Year End Report from the 2017-18 Committee on By-Laws & FAM
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Year End Narrative Report from 2017-18 Committee on By-Laws

Committee Membership:

Over the course of the 2017-18 academic year, the Committee met ten times, including a transitional meeting with the outgoing committee in May, 2017. That meeting was primarily informational for the new committee, about finished and unfinished business of the 2016-17 committee, as there was a complete turnover in the regular faculty on the committee. All the other meetings involved substantive discussions of By-Laws and policy modifications, either brought to the Committee by others, or developed (or elaborated) through the Committee’s own initiative. Each of those meetings ran roughly 1½ hours, and there was substantive email traffic among committee members in between meetings, especially during the most intense period of the Committee’s work, January through March, 2018. There was no May transitional meeting, as there was going to be no turnover in the membership of the Committee, with the exception of the Faculty Secretary. Committee members agreed at the late April meeting that Mike Lee would take over the duties of chairing the Committee for 2018-19 from Richard Nunan in mid-August.

Dates of Committee meetings:

May 3, 2017 (informational meeting with outgoing Committee on By-Laws)
Aug 24, 2017 (meeting to discuss/approve moderate FAM 2017-18 changes from 2016-17 recommendations by 2016-17 Committee on By-Laws as related to 2016-17 ad hoc Committee on Hearing Procedures and 2016-17 PTR Committee proposals)
Oct 3, 2017 (Organizational meeting to assess what issues to attempt to address in 2017-18, with emphasis on work of 2016-17 ad hoc Committee on Hearing Procedures)
Oct 24, 2017 (with 3 available members of 2016-17 ad hoc Committee on Hearing Procedures)
Feb 1, 2018 (first of a series of meetings to iron out Hearing Committee & process reforms)
Feb 8, 2018 (second on same topic)
Feb 13, 2018 (third on same topic)
Feb 20, 2018 (fourth on same topic, plus minor FAM clean-ups, plus initial PTR discussion)
Mar 1, 2018 (further discussion of Post-Tenure Review reforms, review & small modifications of language of proposed Hearing Committee and procedures reforms)
Apr 23, 2018 (review of amended language Senate-approved Hearing Committee changes in documents to go to general Faculty vote for two By-Laws modifications—a small subset of the Hearing -related proposals approved in the March and April Senate meeting, most of which did not also require Faculty ratification. Further review of language of By-Laws Committee Senate motion #7, concerning PTR language governing application of evaluation standards for superior ratings.)
Nov 8, 2017 (separate informal meeting arranged by initiative of Chair, By-Laws Committee, involving him and the 2017-18 Post-Tenure Review Committee, to consult about more substantive of the recommendations from previous PTR Committee [those not yet already approved in 2017-18 FAM], about language governing application of PTR standards for superior rating, and to invite suggestions from the new PTR Committee on these or other PTR process issues, since Committee on By-Laws would be turning to these matters later in year)
Both the members of the 2016-17 *ad hoc* Committee on Hearing Procedures and those of the 2017-18 PTR Committee were invited to comment on emerging proposals relevant to their respective areas in late February, which resulted in limited email responses (positive) from each, with small suggestions from PTR Committee Chair Dinesh Sarvate for language modification in “Motion 7” to be submitted to Senate in Committee on By-Laws packet of motions, suggestions which were adopted by the Committee on By-Laws.

Meeting minutes were taken, by Mike Lee, at six of the nine substantive meetings conducted during 2017-18. They are attached, as submitted, along with selected meeting agendas, in the first of several appendices below. Agendas at the February/March meetings were complicated and detailed drafts of changes in FAM language governing Hearing Committee structure and procedure and PTR committee procedure. Since these agendas eventually resulted in the March/April motions to the Senate, they have been generally omitted to avoid confusion. A shorter sample agenda from the middle of this process (Feb 20) has been included.

Additional appendices:

Two appendices related to a report at the September 2018 Senate meeting, about modifications made in the 2017-18 Faculty/Administration Manual, and approved over the summer either by the 2016-17 or 2017-18 By-Laws Committee.

Committee on By-Laws & FAM Cover Memo, March/April 2018 Senate Motions
(Detailed overview of seven motions to the Senate, the first two of which are minor, the third a recommendation to eliminate binary-gendered language from the By-Laws and the FAM, and the last four of which concerned substantive modifications to the Hearing Committee structure and procedures, scheduling/deferment of PTR cases, and advisory language governing application of the standards for Superior Ratings in PTR cases.)

Committee on By-Laws & FAM March/April 2018 Text of Hearing Committee Senate Motions
(Two motions, the second of which has four readily distinguishable components.)

PTR Scheduling & Departmental Panel Modifications Proposal (Motion 6)

PTR Advisory Language Governing Application of Standard for Superior Rating (Motion 7)

Kunkle & Gigova Amendments to March/April 2018 Senate Motions (approved)

By-Laws Motions 3 & 4, as Amended and approved by Faculty (May 1, 2018)
(The Senate-approved motions on elimination of binary-gendered language from the By-Laws and the FAM, and on modification of the Hearing Committee structure were submitted for Faculty ratification, since changes in the language of the Faculty By-Laws, in an election ending on May 1. Both were overwhelmingly approved: 79-5 and 78-5, respectively.)

Email to Department Chairs concerning addition to PTR Superior Rating language
(In consultation with the By-Laws Committee, the Committee Chair began [end of Spring semester] surveying Department Chairs concerning new language approved by Senate, to confirm approval or learn about any reservations; will pursue further in August.)

*(Submitted by Richard Nunan, Chair, Committee on By-Laws and FAM)*
Dear By-Laws Committee members,

Well, I presented what we have done so far to the Faculty Senate on Tuesday, and since most of you were there, you already know that there didn’t appear to be any fuss about any of it. Nor were there any directives from the Senate for future work, although John Huddlestun (guest, Religious Studies) did raise something during the Q&A about language governing student grievances which is (apparently?) in the FAM, and needs some kind of improvement. Immediately after the meeting, I heard more privately from __________, who has (I gather) been working with Jeri Cabot on repairing some related policy language, and said she would have mentioned this issue to me if John had not. I don’t know what it’s all about, exactly, but I presume we’ll hear from one or both of them eventually.

In the meantime, we should get on with the business at hand, which, for starters I think, should focus on our rather lengthy remaining set of issues from the ad hoc Committee on Hearing Procedures. To that end, I was wondering if we could meet as early as this coming Tuesday, Oct. 3, from 12:00-1:30? Or failing that, I wondered if Thursday the 5th at the same time would work for all of you? I’m unavailable on Tuesday, Oct. 10th, unfortunately, as I’m driving a vanload of pre-law students up to a law school forum at USC law that day. And Oct 17th just seems a long way off for us to get started. Megan, could you tentatively block out ECTR 228 for this coming Tuesday, on the theory that everyone might be able to come then?
Faculty By-Laws Committee Meeting  Minutes  
10/3/2017

Present: Richard Nunan, George Pothering, Deanna Caveny-Noecker, Megan Gould, Liz Jurisich, Jannette Finch

The ad hoc committee has four recommendations:
1. Changing the package of deadlines
2. Language about the Hearing Committee authority to identify and adjudicate conflicts of interest
3. Changing constitution of the committee
4. Incorporating the Committee’s recommended modifications to the language of the missing page of “Post-Hearing Procedures,” that has already been restored in its original form.

Then, the ad hoc committee, did not address:
5. Training for committee members
6. Language insuring integrity of Grievants request for public hearing
7. Language clarifying roles of College Counsel & any Grievant advocate
8. Language explicating role of Hearing process as Faculty Governance

As per the thorny #2, who gets to determine at their discretion who is conflicted and issue a ruling?

Richard proposes an inquisitorial system. Remove the adversarial system. Empanel a trained committee, sans provost, to investigate the decision that was made. The committee reports to the provost, not the president.

Who should be involved in this discussion going forward? Perhaps let’s go back to the ad hoc committee.

We could invite the ad hoc committee to come to the next meeting and discuss.
We can consult AAUP language.
We can consult of institutional best practices.
We can lay down generic principles to work toward (reducing adversarial, moving authority in the room, reducing conflict of interest, etc.)
Agenda, By-Laws Committee Meeting of Oct 24, 2018

The main items recommended by the ad hoc Committee, but not yet resolved, I believe are these:

1. Changing the package of deadlines:
   On receipt of a written request, Committee Chair will ‘normally convene Committee’ within 15 working days (instead of 30 unspecified days)—in charge of the Committee section at beginning of Committee’s Procedures Appendix
   Grievant must file a Notice of Grievance within fifteen working days of the act complained of (instead of 20)
   Committee will meet within 10 (instead of 5) working days of receipt of Grievant’s Notice to assess whether filing was timely & Committee has jurisdictional authority.
   Provost will notify Committee & Grievant within two working days of Grievance of the identity of the individual who will represent the College.
   Grievant shall notify Committee & College Representative if s/he intends to have counsel at least 10 working days prior to the Hearing.
   Pre-Hearing will be convened at least three working days prior to Hearing.
   Committee’s report forwarded to President as soon as reasonably possible after the conclusion of the hearing, normally within 15 working days.
   Within ten working days after receipt of Committee’s report, the President shall submit a response.

2. Inserting language granting the Hearing Committee authority to identify and adjudicate (some?) conflicts of interest:
   **Motion 1:** Change the language of the FAM [page 179-180, (d)] to read

   Within two working days or receipt of the committee’s decision as to whether or not a hearing will be held, the Provost shall give written notice to the committee and the grievant of the name of the representative who will be representing the College at the hearing. The college representative may be any of the following persons, so long as he/she is not an attorney and has no conflict of interest in the proceeding; the Provost, a Vice President, a Department Chair or any other member of the College community deemed appropriate by the Provost.

   Motion on passed unanimously (8 to 0 vote).

   **Motion 2:** Change the language of the FAM [page 180, 3 (b)] to move the present item (4) to a “(5)”, and insert a new item (4) to read:

   The Hearing Committee has the authority to determine whether there are conflicts of interest among proceeding participants. This determination may be appealed to the Hearing Committee by the grievant or the President (or the President’s designee).

