

## FHRC AGENDA Tuesday, April 12<sup>th</sup> 2016

Approval of minutes from March 15<sup>th</sup> 2016

Update:

Outcome of Faculty Senate March 22<sup>nd</sup> carry over meeting

1. Regarding FH 7.2.1 Sabbatical Leave for Faculty, our recommendation was approved.
2. Regarding FH 8.4 Consensual Sexual or Romantic Relationship Policy, our recommendation was approved.

Old Business: Update:

1. Intellectual Property: The Intellectual Property Committee released to the Provost's Office a list of its findings. Chris Craig, Associate Provost for Faculty and Academic Affairs then shared the IPCs findings with faculty via email distribution.
2. Kurt Heinlein's submitted to FHRC a proposal regarding extending the "other half" of the 15 credit course fee waiver to a second child who is also attending the Greenwood Laboratory School this past fall. In October Chris Craig mentioned that Dr. Heinlein's proposal needed first to be addressed by the benefits committee before it would come to the FHRC for consideration.
3. Upcoming (April 14<sup>th</sup>) Faculty Senate Agenda item. FHRC proposed changes to Chapters 12 & 13. Below is what was submitted to Faculty Senate for vote Thursday, April 14, 2016.

### Chapter 12 Proposed Changes

**12.3. Academic Personnel Review Commission (APRC):** Final paragraph reads,

Current Language:

The APRC duties shown marked with asterisks also apply to the Professional Practices Review Process (Chapter 13). Decisions made by the APRC must be supported by a majority of the commissioners. The APRC must inform the Associate Provost for Faculty and Academic Affairs of its activities, but is not required to include the Associate Provost in its discussions.

Proposed Language:

The APRC duties shown marked with asterisks also apply to the Professional Practices Review Process (Chapter 13). Decisions made by the APRC must be supported by a majority of the commissioners. The APRC must inform the Associate Provost for Faculty and Academic Affairs of its activities, but the Associate Provost shall not be included in APRC discussions.

Rationale:

The FHRC was made aware that in the past, the APRC had significant problems under the guidance of a different Associate Provost. The proposed changed is an attempt to prevent a similar situation in the future.

### 12.3.8. APRC Recommendations

Current Language:

If the parties fail to reach a resolution, the APRC shall produce a report divided into findings of fact and recommendations with supporting reasons. *This report is given to the faculty member and the party against whom the grievance has been alleged. The faculty member and APRC should be informed in writing within five business days whether the party against* whom the grievance has been alleged agrees to the recommendations. If the parties agree with the recommendations of the APRC, the case is resolved.

Proposed language

If the parties fail to reach a resolution, the APRC shall produce a report divided into findings of fact and recommendations with supporting reasons. This report is given to the faculty member and the party against whom the grievance has been alleged, **and the provost**. The faculty member and **the party against whom the grievance has been alleged must** inform the APRC in writing within five business days whether they agree to the recommendations. If **both** parties agree with the recommendations of the APRC, the case is resolved.

Rationale:

There is currently no mention that the Provost should receive the APRC's report, but it seems like it would make sense for that to be shared with the Provost. Note that the final report of the UHP (12.4.6) also goes to the Provost.

The third sentence focuses on the response by the party against whom the grievance has been alleged. It suggest that if that individual agrees with recommendations, then the case is over. However, it should say that both parties must agree. This would make it consistent with the final sentence.

### 12.3.9. Right to Initiate Formal Review Process

Current Language:

If the case is not resolved after the APRC report has been disseminated, the faculty member may initiate the formal review process for APGP by filing written notification with the APRC in the Faculty Senate Office and sending a copy to the Provost's Office. *The notification must be filed within ten business days of the receipt of the APRC report or conclusion of mediation.*

Proposal Language:

If the case is not resolved after the APRC report has been disseminated, the faculty member may initiate the formal review process for APGP by filing written notification with the APRC in the Faculty Senate Office and sending a copy to the Provost's Office. **Absent exceptional circumstances,** notification must be filed within ten business days of the receipt of the APRC report **or the conclusion of mediation, or the APRC report will stand.**

Rationale:

The proposal aims to clarify the status of the grievance process should the faculty member simply decide not to respond and does not give any indication to the APRC about the basis of that choice.

## 12.4.1. Composition of University Hearing Committee and Panels

### 12.4.1.1. University Hearing Committee

Current Language:

Twenty-four tenured, ranked faculty members shall be elected by the Faculty Senate to serve three-year staggered terms as the University Hearing Committee (UHC). The Faculty Senate shall select one-third of the UHC membership annually in the regular February meeting of the Faculty Senate for service beginning in the next academic year. These faculty members shall be nominated by their College Council, which shall send two names annually to the Faculty Senate Office by February 1st. At least three of the twenty-four faculty members shall be from each college. (Replacements, where necessary, shall be appointed by the Faculty Senate Executive Committee [FSEC] or filled by the Faculty Senate at the next annual appointment period.) A faculty member who is elected to the UHC may be re-elected to successive terms.

Proposal:

Thirty tenured, ranked faculty members shall be elected by the Faculty Senate to serve three-year staggered terms as the University Hearing Committee (UHC). The Faculty Senate shall select one-third of the UHC membership annually in the regular February meeting of the Faculty Senate for service beginning in the next academic year. These faculty members shall be nominated by their College Council, which shall send three names annually to the Faculty Senate Office by February 1st. At least four of the thirty faculty members shall be from each college. (Replacements, where necessary, shall be appointed by the Faculty Senate Executive Committee [FSEC] or filled by the Faculty Senate at the next annual election.) Replacements appointed by Faculty Senate Executive Committee serve until the next annual election. A faculty member who is elected to the UHC may be re-elected to successive terms.

