

FACULTY MEETING
April 6, 2012

MOTIONS - FACULTY HANDBOOK, PART ONE, ARTICLE X

I. MOTION 1

That the current Part One, Article X of the *Faculty Handbook*, DISCIPLINE OF TENURED FACULTY, be replaced with a new Article X, DISCIPLINE AND DISMISSAL OF FACULTY.

The current language of Article X reads as follows:

X. DISCIPLINE OF TENURED FACULTY

The appointment of a tenured faculty member may not be terminated nor status reduced except for cause and after thorough investigation. In the event of such a situation, the faculty member may request either (1) an investigation and hearing by the Vice President for Academic Affairs, the Dean of the Faculty and the Committee on Appointments, Promotions, and Tenure, (2) a hearing before the Committee on Academic Freedom and Rights, or (3) a hearing before a joint trustee committee and the CAPT or a joint trustee committee and the CAFR.

The proposed new language is set forth in the attached document, “[Article X. DISCIPLINE AND DISMISSAL OF FACULTY.](#)”

Rationale:

In response to an expression of concern by a faculty member, the Committee on Academic Freedom and Rights (CAFR) drew attention to the fact that the current language of Article X is inadequate:

- it provides only for termination or reduction of status of tenured faculty members; it does not provide for other sanctions.
- it does not provide clear and specific procedures for resolving complaints against faculty members or for the termination of a faculty member.

The new Article X proposes to address these matters.

Since department chairs, program directors, and members of Academic Affairs administration do receive complaints from time to time regarding the behavior of faculty members, it is important to have clearly defined procedures for addressing those complaints.

The new Article X proposes procedures for complaints leading to sanctions of various levels of seriousness as well as complaints leading to dismissal from the College. Moreover, the proposed procedures protect all faculty members, not only those who are tenured or on the tenure-track.

The new Article X attempts to strike a reasonable balance between articulating general types of behavior that may result in discipline of a faculty member without specifying every offense and providing that faculty member the remedy of appeal and peer review. In short, the proposed new procedures allow the College to weigh both the interests of faculty members accused of misconduct and the interests of community members who may be adversely affected by the alleged misconduct.

II. MOTIONS 2A and 2B

If MOTION #1 carries, the Faculty Executive Committee will propose the following motions:

- A) That the description of the function and membership of the Faculty Advisory Board in the *Faculty Handbook*, Part Two, II, 14, be amended; and**
- B) That a new item 16, GRIEVANCE PANEL, be inserted after Part Two, II, 15 (with the following numbered items to be adjusted as appropriate).**

For A, the current language reads as follows:

Function: To provide a pool of faculty peers to staff an Advisory Panel (AP, see below), which is convened in the formal investigation of a discrimination or harassment charge made against a member of the Faculty.

Membership: Six members of the Faculty, at least four of whom must be tenured and two of whom may be untenured at the time of appointment, serving overlapping three-year terms. These members will be appointed by the FEC in consultation with the Vice President for Academic Affairs, and trained by Human Resources in matters of discrimination and harassment. Appointments will be based on an initial willingness-to-serve pool, the vote of the faculty, and, when necessary, the need for appointing a representative FAB. Members of the FAB may not serve concurrently on the CAFR, the CAPT or the TRB.

Proposed language follows:

Function: To provide a pool of faculty peers to staff an Advisory Panel (AP, see **15** below), which is convened in the formal investigation of a discrimination or harassment charge made against a member of the Faculty; **or to staff a Grievance Panel (GP, see 16 below), which is convened (i) when a member of the Faculty appeals disciplinary sanctions, based upon charges of professional incompetence, neglect of duties, professional misconduct, or personal misconduct or (ii) when the ADOF believes dismissal of a member of the Faculty is warranted, based upon charges of professional incompetence, neglect of duties, professional misconduct, or personal misconduct.**

Membership: **Eight** members of the Faculty, at least **six** of whom must be tenured and two of whom may be untenured at the time of appointment, serving overlapping three-year terms. These members will be appointed by the FEC in consultation with the **Dean of Faculty**/Vice President for Academic Affairs, and trained by Human Resources in matters of discrimination, harassment, **and disciplinary proceedings**. Appointments will be based on an initial willingness-to-serve pool, the vote of the faculty, and, when necessary, the need for appointing a representative FAB. Members of the FAB may not serve concurrently on the CAFR, the CAPT or the TRB. **The FAB will select its chair from its membership.**

For B, the proposed new language follows:

16. GRIEVANCE PANEL (GP)—Appointed

Function: To provide a panel of peers to hear appeals brought by members of the Faculty regarding disciplinary sanctions involving professional incompetence, neglect of duties, professional misconduct, or personal misconduct; to consider cases involving dismissal of members of the Faculty, based on charges involving professional incompetence, neglect of duties, professional misconduct, or personal misconduct; and to uphold the strictest standards of confidentiality both during and after an investigation. (See, further, Part One, Article X, Sections D, E, F, and G.)

Membership: The three members of the GP will be selected from the Faculty Advisory Board (FAB, see above) as follows: all three must be tenured; the ADOF will select one panelist; the faculty member will select one panelist; and the FAB will select the third panelist. A panelist may not come from the same department or program as the faculty member (where “program” is understood as a unit whose members regularly engage with one another); any panelist with a conflict of interest may not serve. In addition, the faculty member and the ADOF may each make one request that the FAB chair select a replacement. If there are not sufficient eligible faculty remaining on the FAB to constitute the GP, the DOF/VPAA and the chair of FEC will provide replacements from the faculty at large; any such replacements will receive appropriate training. The GP will select a chair from among its membership.

Rationale :

If the Faculty adopts the new Article X, then the Faculty must also add language to the *Handbook*’s description of the Faculty Advisory Board—in particular, language that explains the function of the Grievance Panel (GP) and how the GP is formed. This is a new responsibility for the Faculty Advisory Board, a committee that was created when the Faculty adopted the new version of *Handbook* Part Six in 2008. The language describing the Grievance Panel’s membership and function is consistent with the language of the new Article X. Moreover, when pertinent, the language explaining the Grievance Panel (GP) mirrors the language pertaining to the Advisory Panel (AP). If the Faculty adopts Article X and approves this motion, FAB members will take on this additional responsibility.

FAB will also agree to draft an operating code, which will indicate that the FAB must select a chair from among its membership at the start of each academic year and that every FAB member will go through the appropriate training. Given the broader responsibilities of the FAB, it is also important to increase the pool of tenured faculty from six to eight.

III. MOTION 3

If MOTION #1 carries, the Faculty Executive Committee will propose the following motion:

That the description of the function of the Committee on Appointments, Promotion, and Tenure (Part Two, II, 2) be amended.

The current language reads as follows:

Function: To represent the faculty on administrative appointments and reviews and on faculty appointments, promotions, tenure, **and termination of service**, and to make recommendations on these matters to the appropriate administrative officer.

The proposed language is as follows:

Function: To represent the faculty on administrative appointments and reviews and on faculty appointments, promotions, and tenure, and to make recommendations on these matters to the appropriate administrative officer.

Rationale:

Upon the replacement of the current Article X with the new Article X, CAPT will no longer have any role in termination of service; therefore that phrase must be removed from the description of the committee's function.

IV. NOTE ON THE COMMITTEE ON ACADEMIC FREEDOM AND RIGHTS

If MOTION #1 carries, the Committee on Academic Freedom and Rights (CAFR) will amend its operating code as appropriate.