   Motion passed by a vote of 6 to 2.

3. Changing the constitution of the Committee:
   **Motion 3:** Change the language of the FAM [page 26, (11), (a)] by inserting the following language:
Each Hearing Committee member will serve three consecutive academic years. Committee assignments shall be staggered as determined by the Committee on Nominations and Elections.

Motion passed unanimously (8 to 0 vote).

a. Composition: Eleven (11) tenured faculty members, at least four of whom shall hold the rank of Professor. Five members will be randomly among those with no conflict of interest, including two members with the rank of Professor. In the event of a second hearing in a given academic year a second committee of five will be constituted. Members of the first committee may elect to not be considered for service in the second Hearing. Each iteration of a group to Hear a case will consist of five members, two of whom must have the rank of Professor. Two years of service is encouraged.

Composition: Five tenured faculty members, at least two of whom shall hold the rank of Professor, and six tenured alternates, at least two of whom shall have the rank of Professor, who shall be available in case of a conflict of interest involving a member of the committee. In the event of the disqualification of a committee member because of a conflict of interest, a replacement of comparable rank shall be chosen from among the alternates, if possible.

4. Making some modifications to the language the missing pages of ‘Post-Hearing Procedures’ (the original versions of which have already been restored to the FAM).

As explained at the September Senate meeting, we did not incorporate the first two because both sets of recommendations were somewhat controversial, and so warrant further evaluation. The third and fourth ones struck us on the By-Laws Committee as both being more or less straightforward improvements. But the third would constitute a By-Laws change, requiring Senate and Faculty approval. (And perhaps it could be strengthened?) And the fourth was at least somewhat substantive, so it probably deserves a chance to be more fully aired in the Senate before approval. (There was no discussion of it last April, as best I recall.)

There were other issues before the ad hoc Committee, but not addressed in its report. In particular:

5. Appropriate training for Hearing Committee members (something which might be linked with 3?);

6. Strengthening the language governing a grievant’s right to a public hearing (some delicate issues to negotiate on both sides here)

There may be still other issues that some of you think should be on this agenda...?
FAM meeting minutes (10/24)


Meeting with the ad hoc committee

4 outstanding items that previous committee addressed:
1. Post-hearing procedure (that we haven’t discussed as a committee)
2. Shortening of timeline (with the goal that the committee’s work is done by the middle of May).
3. Language granting committee authority over conflicts of interest
4. Changing the constitution of the committee

Few objections arise about the previous committee’s post-hearing procedure language.

Timeline: Is can be difficult to acquire transcripts and other documents regarding T+P cases. How many working days until the committee should convene? The language should be the same. The two big issues here for Claire are the May 15 problem (you can’t make them serve over the summer). CofC would have to compensate in some way. The second one is the president’s letter deadline, which is March 15th. So, you’re stuck within those 60 days as is because reconvening in August would be cruel to the grievant.

So, the recommended change is convening within 10 days of notice for the first suggestion and the third suggestion. Duties of standing committee section then the description of the actual hearing process (currently 5) sections of the FAM. Those two numbers should be the same.

Ad Hoc committee recommended change is 15-day rule (vs. 20) to file a grievance. T+P cases, however, are not the only cases. Some concern over that being unfair to grievants. Again – the timing issue. People that sign up for this committee either have to hold a hearing during exams or after May 15.

Discussion of #2 – how to handle conflicts of interests

The first motion to the senate last spring – “and has no conflict of interests in the proceeding” inserted language. Unanimous vote.

Motion 2 – the committee is given power to determine whether there are conflicts and sort those out. That vote was 6-2 in favor. We could present this to the senate and then the provost’s office could refuse to participate.

Giving any body the right to make a conflict of interest claim is a substantive change. The FAM is currently silent on conflicts of interests.

Questions: what does the hearing committee do once a conflict of interest is determined?
Does the administration have the final say on what goes into the FAM? Only the non-bylaws portion of the FAM.

There is the fear of a chilling effect as well if the committee opposes the administration on a conflict of interest claim.

Ad hoc committee suggested that the CofC representative could be lots of people, not necessarily the provost.

Either side could express displeasure about the committee’s determination about a conflict of interest.

Wide consensus that the FAM should not be explicit in defining a conflict of interest. Two sections of the FAM suggest conflict of interest like non-nepotism on hiring or DEP panels, and there is also DEP language about sitting in a position of self-judgment on like DEP cases that same year.

Discussion of #3 – Changing language in the FAM to modify makeup of the hearing committee
We do need to clarify how much service is expected, 2 or 3 years. The language should be clarified/expected that says “normally, service on this committee” occurs over 3 years or something of the like.

How many full professors should be on this committee? 4 or 5? Wide consensus on having more rather than fewer.

#4 discussion – post hearing procedure language

additional issue: outside counsel
Unresolved from ad hoc committee. P 186 in the FAM. The committee may seek the advice of CofC counsel, but what about outside counsel? There is precedent for such an action assuming the inside counsel is conflicted. The underlying issue is the role of College counsel. Who does College counsel advice? The inserted language could simply notify the committee that it is possible to consult outside counsel.

Additional issue: log report of strike and replace – substantive process changes about witness, cross-examination, and evidence
And John’s proposed changes and the re-inserted language

Ad hoc committee agreed (on p. 186) that the vague witness language needed work. Just say all witnesses which would be more straightforward.

Outstanding issue: committee member training
Ad hoc committee on grievance recommended training but that doesn’t make sense for this committee. How should hearing committees be trained? Should there be advisors from past
committees? Debate about putting language in the FAM was had, but they only got as far as having a general advisory note to contact the Speaker or some such person. Should this language be in the FAM? There are several arguments in favor of such language to formalize it and to signal the importance of this committee’s work. 11 members with a 3-year term will not lead to high turnover all the time so that no leadership or institutional memory exists on the committee at some time. “people new to the committee can be provided with training and/or best practices counseling.”

Additional issue: public hearing
The grievant has a right to a public hearing. What if the administration says that certain cases or documents are private? Can the administration deny publicity if they have not secured the permission of signatories to relevant documents? Some documents like recent graduates and colleague letters and outside evaluations aren’t necessarily written for a public hearing, but internal documents should be held to that standard. Currently the grievant makes the request and the committee proceeds as such. Perhaps language about the presumption of the publicity of the hearing is warranted. Committee is certainly in power to make the determination. This is an anticipatory line of questioning. There is some debate on this idea about the public/private balance and over the idea that not all grievant are necessarily worth favoring with formal FAM language.
From: Nunan, Richard  
Sent: Wednesday, January 31, 2018 11:45:03 AM  
To: Pothering, George J; Lee, Michael J; Caveny-Noecker, Deanna M.; Jurisch, Elizabeth G; Finch, Jannette L; Gould, Megan Elizabeth  
Cc: Mulholland, Angela B  
Subject: By-Laws Committee meeting tomorrow (Thursday) at 9:30-10:45

Just to confirm/remind you all, we are meeting tomorrow in the Senate conference room.

I’d like us to start going through and approving (or rejecting) the remaining individual changes from last year’s ad-hoc committee on hearings, for recommendation to the Senate as soon as we can. To that end, I’ve attached the summary list I put together for our late October meeting with the available ad-hoc committee members, Mike’s minutes of that October meeting, and the entire set of ad hoc committee recommendations as supplied to the Senate last year, and. You already have all these things, but I thought it might be helpful to have them in one place.

Just a heads up, after hearing from last year’s ad hoc committee members, I personally am no less convinced than I was before that shortening the various time constraints is a pretty bad idea. I found the justification unpersuasive, and became even more convinced that it was a bad idea after my direct experience with serving as Oksana Ingle’s faculty advisor in October/November. The other recommendations I personally think we should approve. On the conflict of interest issue, it’s pretty transparently obvious to me that, for the long-term welfare of the institution, the language should be stronger. But I imagine I’m not going to win that battle.

I suggest we focus on the short list of remaining issues, plus the last two pages of the document from the ad-hoc committee, the section on the post-hearing procedures. There’s a timing issue there that we definitely need to fix, which I only discovered as a result of my involvement with Oksana Ingle’s case.

Finally, we need to put our heads together to figure out what remaining dates in February and March we can all meet again. (We have more work to do!) I’ll bring a list of what I’ve learned from surveying each of you so far.

Sorry this is so late in coming to you all. Life has caught up with me!

Richard
FAM Committee Meeting Minutes
2/13/18

Present: Richard Nunan, Deanna Caveny-Noecker, George Pothering, Jeannette Finch, Megan Gould, Liz Jurisich, Michael Lee

Working through specific language (and titles and numbers) from previous meeting into the FAM.

Is committee a proper noun? If it is the name of the committee, or if it is used as an adjective, which is capitalized? We’re opting for an approach where the obvious use of the noun is capitalized and the adjective isn’t. Debating other capitalizations like “Chair” vs “chair” and other fine points of language like making sure to include Faculty in Faculty Hearing Committee.

Long revision from p. 5-11 in “Complaints of Violation of Academic Freedom or of Discrimination in Non-reappointment”

Richard moved the language intended to protect adjuncts to p. 9.
Richard added instructors and at the instructor rank on p. 7. These statutes were originally written with probationary faculty in mind. But much of this rationale is applicable to instructors, who are reviewed yearly.
Deanna: the first two years in terms of review shouldn’t be any different from tenure-track faculty to instructors. State employees have certain rights; there is an exception in the state law for faculty.

But some of the language additions intended to protect instructors also imply that instructors are eligible for tenure, which isn’t the intention of the added language.