Rationale:

Using the current 24 pool, during summers many UHC members are unavailable because of travel or other commitments and this has been problematic especially when two or more panels must be assembled. Therefore, the FHRC recommends an increase in the pool of UHC members from three to four, one additional faculty member from each college, and one additional faculty member being nominated by their perspective college council.

The FHRC recommends clarification of the replacement issue because it was not clear if the replacement selected by the FSEC served the remainder of the replaced faculty member's term or just until the next regular term.

### 12.4.1.2. University Hearing Panel

Current Language:

From the 24-member UHC, a five member University Hearing Panel (UHP) shall be selected by the Faculty Senate Executive Committee and empaneled by the APRC as needed. The faculty member and the administrator may request to replace up to three of the selected panelists prior to the first meeting of the UHP.

An orientation of the University Hearing Committee shall be conducted by the APRC and General Counsel annually. UHP decisions must be supported by a majority of the panelists.

Proposed Language:

From the 30 member UHC, a five member University Hearing Panel (UHP) shall be selected by the Faculty Senate Executive Committee and empaneled by the APRC as needed. The faculty member and the administrator may request to replace up to three of the selected panelists prior to the first meeting of the UHP.

An orientation of the University Hearing Committee shall be conducted by the APRC and General Counsel annually. UHP decisions must be supported by a majority of the panelists.

**Rationale:**

To be consistent with proposal in 12.4.1.1.

**12.4.6. Report**

Current Language:

The UHP shall prepare a written report divided into findings of fact and recommendations with supporting reasons. The report shall be presented to the Provost and the faculty member within five business days of the conclusion of the hearing. A minority report may also be prepared.

Proposed Language

The UHP shall prepare a written report divided into findings of fact and recommendations with supporting reasons. The report shall be presented to the Provost, the faculty member, and the administrator against whom the grievance was filed within five business days of the conclusion of the hearing. A minority report may also be prepared.

Rationale:

FHRC recommends that the report should also go to the administrator against whom the grievance was filed.

## Chapter 13 Proposed Changes

### 13.3 Initiation of Formal PPRP.

**Current language:**

The PPRP is initiated by a Department Head, Dean, Provost, or President if the conduct of a faculty member is considered sufficiently grave to justify imposition of major sanctions and attempts at resolution by informal negotiations have been exhausted. After discussing the situation with the faculty member, the administrator institutes the PPRP by preparing a written complaint and providing it to the faculty member. Only the President of the University may institute the PPRP if a dismissal is a recommended sanction. Exercising academic freedom of speech or political speech/affiliation shall not be grounds for dismissal or imposition of major sanctions.

Although the PPRP may be initiated only by administrators, faculty or staff may present allegations of unprofessional conduct against another faculty member to the faculty member's Department Head who should investigate and proceed appropriately. If the Department Head is unable to resolve the complaint, the person alleging the impropriety may take the matter to the Dean of the faculty member's college or the Associate Provost for Faculty and Academic Affairs. If none of the three administrators chooses to initiate the PPRP, the matter is considered resolved.

**Proposed Language:**

The PPRP is initiated by a Department Head, Dean, Provost, or President if the conduct of a faculty member is considered sufficiently grave to justify imposition of major sanctions and attempts at resolution by informal negotiations have been exhausted. After discussing the situation with the faculty member, the administrator institutes the PPRP by preparing a written complaint and providing it to the faculty member. Only the President of the University may institute the PPRP if a dismissal is a recommended sanction. If the President has initiated the PPRP, the President may designate a representative to fulfill the role of the administrator in the hearings. Exercising academic freedom of speech or political speech/ affiliation shall not be grounds for dismissal or imposition of major sanctions.

Although the PPRP may be initiated only by administrators, faculty or staff may present allegations of unprofessional conduct against another faculty member to the faculty member's Department Head who should investigate and proceed appropriately. If the Department Head is unable to resolve the complaint, the person alleging the impropriety may take the matter to the Dean of the faculty member's college or the Associate Provost for Faculty and Academic Affairs. If none of the three administrators chooses to initiate the PPRP, the matter is considered resolved.

**Rationale:**

Chapter 13 involves what appears to be a requirement that the President be present as a participant in any Professional Practices Review Process (PPRP) where dismissal is considered as a sanction. This is of particular concern especially when it is the President who has filed a grievance. This was actually the situation in a recent UHP.

This proposed change would make 13.4.5 parallel with language from Chapter 12. **Section 12.4.4. Hearings** includes the statement, "If the University is the only respondent, the President will designate a representative who will be allowed to present an opening statement and question the witnesses and parties." Essentially, the President need not participate directly in Academic Personnel Grievance Process (APG) hearings, but may designate someone in his place.

**Section 13.3 Initiation of Formal PPRP (Professional Practices Review Process)**, includes the statement, "Only the President of the University may institute the PPRP if a dismissal is a recommended sanction." This section states that in cases involving dismissal as a possible sanction, the PPRP must be initiated by the President. This makes sense because of the President's role in the University. The requirement that the President initiate the process confirms the President's knowledge that the step is being taken and that the President would be willing to present the request for dismissal to the Board of Governors. However, to a great extent, the President is essentially a figurehead in the process – the rationale for dismissing a faculty member is provided primarily by the administrator initiating the PPRP and by the Provost.

**Section 13.4.5. Hearing** includes the statement, "The administrator initiating the PPRP and the faculty member will each be allowed to present an opening statement without interruption and orally question the witnesses and parties." Essentially, it mandates that the President file the PPRP in any case where dismissal is a potential sanction, and this section requires that the administrator initiating the PPRP be a participant in the UHP hearings, hence the conflict.

The proposed change alters this language to make it parallel with 12.4.4.