

**Faculty Meeting Minutes  
April 8, 1998**

President Pierce called the meeting to order at 4:03 p.m. Fifteen voting members of the faculty were present.

Minutes of the March 11, 1998 and March 24, 1998 faculty meetings were approved as distributed. Minutes of the April 1, 1998 faculty meeting had not yet been distributed, so approval was deferred until the next meeting.

There were no announcements.

Dean Cooney reported that, with the exception of the Music School Director search still in progress, all tenure-line faculty hiring for next year has been completed. Among the strong group of nine new faculty colleagues, seven are women. President Pierce said that much hard work was involved in these searches, and that everyone involved should be congratulated

President Pierce asked Dean Cooney to continue to preside over discussion of proposed changes to the *Faculty Code*. With regard to proposed change #93, discussed at the April 1, 1998 faculty meeting, Kris Bartanen announced that the Code Revision Committee (CRC) had decided to delete change #93 because it is redundant with language already in Chapter III.

**We began by considering proposed change #95, to Chapter V, Part A, Section 2,c,(3):**

*Insert: "Upon receipt of the president's letter the Faculty Senate has twenty (20) working days within which to consider if in their judgment a financial exigency does exist and to forward that judgment to the president."*

There was no discussion.

**We next considered proposed change #95a, to Chapter V, Part A, Section 3,a,(6), reproduced here from the white sheets attached to the green sheets dated March 26, 1998:**

*After rereading Chapter V yet again, the CRC recommends removing the words "or retire" from Section 3.a.(6) under Procedures for Dismissal.*

Bartanen explained that, under current law, we probably cannot ask people to retire. There was no discussion.

**Reproduced here from the white sheets attached to the green sheets dated March 26, 1998 is this explanation of the CRC's thinking with regard to Part D of Chapter V: "The CRC recommends no changes at this time to Chapter V, Part D on Retirement, since those issues are still under review by counsel."**

**We next considered proposed change #96, to Chapter VI, Section 1,b:**

*Delete: "when" between "code" and "those"; separate into two sentences.*

*". . . provided, that a faculty originated complaint does not include obligations conferred by Chapter I, Part F, and Chapters III, IV, and V of this code. Those chapters provide for appeal of the alleged violations."*

There was no discussion.

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At this point, noting that we had begun discussion of a new chapter, Dean Cooney asked President Pierce if she would like to resume the chair. President Pierce asked Dean Cooney to continue to preside.

**We considered proposed change #97, to Chapter VI, Section 2,a:**

*Add: "A grievance notice presented after thirty working days of the alleged violation will be considered only if the grievant demonstrates that he or she did not know, or could not have known, about the alleged violation until a later time. In such an instance, the grievance notice must be given within thirty working days of the date upon which the grievant gained knowledge of the alleged violation."*

There was no discussion.

**We considered proposed change #98, to Chapter VI, Section 4,b:**

*Add: "The function of the hearing committee shall be to determine whether there have been violations of the code, as alleged by the grievant, and to recommend what sanctions, if any, should be imposed upon the respondent(s)."*

There was no discussion.

**We considered proposed change #99, to Chapter VI, Section 4,c,(9):**

*Insert: "Decision. After completion of the hearing, the members of the committee shall meet in executive session to consider their decision on the matters before them. The committee may consider only evidence presented to it in the hearing. Sanctions, if any, which can be recommended against a faculty respondent include:*

*(a) official reprimand, including a warning of the possible consequences of further violations;*

*(b) official letter of reprimand placed in the faculty member's evaluation file;*

*(c) restrictions on participation in campus activities or forfeiture of a benefit, honor, leadership position, or other privilege enjoyed by virtue of the person's membership on the faculty;*

*(d) delay of consideration of promotion, forfeiture of a salary increase, or monetary penalty;*

*(e) suspension or mandatory leave of absence;*

*(f) any one or more other corrective sanctions as appropriate, such as an apology to persons harmed, mandatory counseling, or participation in an appropriately designed educational program.*

*~~(g) termination of employment.~~*

Reproduced here from the white sheets attached to the green sheets dated March 26, 1998 is this explanation of the CRC's thinking with regard to (g): "The CRC, upon further reflection, believes that "termination of employment" is already covered by provisions of Chapter V of the Code and should not be included in this proposed revision to Chapter VI."

David Droge explained that adding the list of sanctions makes the code more consistent with the university's sexual harassment and other policies. President Pierce asked why termination had been eliminated as an option here. Bartanen and John Riegsecker explained that Chapter V covers termination, so that reference to termination in the Chapter VI discussion of the grievance process confuses matters. Bill Breitenbach asked if the same logic would not also apply to

“forfeiture of a salary increase” in (d). Dean Cooney said he thought not, since Chapter V deals only with termination. Then what, Breitenbach asked, justifies in Chapter VI the “monetary penalty” in (d)? Dean Cooney said it was justified by the definition of “adequate cause” in the Chapter VI grievance process. Riegsecker noted that there is also reference to “adequate cause” for reduction cited in Chapter IV, and suggested that this might create a problem. Dean Cooney agreed that this probably does create a problem, and suggested that the CRC address it.

**We considered proposed change #100, to Chapter VI, Section 5:**

*Substitute: "The president shall consider the report and materials submitted therewith. Within twenty (20) working days of receiving the committee's report, the president shall do the following:*

- a. finally determine what action, if any, the university shall take in response to the grievance complaint;*
- b. transmit the final determination to the committee, to the grievant and to the university officer or employees whose actions gave rise to the grievance complaint;*
- c. transmit to the committee, should the final determination be contrary to that reached by the committee, the reasons for the determination;*
- d. direct appropriate university officers to take any required action."*

*For: "On grievance matters relating to administrative actions, the president shall consider the report and materials submitted therewith and shall finally determined what action, if any, the university shall take in response to the grievance complaint. Within twenty (20) working days, the president shall then direct appropriate university officers to take any required action and shall transmit the final determination to the committee, for dissemination to the grievant and to the university officer or employees whose actions gave rise to the grievance complaint. Should the president make a determination contrary to that reached by the committee, the president shall also transmit the reasons for such determination."*

There was no discussion.

**Finally, we considered proposed change #101, to Chapter VI, Section 6:**

*Delete: "of the hearing committee" at \* below:*

*"The respondent shall comply with the decision \* within thirty (30) working days or sooner."*

There was no discussion.

Dean Cooney noted that we had finished discussing the CRC's proposed code revisions, and spoke to the process now ahead of us. He said that revisions and changes emerging from faculty discussion will be incorporated by the CRC into a version of the code to be printed on blue paper. This “blue copy of the code” will be distributed to faculty, and a first reading will be made at the April 21, 1998 faculty meeting, with no official action to be taken at that meeting. Amendments received in writing will be distributed to faculty before the April 28, 1998 faculty meeting, at which they will be discussed, leading to adoption of the revised code.

Breitenbach asked if areas of disagreement will be marked in some way. Dean Cooney responded probably not, if the CRC has not been keeping track of these. Droge suggested that faculty wishing to become informed should read the faculty meeting minutes. Breitenbach asked if the April 28 meeting allows sufficient time for written amendments to be submitted and distributed after the April 21 first reading. Bartanen responded that amendments can be submitted anytime after the “blue copy” is distributed the week of April 13.

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We adjourned at 4:34 p.m.

Respectfully submitted,

John M. Finney  
Secretary of the Faculty