Deanna: the natural right of instructors and senior instructors have is that at some point that staying on is the presumption because we don’t send reappointment letters to everybody in every year. It’s possible that thinking of employment in 7-year blocks of time would take away that presumption.
Richard: we’re not speaking about senior instructors with these language additions, so they shouldn’t be relevant.
Deanna: there is a lapse in the FAM about instructors and senior instructors. Once this language is added, that issue is going to come up.
Richard: if we add language about adjuncts, what about instructors, and then what about senior instructors, and then what about instructors in years 3, 4, and 5? The FAM isn’t explicit on protections for any of these folks.
Richard: given the existing process for instructor evaluation and review, some of this added language should be struck. They can be terminated without cause in the first two years and, after that, not so easily. Striking everything in blue on p. 3.

p. 9, “the college is under no obligation…” implies the inclusion of non-tenure track faculty.
Insert of new language about giving reasons when terminating or non-renewing adjuncts – bottom of p. 9 – heading E. Adjunct Faculty Appointments

There is a discrepancy between FAM language on appointments about adjuncts vs. adjunct library faculty. Adjunct library faculty probably predates language about adjuncts generally; and now we’re using temporary employees much more frequently at CofC. (p. 64 of FAM).

This language does mean that chairs would have to give notice to every single adjunct that doesn’t get renewed, which seems excessive. So, Richard added, language about process on the top of p. 10. If this adjunct faculty doesn’t like being terminated, they can take that to the committee, and then the committee can see whether it is actionable. Only if triggered by a committee does the chair have to give a reason. Then, the adjunct can take that reason before the hearing committee if they so choose (and have credible evidence of a violation).

What about having the chair give cause upon request to save the chair the work and to save the committee from getting involved?
That increases the rights of the adjunct a bit, serves as notice to chair, and could potentially stop a full process of a hearing. This request is amenable to this committee.

“Inadequate consideration” – this language appears in the FAM and SC code to describe the lack of professional application of standards, but how does this apply to the proper evaluative procedures relating to adjuncts? There is some debate about this language’s relationship to due process. Hypothetically, let’s say an adjunct was accused of something monstrous that this person did off campus. This person was in the initial phase of criminal charges; no indictment was offered yet. The chair makes arrangements to administer that person’s exams, and then there is an understanding of non-renewal. The full process of review wouldn’t be applied in this case as it would in the case of a roster faculty member.

Should we strike “inadequate consideration?” Adjuncts have no expectation of keeping a position; it is temporary by definition. But there isn’t a disadvantage to keeping the language for the moment.

p. 13 – conflict between the 10 days that the president has and the 10 days the grievant has after the hearing committee has done its work. Need language to offer more clarity on this point. The grievant is hard pressed in terms of timing throughout the process.
M-F (5 days) isn’t enough for the committee to even meet at the beginning to determine the relevance and appropriateness of the case. (p. 17)
Liz: we don’t have to jump from 5-10 working days. Why not just jump from 5-7 instead to provide everyone with a little more time but not further compress the schedule by giving them too much time?

p. 17 – currently the committee may not have even notified the grievant of the result within 20 working days of the initial meeting.
It’s tough because grievants need more time generally both because it’s hard to marshal the resources to fight for your job during a semester, and evidence of discrimination can be very slow to emerge, etc.
The 15-day problem is just thorny to solve.  
Is the consensus that we leave it at 20 working days? Yes.  
So we’ve got two different time periods – when the grievant is filing the grievance (20 days), and when the committee sets its hearing (has been 20 days). The ad hoc committee wanted to shorten both of those to 15. We’re disagreeing, and we should let the senate decide. The counter-argument is that we shouldn’t expect people to work over the summer without pay. And we don’t have an answer to that other than that we’re all in this equally in the sense that all roster faculty might serve and some issues are beyond what you’re paid for.

p. 17-18 (manual pgs. 182-183)
sub-point b – let’s go with 7 days as a compromise between 5 and 10

p. 19 – subpoint c
inclusion of new language about “including the Committee alternate.”
If the alternate has a question and can be called into action, then they should ask a question.

Also, when does the alternate go away? Do they sit through everything then just don’t show up to the final decision? We could clarify “voting-members” in the “sequence” section. Adjusting language about the “executive session” – “exclusive of the alternate shall meet in closed executive session.”

Where do we provide additional details about the alternate?
p. 18 – attendance – sub. A – “members of the panel including the alternate”
(sidebar: need to adjust language differentiating the full committee from the actual hearing panel)
Need also to include language of “any remaining alternate” in case there needs to be another alternate on deck after the initial alternate is employed.
By-Laws Agenda, Tuesday, 20 Feb, 2018

Faculty Hearing Revisions:
   Top of p. 16 Insertion of Dean as one of the parties to be notified about grievance
   pp. 17-19 (a) Relocating language assigning the Committee the authority to determine whether there are any conflicts of interests among the parties to the hearing from top of p. 19 (Manual 183) to bottom of 17 (Manual 182)
   (b) Giving conflict of interest language some operational significance (ad hoc Committee did nothing to say what comes next)
   (c) Conceding fact that panel judgment is merely a matter of adding to record of a hearing when panel finds that college rep has a conflict of interest. (But it is important to make that part of the record in advance of hearing.)
   pp. 13 & 22 Proposal that college representative have ‘the same’ opportunity to comment on alleged procedural error & error of fact during hearing as grievant, prior to President rendering decision. (Not yet adopted.)
   What does ‘the same’ mean in this context?
   Issue of giving Provost the last word with President. (Deck is arguably already stacked against grievant; current language is a ‘no stone unturned’ approach.)
   Issue of President possibly using language to invite comment from Provost.

Minor FAM clean-up language
   FAM 162 VIII.A.9 Class Attendance: Instructors ascertain whether both excused and unexcused absences count in determining the basis for a grade of “WA,” which stands for “withdrawn failure due to excessive absences” and is equivalent to a failing grade. (Request by Mary Bergstrom, to more accurately reflect what a ‘WA’ grade means, which is an ‘F’, not a ‘W’, with respect to GPA.)
   FAM 164 VIII.A.11 Final Examinations and Final Course Grades: At the request of the student, a faculty member should make available information and/or an evaluation of the student’s progress prior to the drop date withdrawal deadline. (Request by Lynn Cherry, to comply with current institutional language.)

More significant FAM consistency issue in VI.H.6 & 7 (FAM p. 140):
   The Deans will review packets and forward written recommendations to the Office of the Provost. At this time, each Dean shall also provide each candidate and chair of the department or the departmental PTR panel with copies of the Dean’s recommendation.

   a. The Post-Tenure Review Committee shall review and forward its recommendations on applications for superior ratings to the Provost by the announced deadline, typically at the end of February. At this time, the Post-Tenure Review Committee shall also provide the candidate, chair of the department or the departmental PTR panel, and the Dean copies of that recommendation. The Provost may make a recommendation and shall forward all recommendations to the President by the announced deadline.
These additions would bring the PTR process into better conformity with the T&P process, in which T&P Advisory committee evaluations were first made available to candidates in 2009, and made available consistently each year after this transparency policy was added to the FAM in 2012. (See Procedures for Third-Year Evaluation, Tenure and Promotion: VI.D.11 Faculty Advisory Committee Action [FAM 123-124]

**Modifications proposed by Chris Fragile on behalf of 2017 PTR Committee**
(submitted & modified somewhat (?) last summer by Deanna)

H.1 Post-Tenure Review Schedule:
Aug 2017 approved language currently in FAM (p. 135) more moderate than what was proposed by Fragile & written up by Deanna: does not explicitly limit repeat reviews of failed PTR Superior case to one extra year within a six-year period (as proposed by Fragile).

H.4 Deferments:
a. ‘Exceptional professional commitments’ (FAM 137) not yet deleted in 8/17 modifications.
f. not included at all in Aug 2017 modifications.

H.6 Recommendations by...
First paragraph (FAM 139-140) has not yet been modified as proposed in Deanna’s memo. This is also the paragraph where the language about departmental panels occurs, the wisdom of which George was questioning at our last meeting.

H.9 Appeals...
Modification of language proposed in very last paragraph of FAM section on PTR (in “Appealing a Satisfactory Rating”) has not been done. (FAM 142)

H.5 Preparation and Submission of...Packet for Superior Rating
a.(6) Candidates seeking a superior rating must also furnish clear evidence that they continue to perform at the level expected for the promotion to the rank of Professor, or Librarian IV, in accordance with the criteria of the Faculty/Administration Manual, as indicated in Sect VI.A.4.c. for instructional faculty and VI.C.4.d for library faculty. (FAM 139)

Not proposed for change by Chris Fragile last year, or by Deanna last summer, but this is the language at the heart of what worries me about inconsistent application of PTR standards. (We may not want to tackle this yet, though. Would probably prove controversial, maybe even among ourselves!)
FAM By-laws Meeting – 2/20/18

Present: Richard Nunan, Michael Lee, Deanna Caveny-Noecker, George Pothering, Liz Jurisich

Discussion of “inadequate consideration,” its legal significance, and whether it applies to adjunct employment decisions.

Top of p. 10 – contradiction in the standards within the same paragraph. Suggested to reform paragraph to include “one of these reasons.” The only issue is that we’re not sure how this language applies to adjunct employment decisions. It doesn’t appear that previous FAM authors did either. To be researched. Adding language “including adjuncts” to p. 5 to clarify who is included in this expanded circle. When an adjunct “alleges a violation on any of these three grounds.” Legal affairs can tell us if this language doesn’t work. Striking the last sentence of the paragraph under review. In sum, the conflict goes away for adjuncts but we’re using a class of actions that doesn’t necessarily make sense.

Richard: worried that future administrators will say that adjuncts don’t get to grieve an employment decision once they’ve been provided a reason.

Deanna: we’re mirroring the other 2 places where “inadequate consideration” shows up in the FAM without creating additional protections or accidentally sullying existing standards. They have the right to grieve based on item 4.

George: It may be worth it to make this language much more explicit as a signal to adjuncts.

Richard: Otherwise, an administrator may come up with a reason that complies with the letter of our non-discrimination clauses, and in that case, the adjunct should be able to grieve to prove the inadequacy of the reason.

Deanna: we need to be careful about the inclusion of new rights if we don’t know it’s actually workable.

Richard: the last sentence doesn’t apply to new rights.

