detail into oral arguments on the Senate floor.

There are essentially four issues raised in the minority report (1) Research and (2) Faculty Opinion Support of the Quality of Student Ratings of Faculty, (3) The Legal Issue, and (4) The Ethical Issue.

1. Research on the Quality of Student Ratings of Faculty. Most of the space in the minority report is devoted to this item. Professor Gross makes extensive reference to papers by W. J. McKeachie and L. Aleamoni, who are strong proponents of SFE. His assertion that the largest body of evidence that student evaluations "do work quite well" are apparently based on the conclusions of these authors. With respect to the validity question, this view is disputed by Robert Powell (1), who has also counted and assessed the quality of research papers. Appropriate citations from this study are found in the majority report, page 19. It is interesting to note that both McKeachie and Aleamoni fall into Powell's category of "people who have worked at places where rating scales or evaluation consultation service have become available for a fee."

As recently as last week Miriam Rodin, an independent professor of psychology who has performed research and published during the past decade in the field of student-faculty evaluation, wrote:

"Student evaluation scores are actually measures of unknown validity. The question of what they measure is still a matter of active research interest. Every month prestigious journals publish research on extraneous factors that influence student evaluation." . . . "The policy of trying to obtain a fine measure of the teaching performance of every faculty member and relying on student evaluations to provide this measure has had negative consequences. Student evaluations are 'weak' measures in the sense that they are affected by a number of factors other than the quality of teaching."

Student faculty evaluations can survive only if their validity can be proved beyond a reasonable doubt. McKeachie, Aleamoni, and others like them have tried to get around this impossible task by shouting down SFE critics, but the controversy is now louder than ever.

2. Faculty Opinion on Student Ratings of Faculty. Professor Gross tries improperly to compare our faculty input survey designed to solicit in-depth analyses of the system (clearly labeled as not a questionnaire) with the 1981 Arts and Sciences SFE questionnaire. In the latter case, one has only to check his choice of printed responses among a few questions and drop it into the faculty mail,

thereby insuring returns by a fair percentage of the faculty. A large number of responses reflect the faculty member's perception of how he has been treated by the students, not an analysis of the system's merits.

Responses to the Committee's invitation presuppose that the faculty member has thought the system through and has arrived at a logically supported opinion; and that he is then willing to take the trouble to write it all out and communicate it to the Committee. SFE supporters had their chance to respond but did not do so. We were successful in our principal aim of identifying serious faculty concerns. A meaningful questionnaire could come later after Senate reports and debate had run their course and the faculty as a whole was better informed, but the semester ended before this could be accomplished.

The committee majority's conclusions were influenced not only by these faculty responses but also by extensive literature support, by the legal opinion and by its own logical analysis of the system. It is Professor Gross who relies on unsupported assertions and pure speculation.

I now turn attention to the 1981 Arts and Sciences SFE questionnaire cited by Professor Gross. About half the faculty responding felt that SFE should be used in a diagnostic context only. Thirty-five per cent thought that the data were being inappropriately used. In view of the fact that a large percentage of the faculty has a vested interest in the SFE system because of high scores, these results show an alarmingly low level of SFE acceptability in the College. The results were so disturbing that the Dean made a formal promise to the faculty to establish an investigatory committee, a promise which he has thus far failed to keep.

3. The Legal Issue. Professor Gross states "a careful study of Professor Tepker's report on the legal question reveals not only a strong bias against use of student evaluations but also the implication that, if used carefully and in conjunction with other measures of teaching effectiveness, student evaluations can be appropriate."

What is taken as an anti-SFE bias is actually a confessed pro-management bias resulting naturally from his five-year management advocacy in employment discrimination litigation, an experience which makes him uniquely well qualified to render a legal opinion on the use of student evaluations as a means of making personnel decisions. Pro-management bias here becomes pro-administration bias, and SFE is an instrument of the Administration. Consequently, Professor Tepker's concern would be to see whether SFE was well enough grounded in legal safeguards to protect the Administration.

What actually comes out of his analysis is in my opinion conclusions that are bias-free in either direction. Certainly he has no reason to be biased against SFE on personal grounds. Last fall, was his first teaching assignment, and there hasn't been time to develop that kind of bias.

Professor Tepker's analysis shows that anonymous student evaluations cannot stand alone in a legal sense; such a conclusion does not apply to, e.g., peer evaluations, which are considered legally substantive. Consequently, whether student evaluations are appropriate cannot be decided legally, since some other evaluative method must be used to satisfy legal criteria.

4. The Ethical Issue. Professor Gross knows very well that the ethical suitability of totally anonymous SFE results in personnel decisions cannot be compared fairly with the semi-anonymous system of refereeing journals and scholarly books. In the latter case, the reviewer is a carefully selected peer known to the editor but not to the author. Authors may occasionally be abused by the system, but they can argue with the referee through the editor and can also submit their work to other journals or publishing houses with different referees. In the very unlikely instance of a court challenge, the referee's semi-anonymity could doubtless be removed by the court.

A similar system of student evaluation could be considered by departments, with Committee A assuming the "broker" role.

Despite the Committee's negative stance on SFE as practiced at OU and numerous other universities, it is not recommending a blanket abolition of student participation in the instructional improvement and evaluation processes. Instructional improvement is built into the Committee's recommendations. The question of whether and what form of student participation in faculty evaluation is left to the department. In the past, mixing the instructional improvement and evaluation functions in the same instrument has proved to be unworkable. In future departmental systems, they must be kept separate.

To single out SFE as a necessary component of the evaluation system as Professor Gross recommends would be to repeat the same tragic mistake made in the 1972 Senate resolution. SFE would again become the only evaluation method and we would be right back where we started.

The balanced set of recommendations made in Committee's position paper should be passed by the Senate unchanged.

Respectfully submitted,

George W. Murphy; Committee Chair

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1. Robert Powell, "Faculty Rating Scale Validity. "The Selling of a Myth," College English, 39, 616 (1978).
 2. Miriam J. Rodin, "By a Faculty Member's Yardstick, Student Evaluations Don't Measure Up, "The Chronicle of Higher Education, May 5, 1982, p. 64.