

Faculty Assembly Special Meeting Minutes
December 10, 2007
Minutes Approved – January 22, 2008

Present: Bill Cooke, Liz Canuel, Francie Cate-Arries, Alan Fuchs, Colleen Kennedy, Lisa Landino, John Lee, Rip McAdams, Alan Meese, Terry Meyers, Todd Mooradian, Carol Sheriff, Gene Tracy, Tom White, Laurie Wolf

Absent: Katie Bragdon, Larry Evans, Carl Hershner, Dee Royster, Heather Macdonald, Mike DiPaolo

Others in Attendance: Provost Geoff Feiss

The meeting was called to order at 15:35 by Alan Meese

Two announcements from President Meese:

Faculty Survey now posted on FA website—200 pages in length
Holiday Party with President Nichol following today's meeting.

1. Discussion of the Faculty Handbook

Discussion of Section III. F—Allegations of violations of policy

First eleven pages of this section were discussed at previous FA meetings.

1. Purview is changed from earlier versions; no concerns expressed.

Page 2--changed definitions of sanctions (viii).

Page 3 –College counsel added “with a right or a” phrase.

d. def. of retaliation clarified

g. inquiries—footnote in current draft about notification is important; discussion that perhaps this should be moved to body of section; writing committee will add a new section in revised draft.

Discussion occurred about whether we need a definition of confidentiality also here; no change to draft proposed. Some discussion about when the handbook provisions would not apply—if there was some imminent danger or major concern for safety or security.

Page 4--changes in this draft are for clarity; FAFAC notification of 120 days included.

Page 5-- new section m. has been added re: FAFAC comments

2. Discrimination. & Discriminatory Harassment section was reviewed by Director of Office of Equal Opportunity.

ii. Reporting Requirement: “an allegation” added following bullet points in the following two paragraphs (changed from “report” in earlier draft).

Footnote 10 added to address faculty notification; identity concealed; file must be destroyed after 5 years.

Footnote 13 reworded from earlier draft; nothing in the handbook wording should prevent a faculty member from going to the Faculty Hearing Committee (FHC).

Question of personnel files, where are they retained?—per Provost, state law does not designate only one personnel file—there could be a faculty file in various offices around campus.

Page 12—clarifying language only.

Page 13—iii clarification of faculty appeal of a major sanction.

Academic Misconduct and Scholarly Conduct section:

This language is from Office of Research Integrity (ORI) or previous handbook; some language repeated for consistency. ORI requires specific time frames included here.

c. Formal investigation--made language consistent with earlier procedures.

2. Incompetence, etc.—language added here for consistency with prior; counsel provided some additional language; linked to F. 5 for all the FHC procedures

3. College Procedures for Formal Investigation, taken from AAUP

--Some discussion of the rest of the committee regarding the committee members who have not been challenged—writing committee will clarify regarding the challenge for cause (even after the two challenges have been done); if committee member is removed there should be replacement—the total is eight (and alternates) comprising the FHC. No minimum number of people on FHC has been specified to have a valid hearing. If no rule, a simple majority would carry a finding; being challenged will not result in a committee member not voting unless the challenge is upheld. Five people will be the number and this will be added to this section in revision.

--“as a whole” has been added to qualify the record (by College counsel)

4. Appeal of Major Sanctions—to Procedural Review Committee (section is consistent with AAUP guidelines)

Part a. clarified as to the final finding (very last sentence); President should not determine what procedures are to be applied.

Part b. appeal goes to President, and then to the BOV—if they disagree then goes back to the original place of the finding (Provost or FHC, for example).

FA discussion suggested that hyperlinks be replaced for all the definitions in this section.

Question about footnote #6—confidentiality could be ignored in case of public safety; writing committee will check with legal counsel on the rule of law for possible rewording of this point. Certain laws protect students, but not applicable to employees.

Motion made and seconded to send this section to PPC, with the amendments suggested in today’s meeting. Passed by FA.

III. G. Grievances

BOV has new interest in this process.

From College counsel—A particular faculty member cannot file grievance on behalf of somebody else; this is a change from earlier language.

Not a general grievance process—intent to avoid a “class action” type of grievance filing.

Discussion on need for adding word “personal” to direct adverse effect for clarify, or make petitioner also plural (for a group).

Some discussion about the appeal only on procedural grounds to PRC re: the finality of FHC decision—no action taken.

Time deadlines not ORI, but just desire to move the procedures along to prevent undue delays. Days are counted only when college is in session.

Other changes are consistent with AAUP language. There is some concern about “cause” here vs. the other sections.

1. Appeal on grounds of inadequate consideration is from old handbook.

New language will go to PPC and back to FA for consideration at a later meeting.

Motion made and seconded to forward this section to PPC. Passed by FA.

III. J Interpretation and Amendment of the Faculty Handbook

Major change is to include PPC, rather than the Provost, as the originator of any handbook revisions.

Discussion that the FA is giving up purview of the handbook to the eight members of PPC. Proposal from FA to make it necessary that FA would consent, along with PPC, to proposed handbook revisions—mutual consent necessary. Writing committee will submit new language to FA to accommodate this concern.

Conditions of employment determine which parts of the handbook go to the BOV, for approval of handbook changes.

Meeting adjourned at 5:20 PM

Respectfully submitted,

Tom White,
for Heather Macdonald
Secretary, Faculty Assembly