Deanna: we’re putting something in the wrong section which makes the FAM harder to use. Adjunct-specific information should go elsewhere. We should insert it as a parenthetical on item 4 on p. 5.

Liz: Let’s just add “pursuant to the possibility of a grievance being filed.”

George: compromise – put the last part of the language in item 4.

Richard – p. 79 of manual. Next to last sentence. “indeed not grievable.” That’s the version of what I’m pushing. At that point, when applied to probationary faculty, it’s obvious that a trumped up reason is actionable. But this conclusion isn’t obvious in the adjunct specific language.

Mike: let’s mirror that language since it’s consistent with what we’re already doing.

Top of p. 16 – determining authority about decisions on conflicts of interest

The pre-hearing is late in the day for the hearing committee to make a conflict decision. The College and grievant should know earlier. We’re taking that out of the pre-hearing list and moving it from 183 of FAM to 182 of FAM.

What does it mean once a determination about a conflict is made? Is that person excluded?
Deanna: we’re not going to get support from the College in terms of naming its own representative.
Richard: the ad hoc committee did want more specific conflict of language standards. “subject to the approval of the hearing committee as a whole” added to conflict of interest language.
Richard: the language is more conciliatory than the ad hoc’s committee.

New issue – reporting procedures and errors of fact to the president
The current grievant is allowed to bring procedural and errors of fact to the president. Should the College representative be afforded the same right?
Richard: the language currently says that the grievant can make sure a report when the grievant is being rejected by the hearing committee. It is not a generic opportunity for the grievant to approach the president whenever they want to. And, what the grievant says to the president is given to the committee and to the representative. The grievant is already facing an uphill process.
Deanna: The FAM committee doesn’t have to take action on this. If the administration feels that it’s an appropriate change, they can work on that independently.

That completes faculty hearing committee revisions.

Minor FAM clean-ups:
p. 162, when WA’s are issued, current language should say “failure due to excessive absences.” W isn’t a grade for the GPA. WA is an F in terms of the GPA.
Mike: perhaps we should designate WA as WF? Let’s see what the Registrar’s office thinks.
164 – should say withdrawal deadline, not drop date.

Consistency issue: p. 140
Who gets copies of the Dean’s letter? Suggested changes to who gets copies and when is to conform PTR processes with T&P processes.
Deanna: in the case of T&P, letters like the Dean’s never go to the full panel. The chair gets them.
Insert the word “or the chair of” or some similar language – “or the chair of the departmental panel”

PTR fixes from 2017 that haven’t been acted upon:
Suggested inserts are signals to future PTR committees that their judgments can be flexible but that they also attend to whether candidates are still active researchers.
Richard: Satisfactory review grades don’t lead to probation or anything like that.
FAM By-Laws Minutes – 3/1/2018


After others in the past year and on other committees have had a chance to send us feedback including Larry Krasnoff and Jon Huddleston.

The pronoun issue will likely be a separate matter that will be handled in the entire FAM.

Clarifying the grounds by which adjuncts can file a grievance in the Proposed Modifications & Additions document. We don’t want to convey the idea that any reason given by managers will be the final result of a question about a hiring/firing decision. That would then place the burden on the grievant to show the committee that the reason given is unpersuasive.

Richard: We’ll have a short pair of motions in place to insert in the front of these documents so that they don’t get lost in the verbiage.

PTR – “proposed PTR language for the FAM”

Deanna:
The committee had presented recommendations but the FAM language had yet to be marked up. In the mark up period, some of those recommendations were walked back a bit. We’ll focus on the substance of the issues. The notion that all tenured faculty should go up for formal review once every 6 years is clear. The second recommendation is to clarify when someone can go up after receiving a satisfactory or superior. Third, the period of review language. If someone goes up for superior and fails then comes up two years later, what is their period of their review? Just the last two years? A common-sense approach to this question would assume it is not just the last two years. Fourth, they wanted to get rid of deferrals. We need to leave some deferrals in for extenuating circumstances or faculty on sabbatical someone internationally or somewhere remote or have valid medical reasons or have “exceptional professional commitments” like service as department chair. You could defer a superior ranking in that last circumstance and just go up for satisfactory.

The only other new language concerns chairs going up for PTR. This is Deanna’s language on p. 6 of the document. If the chair is seeking superior, then there is a panel. If the chair is seeking satisfactory, the dean handles it. Deanna will incorporate these changes into a new document with a new chair.

Who chairs the chair’s superior rating panel?
The most senior member of the department, even if that person has no administrative abilities? That person should convene the panel, but not necessarily chair it. Some specificity here in the FAM could avoid messy political situations as well. What if that person has health issues? What if that person has a conflict of interest? Let’s person some language in the FAM that leaves a door open. Insert “and normally chair” language to note that the process is adjustable based on local circumstances.
Richard’s proposed criteria for a superior rating:

We could clarify that departmental PTR guidelines are not applicable for this review unless otherwise noted in the department guidelines.

The current FAM section is quite short on this topic, so PTR panels can operate by their own guidelines or take a more stringent approach. Additional language should help avoid wild year-to-year swings because the committees are in the dark.

Deanna wonders whether there really is evidence of year to year swings and suggests that their isn’t a substantive problem as it exists.

The group considers language to make sure that the research criteria is substantial but does not equal the standard of being promoted to professor again. The same is true of the “leadership in service” standard.

Richard is going to shorten the language, submit to us and Dinesh’s committee, and then hopefully prepare us for Senate consideration.

New issues:
The ad hoc committee on grievances recommendation about training. Deanna suggests that language might not be FAM language, at least not initially. Training can happen without FAM adjustment or, at least training can begin in order to clarify FAM language.

Deanna: previous Senate discussion about participation during sabbaticals issue
There was language proposed that faculty on sabbatical are allowed to participate in DEP should the so choose to do so and can participate in all deliberations. But this language isn’t in the FAM. The full text of the sabbatical policy isn’t in the FAM. Nevertheless, this is a College-wide issue. We should check the Senate minutes to clarify this discussion’s date, duration, and conclusion. It could have been more than 10 years ago.

Could this professor only participate in 3rd year review and tenure cases but not cases for full or PTR? The general consensus is yes but that faculty on sabbatical have to do all cases of 3rd years and tenure, not picking and choosing particular cases or just one class of these two cases but not both. Jeannette suggests that folks who want to participate should delay their sabbatical.

Richard: there might be issues about how many sabbaticals are coming up.
Dear By-Laws Committee colleagues,

If we can, it would be good if we could meet one more time before the semester ends, so that we can review the By-Laws language governing the Hearing Panel structure in light of Tom Kunkle’s two motions (seconded and passed) at the first edition of the last Senate meeting, two Tuesdays ago. (See parts of the discussion between Deanna and me below on this issue.) There’s also the related matter of modifying the language at the beginning of Section V of the By-Laws, stipulating that all committee terms are for one year at a time, which would no longer be true for the Hearing Committee. (And might eventually not be for the Grievance Committee, either, if we take that up next year.)

As I said below, I’d like to get this related family of issues sorted in time for incorporation in the 2018-19 Manual.

Jannette or Megan, do either of you have the text of Tom’s more involved amendment, which was displayed on the overhead during the Senate meeting? If so, could one of you circulate it to the rest of us? (If not, I’ll just write to Tom, and ask him to send it to us.)

On a separate note, we might brainstorm a bit about fostering further faculty dialogue (next fall) about the language of the very last PTR amendment passed that same night. It constitutes substantial new language concerning the PTR ‘superior rating’ standard of judgment, and Deanna has (rightly, in my opinion) expressed concern about the perfunctory manner in which that language was ratified at the end of a long night. (See other elements of the exchange between Deanna and me below.)

For now, I’m just writing to ask about a possible meeting time. I won’t have any time to think about any further modifications we might need to make in the By-Laws language related to the first set of issues above before Sunday, so I have nothing to share with you by way of preliminary suggestions for the moment. But on a possible meeting time...

Could we meet perhaps sometime this coming Tuesday, April 24th, which is the reading day? I have a final exam review session with my WGST 200 students at 10:00-noon, but I’m otherwise available that day.
Alternatively, perhaps we’re all available at some point during the exam period. Perhaps we could each share our schedules of unavailability? I have an exam to administer on Monday, April 30th, Noon-3:00. My schedule is otherwise flexible.

Thanks,

Richard
FAM Minutes 4/23/18

Motion 4 – composition of the committee
Regulations about who can serve on what committees – current angauge says 1 year which isn’t consistnet with this proposal. We could add “normally” or note that terms of service may change on different committees.

We don’t think we can just insert the language without a senate vote. We might have to keep a conflict for a year. It could be considered substantive. Senate has approved the language but then we’ve caught this conflict at an inconvenient time. If we leave things the way they are, people are signing up for one year on this committee. But then again – the amendment to the motion that passed says normally 2 or more. Doesn’t say it’s a two year term. So it’s not in a fundamental conflict with existing language about one year service with 4 reelection opporutnieis. So, let’s table this until next year to clarify the language since there isn’t a fundmanelatla conflict. We’ll need clearer language to legislate committee continuity for next year.

Motion 3 – gender neutral language

Reviewing Richard’s explanatory language and found it suitable.

Motion #7 – substantive addition to standard for superior evaluation rating
No conversation in the senate on this issue. So this issue is that there is a policy change that nobody has discussed outside this committee.
On the one hand, they had a chance to look at it and didn’t.
On the other, should we be forward looking and forsee problems and get ahead of them.

Deanna: another issue – changes like that about performance expectations require very broad conversations to make better collective decisions. Some recent examples to T&P and merit requriements have been met with broad discussions amongst chairs and two day forums, etc.
Memorandum  
To: Speaker Jurisich, Secretary Finch, & CofC Faculty Senate  
From: Richard Nunan, Chair, Committee on By-Laws and the FAM (2017-18)  
Subject: Report on Changes to the 2017-2018 Faculty-Administration Manual  
5 September, 2017

Among the attached documents for the September 2017 Senate meeting, you will find a Change Log that summarizes modifications made in the 2017-18 Faculty-Administration Manual., followed by a lengthy appendix of relevant documents introduced in the Faculty Senate last year. Most of these changes are the direct product of Senate ratification of various proposals for changing the Faculty By-Laws made to the 2016-17 Faculty Senate. Those are all non-contentious additions to the FAM, because they have been reviewed (and sometimes modified) by the 2016-17 By-Laws/FAM Committee prior to Senate approval, then submitted by that committee to the Senate, and subsequently formally approved both by the Senate and by the Faculty. The wording of the various By-Laws motions approved by the Senate in 2016-17 has been directly transferred to the new edition of the FAM by Deanna Caveny-Noecker on behalf of the Office of Academic Affairs and the 2016-17 By-Laws/FAM Committee. The actual changes in language have been reviewed in turn by 2016-17 Committee Chair Jason Vance, in consultation with his fellow faculty committee members, Laura Penny and Carl Wise. Professor Vance made some suggestions for minor cosmetic alterations in some of that language, and those changes have been incorporated by Associate Provost Caveny-Noecker. Interested readers may check conformity for themselves by comparing the Change Log appendices on the various approved By-Laws motions with the actual language in the newly published edition of the 2017-18 FAM.

There are also two other areas in which minor but important changes have also been made, this time to the Administrative side of the Manual, in light of reports by Chris Fragile on behalf of the Post-Tenure Review Committee, and Roger Daniels on behalf of the ad hoc Committee on Hearing Procedures, both reports delivered at the April 2017 Senate meeting. (Both are also attached for reference, as Change Log appendices. The marked-up FAM appendix relating to PTR modifications was prepared by Assoc. Provost Caveny-Noecker over the summer, in light of the 2016-17 PTR Committee’s recommendations, as the PTR Committee itself did not furnish any marked-up FAM language at the time of submitting its recommendations to the Senate. The marked-up FAM appendix relating to Hearing Committee modifications was submitted by Roger Daniels on behalf of the ad hoc Committee. It is rather long, including many FAM pages with no mark-ups, but was attached “as is” from Professor Daniels’ April presentation.)

The actual modifications are summarized on the second and third pages of the Change Log, in the second and third main bullet point sections, under the general heading “Changes to Administrative Sections”. Some of each Committee’s recommendations have now been incorporated in the Manual, but many (particularly with regard to the ad hoc Committee’s recommendations) have not yet been adopted. We proceeded more cautiously here because the Senate did not formally ratify either set of proposals at the April 2017 Senate meeting, although there was floor discussion of both (fairly extensive in the case of the ad hoc Committee’s report). It is the view of the Committee that the proposed changes not yet adopted need further discussion and a sense of the Senate’s will on each of them. Consequently, many of the proposed changes in Professor Daniels’ mark-up in particular are not yet reflected in the new 2017-18 FAM. That should not be taken to imply that none of will be recommended for adoption later this year. (See below.)
In one case — the ad hoc Committee’s recommendation to alter the constitution of Hearing Committees — the proposed change is a By-Laws modification rather than an Administrative modification, which requires formal ratification by both the Senate and the Faculty, neither of which have happened yet. The rest of the outstanding recommendations for changes fall on the Administrative side of the Manual, that nether world where the distinction between faculty governance and administrative governance is much harder to parse, and therefore effectively requires cooperation on both sides. But Provost McGee has reaffirmed the Administration’s commitment set forth by his predecessor, to be fully consultative with appropriate faculty bodies where such changes may affect the Faculty (see Provost’s FAM cover letter), and it is the view of the By-Laws/FAM Committee that the changes in question do require further discussion, both at the By-Laws Committee level and in the Faculty Senate.

Those changes which have been approved by the 2017-18 By-Laws/FAM Committee for immediate inclusion in the FAM seem both faculty-friendly and important not to postpone unnecessarily.

The PTR changes designed to clarify the scheduling of reviews struck the Committee as simply reflecting existing and reasonable practice, while making the relevant language in the FAM much less ambiguous than it was previously. The language about types of discrimination to be covered in that element of the Hearing Committee’s charge is more expansive than the previous list, and in compliance with the language of the College’s general non-discrimination policy, drafted and approved by the Administration in a previous year.

The language on “Post-Review” Hearing Committee procedures, and the President’s response, was approved long ago, but inadvertantly omitted from the FAM in recent years. In its current form, it is simply being restored. It may well be modified later, in line with the ad hoc Committee’s recommendations, which seem to us quite sensible, but only after further discussion and joint Faculty and Administration approval. Since those modifications would represent a substantive change to the language, prudence dictates that we postpone until that discussion has transpired.

The By-Laws/Fam Committee intends to revisit all the remaining proposed changes listed on the Change Log as not yet adopted, and report back to the Senate later this year. We will also attempt to do so with regard to the March 2017 recommendations of the ad hoc Committee on Grievance Procedures, not referenced in the Change Log.

Finally, it is my understanding that before the final version of the 2017-18 FAM was published, the Provost made a few additional changes on the Administrative side: adding a footnote to the annual evaluation section, adding some specificity re program directors in the PTR section, and adding a clarification regarding a statement about research payments to faculty. Assoc. Provost Caveny-Noecker has also noted each of these modifications in the Change Log.

On behalf of the 2017-18 By-Laws/FAM Committee:
George Pothering, Mike Lee, Liz Jurisich (ex officio, Faculty Speaker), Jannette Finch (ex officio, Faculty Secretary), Deanna Caveny-Noecker (ex officio, Office of the Provost), Richard Nunan (Chair)
Summary of Changes to the By-laws and Faculty/Administration Manual for 2017-2018 edition

Last Revised: August 26, 2017

Changes to Faculty By-Laws

- **Article V-Committees, Section 1-General Regulations, B-Terms:** Change in by-laws to increase service limits on Senate and standing faculty committees from three years to five.
  - Change proposed to Faculty Senate by Daniel Greenburg at April 2016 meeting
  - Committee on the By-laws and the Faculty/Administration Manual reported on the motion to the Faculty Senate, September 2016.
  - Committee on the By-laws and the Faculty/Administration Manual brought motion with specific FAM revisions to the Faculty Senate for January 2017 meeting. Motion was approved.
  - Ratified by full faculty in February 2017.

- **Article V-Committees, Section 3-Standing College Committees, B.2-Committee on Graduate Education, Continuing Education and Special Programs:** Replacement of the Committee on Graduate Education, Continuing Education, and Special Programs with two new committees, namely a Committee on Graduate Education and a Committee on Continuing Education.
  - Motion submitted to the Committee on the By-laws and the Faculty/Administration Manual by the Committee on Graduate Education, Continuing Education and Special Programs, chaired by Christine Finnan.
  - Motion presented to the Faculty Senate by the Committee on the By-laws and the Faculty/Administration Manual at March 2017 meeting. Motion passed.
  - Ratified by full faculty in April 2017.

- **Article V-Committees, Section 3-Standing College Committees, B.20:** Addition of new standing Senate committee, Adjunct Oversight Committee.
  - Proposal introduced to Faculty Senate by Elizabeth Baker at April 2016 meeting.
  - Committee on the By-laws and the Faculty/Administration Manual reported at September 2016 Faculty Senate meeting that they would be introducing some revisions prior to further discussion of the proposal by the Faculty Senate.
  - Formal motion brought to the Faculty Senate by the Committee on the By-laws and the Faculty/Administration Manual at March 2017 meeting. Motion passed.
  - Ratified by full faculty in April 2017.

- **Article V-Committees, Section 3-Standing College Committees, B.9-Faculty Advisory Committee to the President:** Change in composition of the Faculty Advisory Committee to the President, specifying that six of the existing seats on the committee be filled by representatives of the faculty Academic Planning Committee, Budget Committee, Faculty Welfare Committee, Committee on General Education, Committee on Assessment of Institutional Effectiveness, and Faculty Compensation Committee.
  - Introduced at September, 2016 Faculty Senate meeting by Alex Kasman.
Committee on the By-laws and the Faculty/Administration Manual reported to Senate on motion at October 2016 meeting. Motion passed.
Committee on the By-laws and the Faculty/Administration Manual revised motion to reflect the formal names of the pertinent committees.
Ratified by full faculty in February 2017.

Changes to Administrative Sections
- **Section VI.H, Post-Tenure Review**: Revisions to more clearly indicate that faculty members seeking but not receiving a superior rating may apply for a superior in subsequent years without waiting for their next scheduled post-tenure review, as implemented for the 2014-15 academic year.
  - Recommendation made to Office of the Provost by 2016-17 Post-Tenure Review Committee, chaired by Chris Fragile, following a conversation with Associate Provost Deanna Caveny-Noecker.
  - Recommendation presented to Faculty Senate in report of 2016-2017 Post-Tenure Review Committee by Chair, Chris Fragile. Senate discussion expressed support for recommendation.
  - Consistent with the 2016-2017 Post-Tenure Review Committee’s recommendations, revisions have been made with the 2017-2018 Faculty/Administration Manual to clarify the scheduling of reviews.
  - Recommendations of the 2016-2017 Post-Tenure Review Committee regarding deferrals have been held for further discussion.

- **Various Sections, Items Associated with Faculty Hearings and Hearing Committee**:
  - Ad hoc Committee on Hearing Procedures convened and charged by Provost McGee and Speaker McNerney.
  - Report of ad hoc Committee presented by Roger Daniels, committee chair, at April 2017 Faculty Senate meeting.
  - With the 2017-18 edition of the Manual, the following revisions have been made with the endorsement of the 2017-18 Committee on the By-Laws and the Faculty/Administration Manual:
    - The grounds for discrimination have been aligned with the College’s policy on the Prohibition of Discrimination and Harassment, and
    - The final page of the hearing process has been reinserted in the Manual.
  - Additional recommendations of the ad hoc committee have been held for further consideration in 2017-2018. These include:
    - Proposed changes to deadlines;
    - Insertion of language addressing avoidance of conflicts of interest;
    - Substantive process changes, including proposals regarding witnesses, cross-examinations, and evidence; and
    - Proposed changes in the reinserted language addressing the role of the President and the standing of the Hearing Committee’s recommendation.
  - The ad hoc committee had also recommended a by-laws change, addressing the constitution of the Hearing Committee, which was held for review by the Committee on the By-laws and the Faculty/Administration Manual, the Senate, and the full faculty.
- **Correction of organizational errors, names, and titles of positions and offices throughout.**
Memorandum

From: Richard Nunan, Chair
on behalf of the Committee on the By-Laws and the *Faculty/Administration Manual* (George Pothering, Mike Lee, Liz Jurisich, Jannette Finch, Deanna Caveny-Noecker)

To: Faculty Senate

Re: Committee motions concerning Faculty Hearing Committee structure & procedures

The Faculty By-Laws Committee has seven motions to put before the Senate for the March Senate meeting. The first two are simple language modification motions carried over from last year, and are set forth in this cover memo. A third, also included in this cover memo, is simple in concept, but somewhat detailed in execution.

The fourth & fifth motions, concerning the structure and procedures of the Faculty Hearing Committee and the conduct of hearings, are quite complex, running to 23 pages of text (attached). Summarizing the content of that document is the main task of this cover memo.

The sixth motion, a follow-up to some of Dr. Chris Fragile’s recommendations on behalf of the 2016-17 Post-Tenure Review Committee, and to some additional related recommendations from Provost McGee, plus one minor innovation proposed by us, the 2017-18 By-Laws Committee, isn’t too complicated, but a bit detailed, and also attached separately.

Some uncontroversial elements of the 2016-17 recommendations from last year’s ad hoc Committee on Hearings, and from last year’s PTR Committee, have already been incorporated in the *Faculty-Administration Manual (FAM)* hereafter), while Motions 4, 5, & 6 concern the potentially more controversial recommendations of those two Committees.

Finally, Motion 7 is yet another (more substantive) innovation concerning PTR evaluation standards language, proposed by the 2017-18 By-Laws Committee. Because this motion functions quite independently of the other PTR recommendations, we offer it as a separate motion.

**Motion 1**

*FAM* 162 VIII.A.9 Class Attendance: Instructors ascertain whether both excused and unexcused absences count in determining the basis for a grade of “WA,” which stands for “withdrawn failure due to excessive absences” and is equivalent to a failing grade.

Request by Mary Bergstrom on behalf of the Office of the Registrar, in order to more accurately reflect what a ‘WA’ grade means, which is an ‘F’, not a ‘W’, with respect to GPA. While the By-Laws Committee recognizes that this modification is unlikely to eliminate all confusion that results from conflating ‘W’ grades (which are not ‘F’s) and ‘WA’ grades (which are), it is a step in the right direction. Changing the grade labels involves complications which fall well outside the Committee’s authority.
Motion 2

VIII.A.11 Final Examinations and Final Course Grades: At the request of the student, a faculty member should make available information and/or an evaluation of the student’s progress prior to the drop date withdrawal deadline.

Request by Lynn Cherry, to comply with current institutional language.

Note that the language in brown is not part of the proposed language for these motions. It is simply explanatory gloss for the Senate's information. Language in blue is new language proposed (or endorsed) by the 2017-18 By-Laws Committee, in these particular cases to replace strike-through language. That color-coding will apply throughout these motions.

Motion 3

Replace binary-gendered pronouns with gender-neutral substitutes throughout the FAM.

The practical significance of this motion is illustrated throughout the long attached motion on matters governing faculty hearings. Traditional English usage practices are profoundly sexist, a practice which academic institutions have been combatting for some time now. But traditional usage is also profoundly binary with respect to third person gender references such as he/she or her/him. Not everyone subscribes to this dual-valued allocation of genders, and we believe the College should be more inclusive in its official documents. Doing this does sometimes necessitate resorting to plural pronouns in contexts where singular forms would be more traditional. But the practice is becoming more commonplace, and thus our language is arguably evolving, in terms of what is now regarded as grammatically correct.

Although the effects of this motion are already integrated into the attached proposal on hearings, the intent of the motion is much broader, eventually encompassing the entire FAM. Conversely, Motions 4 & 5 below, concerning substantive changes in matters relating to faculty hearings, can be approved with or without passage of Motion 3. The pronoun modification language in the body of the attached document can be reversed again, if needed.

The next two motions are really an integrated unit, but they have been separated out because they involve distinct ratification processes. Motion 4 concerns the By-Laws section of the FAM. As an alteration in the Faculty By-Laws, in addition to securing Senate endorsement, it must be approved also by the Faculty as whole. Motion 5 concerns hearing-related issues which fall outside the By-Laws section of the FAM. Those recommendations, if approved by the Senate, have to then be acceptable also to the Administration.

Motion 4

Modify By-Laws Article V, Section 3 (Standing College Committees), Subsection B.12 (Faculty Hearing Committee), pp. 26 and 27 of current FAM, so as to restructure committee membership as explained in attached detailed motions on hearings (pp. 2-4 of 1st attachment).
This proposal is a variation, with some new innovations, on a recommendation conveyed by the ad hoc Committee on Hearings to the Faculty Senate at the April 2017 meeting. As the ad hoc Committee originally suggested, we have proposed eliminating the distinction between regular and alternate committee members in favor of a committee of the whole. But we have also proposed augmented its size by one member, increased the number of full professors by two, and proposed a different method for selecting individual hearing panels. Our reasoning for these measures is included in the attachment. Red ink indicates language retained (or deleted) from the ad hoc Committee’s original proposal concerning Hearing Committee structure last year. (See page 1 of first attachment for a detailed summary of the color-coding.)

The remaining 19 pp. of the first attachment constitute Motion 5. But for the sake of organizational clarity, the motion is subdivided by its distinctive parts below.

Motion 5

A. Clarification of *FAM* language governing the rights of probationary faculty and adjuncts to grieve certain kinds of allegations about the circumstances of their termination or non-renewal before a faculty hearing panel. (*FAM* pp. 72 and 78-80, plus enumeration modifications on 89-91; attachment pp. 5-11)

This is entirely a By-Laws Committee innovation, motivated by concerns about the lack of clarity in FAM language governing the grievance rights of Instructor-rank faculty, and adjunct faculty. It’s unrelated to the ad hoc Committee’s recommendations, but nonetheless also relevant to the larger hearing process reform initiative in which the ad hoc Committee and By-Laws Committee have both been engaged.

B. Timing sequence issues with regard to hearing procedures. (*FAM* 125, 126, 149, 181; attachment pp. 12-16) These actually come up throughout the attachment (see summary on p.1)

The By-Laws Committee has made some necessary modifications of timing issues in some locations, but in general, the By-Laws Committee parts company with the ad hoc Committee on the question of shortening timing intervals. The By-Laws Committee’s reasoning for its reversal on this question is laid out in detail on attachment p. 14

C. Conflict of interest findings by faculty hearing panel. (*FAM* p. 182; attachment pp. 17-18)

The proposal offered by the ad hoc Committee concerning conflicts of interest has been both augmented and modified significantly. It has also been moved from the location originally proposed by the ad hoc Committee. Note also the distinction between the hearing panel and the Hearing Committee (the ‘committee of the whole’). That was intentional.

D. (Mostly) minor repairs of language governing hearing and post-hearing procedures. (*FAM* 183, 186-188, legendary missing last page of FAM; attachment pp. 19-23).

Some of these modifications were devised by the ad hoc Committee last year, others by the By-Laws Committee this year. Note (potentially) limited role of the alternate panel member, whose existence in this proposal is another By-Laws Committee innovation. The last page, discovered in a secret Pentagon storage room near the Ark of the Covenant, was unavailable to the ad hoc Committee last year.
Motion 6

Modify FAM language governing Post-Tenure Review Procedures to clarify timing issues about when a faculty member can come up for a Superior Rating. (Second attachment)

This motion reflects the more substantive elements of the set of recommendations submitted to the Senate by Chris Fragile on behalf of the 2016-17 Post Tenure Review Committee during the April 2017 Senate meeting. The more straightforward details, like the more straightforward details in the ad hoc Committee on Hearings recommendations, were incorporated in the draft 2017-18 FAM over the 2017 summer, and approved then by the 2016-17 and the 2017/18 By-Laws Committees, after which they were ratified by the Senate at the September 2017 Senate meeting. The chief difference between the 2016-17 PTR Committee recommendations and Motion 6 involves a softening of the PTR Committee recommendations concerning deferments.

Motion 7

Insert new FAM language governing Post-Tenure Review standards of evaluation for a Superior Rating. (Third attachment)

This motion is largely self-explanatory. It is offered in the hope of securing both more flexible and more consistent application of the PTR standards for a superior rating.

The By-Laws Committee thanks Senate members in advance for taking the time to read through and deliberate carefully about these detailed and rather complex motions.
By-Laws Committee Partial Affirmation, Proposed Modifications, & Additions to 2017-18 Ad Hoc Committee on Hearings Recommendations (1 Mar 2018)

Color coding:
Black: Language as currently appears in 2017-18 FAM (incl. 09/17 changes ratified by Senate)
Red: Language modifications proposed by ad hoc Committee on Hearings in March 2017
Green strike-through: Old language to be stricken on advice of ad-hoc Committee
Blue: New (or restored) language recommended by the By-Laws Committee
Brown: Explanatory rationales from By-Laws Committee (Ad hoc Committee rationales are available in last year’s Senate archives. By-Laws Committee has not repeated them here.)

In general, strike-through means language proposed to be stricken; thus, red strike-through refers to language proposed by ad hoc Committee, not yet added to FAM, but proposed for replacement by more recent By-Laws Committee language. Black strike-through is By-Laws Committee action applied to existing FAM language.

Pagination & §§ based on current FAM (different from ad hoc Committee FAM pages & §#)

Pages with procedural timing issues (& resolution of a timing conflict):
27 By-Laws V.3.B.12.c (Hearing Committee meeting within 15 vs. 20 days—eliminated)
125 T&P Procedures (President’s decision within eleven working days instead of 2 weeks)
126 Hearing Procedures (Notice of grievance to be filed w/in 15 vs. 20 working days; President’s decision within 10 working days of receipt of Hearing)
149 Termination Hearing (Notice of grievance to be filed w/in 15 vs. 20 working days)
181 Hearing Procedure (Notice of grievance to be filed w/in 15 vs. 20 working days);
182 Hearing Committee 5 vs. 10 days for jurisdiction decision (By-Laws recommends 7) No more than 15 vs. 20 working days after that meeting to schedule Hearing
187 Resolution of timing conflict between notification by grievant about problems in Hearing and decision by President.

In general, the By-Laws Committee recommends against the ad hoc Committee’s proposed reduction of the 20-day windows for the tasks of notifying the Hearing Committee of a grievance and then for scheduling a hearing, out of concern for adequate time for grievant to prepare a case. (See detailed comments at bottom of FAM p. 126 below.)
c. Grievance Procedure:

(1) Any faculty member with a grievance should first report it to her or his Department Chair.

(2) If a faculty member is not satisfied with the settlement provided by the Department Chair, or if the Department Chair is directly related to the grievance, the faculty member should request in a letter to the Chair of the Grievance Committee a hearing before the Grievance Committee. The letter should state the nature of the grievance.

(3) On receipt of such a written request, the committee Chair will convene the committee to hear the complaint within ten days (normally excluding Christmas, other state holidays, Spring holidays, and from the day after spring Commencement through August 15).

(4) If in the judgment of the committee a grievance is determined to exist, the committee shall attempt to resolve the matter through mediation or other appropriate action.

(5) Grievances unresolved by the Grievance Committee will be referred by the committee Chair to the appropriate authority.

(6) The committee shall supply a faculty member who has brought a grievance before the committee with a written statement of the committee decision in the case.

12. Faculty Hearing Committee

a. Composition: Twelve Eleven (11) tenured faculty members, at least six four of whom shall hold the rank of Professor. Each September the committee Chair will divide the Hearing Committee pool into two panels of six members each, including at least three at the rank of professor, with one of those three designated as a panel alternate. Panels are to be constructed with an eye to broad disciplinary distribution, and submitted by the Chair to the Committee as a whole for majority approval. Each panel will determine its own chair at that time. If a case emerges over the course of the academic year, one of the panels will be assigned randomly to that first case, and the remaining panel to any second case. Any additional cases will be heard by new panels, randomly constituted out of the committee pool, minus any members obliged to recuse themselves for conflicts of interest. In the event of conflicts of interest emerging in the first two panels as initially constituted, members will be swapped as needed, by the Committee Chair, subject to majority approval by the Committee as a whole. Five members will be randomly among those with no conflict of interest, including two members with the rank of Professor. In the event of a second hearing in a given academic year a second committee of five will be constituted. Members of the first committee may elect not to be considered for service in the second Hearing. Each iteration of a group to hear a case will consist of five members, two of whom must have the rank of Professor. Two years of service is encouraged.
Each Hearing Committee member will normally serve three consecutive academic years. Committee assignments shall be staggered as determined by the Committee on Nominations and Elections. Early each Fall term, committee members will undergo training sessions relevant to Hearing Committee responsibilities, conducted by past committee members or others with relevant expertise. It will be the committee Chair’s responsibility to organize the training sessions.

Composition: Five tenured faculty members, at least two of whom shall hold the rank of Professor, and six tenured alternates, at least two of whom shall have the rank of Professor, who shall be available in case of a conflict of interest involving a member of the committee. In the event of the disqualification of a committee member because of a conflict of interest, a replacement of comparable rank shall be chosen from among the alternates, if possible.

The recommendation to assign the committee Chair the novel task of selecting panel members early in the year is a By-Laws Committee attempt to apply AAUP best practices advice to the task of designating hearing panel membership, by doing it prior to the emergence of any particular grievant, so as to minimize the possibility of conflict of interest issues that might otherwise arise in panel selection. The additional suggestion about swapping out panel members is an acknowledgment of the possibility that conflicts of interest could arise nonetheless, depending on the identity of a particular grievant and the constitution of a particular panel. The panel member swapping policy is the By-Laws Committee’s proposed solution to that contingency.

The innovation of adding an alternate to each panel is a By-Laws Committee addition to the ad hoc Committee’s novel recommendation to reconstitute the previous mix of regular and alternate Hearing Committee members as a collective panel pool. This additional new element was devised to render it less likely that a panel’s full complement of members might be disrupted if a panel member is unpredictably unable to complete panel duties. If such a contingency appears unlikely at the close of a hearing, the alternate could then be excused from participation in post-hearing deliberations, and merely be “on call” for participation if a regular panel member abruptly becomes unable to participate at some later point in the panel’s post-hearing deliberations. This proposal does necessitate adding a twelfth member to the Hearing Committee, one at the rank of Professor. The total number of members at the rank of Professor would increase from four to six, compared to the existing policy, and from five to six, compared to the ad hoc Committee’s recommendations. This undeniably poses a new challenge for the Nominations Committee.

Concerning proposed addition in blue at top of this page (bottom of what is now FAM page 26), advising training sessions for Hearing Committee members, the ad hoc Committee did not address the issue in their proposal to the Senate, although they did discuss the topic. This language serves to put both the Faculty and the Administration on notice that training sessions should be conducted, while leaving open the details by precisely whom, or on what topics training sessions would be conducted, prior to the emergence of specific cases. The general idea is to try to insure, in part, that Hearing Committee members are reasonably conversant with hearing process regulations in FAM, but also that they are familiar with the specific nature of the substantive rights possessed by grievants, and with the nature of committee members’ quasi-judicial responsibilities, and authority, within hearings. Case studies would be an appropriate vehicle to use in training sessions.
b. Duties:

(1) To hear the cases of tenured faculty members against whom the College has made formal, written allegations of a nature that, if substantiated, could lead to their dismissal for cause.

(2) To hear cases of non-tenured faculty members against whom the College has made formal, written allegations of a nature that, if substantiated, could lead to their dismissal during the course of a contract year.

(3) To hear cases involving alleged discrimination in denial of tenure, dismissal at the end of the contract term, promotion, compensation, or work assignment.

(4) To hear cases involving alleged violation of academic freedom.

(5) To hear cases involving alleged violation of due process.

(6) To hear election appeals.

(7) To hear other matters referred by the President to the Committee where a due process hearing is necessary.

c. Grievance Procedure:

On receipt of a written request, the committee Chair will normally convene the Committee within thirty days (normally to exclude all College holidays and from the day after spring commencement through August 15) fifteen working days in accordance with procedures for the committee outlined in the Faculty Hearing Committee Faculty/Administration Manual, Appendix E, Article X, Section I, the section laying out the procedures governing “Grievances Before the Faculty Hearing Committee.” In addition to the procedures set forth in X.I, the Committee will also follow pertinent policies located in Articles IV Conduct of Faculty and Administrators, V Terms and Records of Faculty and Unclassified Administrators, VI Evaluation of Faculty, and VII Faculty Discipline, Misconduct, and Termination, which details the Hearing Committee’s procedure.

13. Faculty Research and Development Committee

1. Composition: Nine faculty members. The Provost, or a representative selected by the Provost, shall serve as ex-officio member without a vote.

2. Duties:

(1) To support and encourage faculty research, professional advancement, and development at the College.
C. Statement of Academic Freedom

3. Academic Freedom and Protection Against Discrimination

b. All members of the faculty, whether tenured or not, are entitled to protection against illegal or unconstitutional discrimination by the institution, or discrimination on a basis not demonstrably related to the faculty member’s professional performance, including but not limited to gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans’ status, genetic information, or disability, as proscribed by law and described in the College’s policy *Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse*.

4. Complaints of Violation of Academic Freedom or of Discrimination in Non-reappointment

If a faculty member on probationary or other non-tenured appointment (including adjuncts) alleges that a decision against reappointment was based significantly on considerations violative of academic freedom or governing policies concerning illegal or institutional discrimination by the institution based on, but not limited to gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans’ status, genetic information, or disability, he or she may file a grievance with the Faculty Hearing Committee. (See Art. X.I. for procedures.)

5. Academic Freedom for Administrative Personnel Holding Faculty Status

The foregoing regulations apply to administrative personnel who hold faculty status and rank, but only in their capacity as faculty members. All other unclassified academic administrators who allege that a violation of academic freedom or improper discrimination contributed to a decision to terminate their appointment to an administrative post, or not to reappoint them, are entitled to the procedures set forth in Section IV.A.

6. Political Activities of Faculty Members

As responsible and interested citizens in their community, faculty, staff and unclassified administrators of the College should fulfill their civic responsibilities and are free to engage in political activities.

The College policy related to such matters is that the holding of county, municipal and other local offices is generally permitted. However, the holding of such an office must not conflict with the performance of the faculty member’s assigned College duties. If, at any time, it appears that there is a conflict or substantial interference with assigned duties, the College has the right to claim a conflict of interest or substantial interference and request that the faculty member either resign the political post or take leave without pay from the College. Further, this also applies if any of the political duties give the officeholder an exercise of control.
over the College or any of its activities through financial support, direction of academic research, extension functions or employment of personnel.

Where a faculty or staff member seeks county, state or federal government political office, he or she must discuss said candidacy with the Provost before becoming a candidate. The purpose of this discussion is to try to determine, in advance, whether a conflict of interest or substantial interference with assigned duties would result. If it is determined it would, the Provost will recommend to the President that the candidate be granted leave without pay for the duration of an election campaign and/or term of office before the date of officially taking office. The terms of such leave of absence will be set forth in writing and the leave will not affect unfavorably the tenure status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to. (See “Statement on Professors and Political Activity,” AAUP Bulletin 55 [Autumn 1969]: pp. 388-89.) The President has the sole discretion to accept or reject the request for a leave of absence.

7. Academic Freedom for Graduate Students

In no case will a graduate or teaching assistant be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.) A graduate or teaching assistant who establishes a prima facie case to the satisfaction of a duly constituted committee that a decision against reappointment was based significantly on considerations violative of academic freedom, or of governing policies against improper discrimination as stated in Section IV.A (above), will be given a statement of reasons by those responsible for the non-reappointment and an opportunity to be heard by the Faculty Grievance Committee.

8. Other Academic Staff

1. In no case will a member of the academic staff who is not otherwise protected by the preceding regulations which relate to dismissal proceedings be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.)

2. When a member of the academic staff feels that his/her non-reappointment is the result of a violation of academic freedom or discrimination (see Sections IV.A and IV. C), the individual may bring the matter before the Faculty Hearing Committee. If the committee finds that the facts, as preliminarily stated in the

No changes are proposed for p. 73. It’s included here (along with p. 72) for reference, to aid understanding of subsequent modifications on FAM pp. 78, 79, & 80 (immediately below).
2. Evidence of accuracy of the curriculum vitae (academic credentials validated by appropriate documentation);
3. Contract and/or letter of initial employment;
4. Job description for unclassified administrators;
5. Letter authorizing sabbaticals or other leaves of absence;
6. Copies of recommendations and action on tenure, promotion, and third-year evaluation;
7. Copies of annual salary letters;

The appropriate Academic Dean or Dean of Libraries will maintain copies of annual and third-year evaluations and correspondence relating to professional development, honors and College employment.

D. Probationary Appointments for Tenure-track Faculty and Instructors

Any appointment of a faculty member to a tenure-track position, or at the Instructor rank, is considered probationary since the individual has not yet fulfilled the required conditions to be considered by his or her peers and the administration for continuous appointment; i.e., for tenure or promotion to the rank of Senior Instructor.

1. Crediting of Prior Experience Toward Fulfillment of Probationary Period

At the College of Charleston probationary appointments are for one year, subject to renewal. Unless stated otherwise in the initial contractual letter of appointment to any rank sent to an instructional faculty member or librarian, the probationary period before the individual is considered for tenure is six years. Credit may be granted for a faculty member’s full-time service at other institutions of higher learning. The number of years of credit for prior service normally will not exceed two years even though the faculty member’s total probationary period in the academic profession is thereby extended beyond the normal maximum of six years. The initial letter of appointment will state the years of prior service that will be counted toward fulfillment of the probationary period and the year in which he/she will be considered for tenure.

(Rev. April 2007)

Librarians appointed to the College Library with three or more years of service in other libraries but who do not yet evidence appropriate records of activity in professional growth and development and/or institutional or

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23 This section is based directly upon and quotes extensively from the 1982 RIR, 2. Probationary Appointments, p.22

Modification of the section heading and insertion of the ‘Instructor’ rank in the opening paragraph in section D are designed to insure that faculty at Instructor rank are covered by the same protections as probationary T-T faculty. The Committee surmises that the reference to ‘Instructors’ in subsection 3 (next page) may have been intended to expand this coverage accordingly.
community service will be given less than maximum credit in order to have more time to prepare for tenure review.

A period of scholarly leave of absence up to one year may count as part of the probationary period as if it were prior service at another institution. The faculty member, the Department Chair, the Dean, the Provost and the President will agree in writing to this provision at the time the leave is granted.

2. Information Relating to Standards and Procedures of Renewal, Tenure and Promotion

The instructional faculty member or librarian will be advised at the time of the initial appointment to review the sections of this Faculty/Administration Manual describing the substantive institutional standards and procedures generally employed in decisions affecting renewal and the granting of tenure and to discuss these with the Department Chair (or Dean of Libraries). Any special standards adopted by the faculty member’s department will be transmitted by the Department Chair (or Dean of Libraries) at the time of appointment and be reviewed, together with the institutional standards, during the annual evaluation of the member by the Chair. The faculty member will be advised of the time when decisions affecting renewal or tenure are ordinarily made, and will be expected to submit material that he or she believes will be informative.

3. Procedure for Considering Non-Renewal of a Faculty Member (Including Instructors) in First or Second Year of Probationary Appointment

From time to time it is important to the welfare of students or faculty in a department for a faculty member to be terminated at the end of a first-year or second-year appointment. Since state legislation (SC Code of Laws, § 8-17-380) provides that non-renewal of a one-year contract at the end of the contract period is not grievable, such terminations are not in violation of the terms of employment. Nonetheless, since terminations based on discriminatory intent, violations of academic freedom, or inadequate consideration are all grievable under other provisions of the South Carolina Code, federal law, and/or this Manual, all decisions to terminate probationary appointments at the end of the first or second year must be accompanied by written notification of cause. Such notification is necessary to establish that the grounds for termination are indeed not grievable.

If the Chair or any other tenured member believes that non-renewal is appropriate, the Chair should convene the tenured faculty for a discussion of the chair’s proposed action, and seek to reach group agreement. If a consensus cannot be reached, the Chair will present in writing to the Dean

Subsection 3 heading has been modified by the insertion of parentheses around the expression ‘Including Instructors’ for purposes of clarification of intent of subsection. By-Laws Committee assumes this language was added shortly after Instructor and Senior Instructor ranks were created. Deleted last line of Subsection 3’s first ¶ is replaced by a new line at end of section (next page).
the various positions represented by the group within the department as well as his/her position. The decision on whether to terminate or continue will rest with the Chair unless the Dean has serious reservations. In such a situation, the Provost will review all of the pertinent information and, after discussing the case with the Chair and the Dean, will rule on which action is to be taken.

In the case of individuals in their first (second) year of probationary appointment, individuals must be notified by March 15 (December 15) if their contract will not be renewed at the end of the contract year. Except under exceptional circumstances, a new faculty member credited with two years or more probationary time should be given at least one year’s notice in the event his or her contract is to be terminated.

After a decision has been reached, the Chair should notify the Provost at least two weeks before the dates specified in the Faculty/Administration Manual so that the Provost can inform a first or second year faculty member that he/she will not be given a contract for the following year.

The College is under no obligation to reappoint any untenured faculty member at the expiration of the contract year. But termination decisions for probationary faculty must be accompanied by written notification of the reasons for termination. If the probationary faculty member finds that explanation unpersuasive with respect to grievable allegations (see first paragraph of subsection), they may file a grievance with the Faculty Hearing Committee. (See Article X.I for procedures.)

4. Employment of Faculty Who are Not United States Citizens
All faculty members who are not United States citizens must hold a valid visa or permanent alien registration card at all times while employed by the College of Charleston. This is a condition of employment and faculty members who do not comply with this condition are subject to termination.

E. Adjunct Faculty Appointments

Adjunct faculty and adjunct library faculty appointments are typically for a single semester, and never for longer than a year’s duration, although they may be renewed at the discretion of the relevant administrative authority. Since adjunct faculty are temporary appointments, no obligation exists on the part of the College to evaluate such a special appointee with a view to continued employment past the end of the fixed term, nor to give any notice in respect of such an intention.

In no case will an adjunct faculty member be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.)

Last sentence in Subsection 3 is intended to clarify the purpose of the written notice of cause.
Since state legislation (South Carolina Code of Laws, Section 8-17-380) provides that non-renewal of a temporary adjunct contract at the end of the contract period is not grievable, such terminations are not in violation of the terms of employment, and therefore require no written justification. Nonetheless, non-renewals based on discriminatory intent, violations of academic freedom, or inadequate consideration are all grievable, even for adjunct faculty, under other provisions of the South Carolina Code, federal law, and/or this Manual. Therefore, when an adjunct faculty member alleges a violation in their non-reappointment on any of these three grounds, they may request written notification of cause. If the adjunct faculty member finds that explanation unpersuasive with respect to grievable allegations (as listed above), they may file a grievance with the Faculty Hearing Committee. (See Article X.I for procedures.)

F. Unclassified Administrators

1. Annual Evaluation of Administrators: The evaluation of College of Charleston unclassified administrators takes place annually. Evaluation processes vary depending on the nature and conditions of the administrative appointment. The President is evaluated by the Board of Trustees.

2. Dismissal for Cause: Dismissal of an administrator prior to the end of an employment contract term shall be only for adequate reason (cause) and may be grieved using the procedure in Section 3 which follows below. The following adequate reasons for termination of a contract before the end of a contract term are the same as those described for faculty in Art. VII.C.

Modify Sections V.F (p. 89), V.G (p. 89), V.H & V.I (p. 90), V.J (p. 91) to V.G through V.K.

Rationale for proposed insertions governing adjunct faculty rights:

At present, there are express protections of the sort inserted here for dismissals or non-reappointments of tenure-track faculty in their first or second year of appointment, and (the By-Laws Committee assumes), similar protections for faculty occupying probationary Instructor lines.

Similarly, in IV.C.5 “Academic Freedom for Administrative Personnel Holding Faculty Status” (p. 72 of the current FAM), IV.C. 7 “Academic Freedom for Graduate Students” and IV.C.8 “Other Academic Staff” (p. 73 of current FAM), such protections are provided for administrators acting in faculty capacity, for graduate students, and for non-faculty academic staff, possibly with some pedagogical duties. (The nature of the classification is somewhat unclear.) There is also more general protection of “all members of the faculty, whether tenured or not,” against discrimination and violation of academic freedom, in IV.C.3.a (p. 71), IV.C.3.b, and IV.C.4 (p. 72). But adjunct faculty are nowhere explicitly included in comparable language.

More specifically, while the first two groups, probationary tenure track faculty and probationary instructors, can be terminated without cause under SC law, cause must nonetheless be provided in order to vindicate those faculty members’ rights against terminations that were discriminatory or violations of academic freedom. (See V.D.3 on p. 79 above.) In the case of faculty occupying Instructor lines, the By-Laws Committees changes recommended on pp. 78 & 79 are designed to make it explicit that Instructor lines are included under that form of protection. But the same is
not expressly true for adjunct faculty terminated either through dismissal or through non-renewal.

The absence of the proposed insertions is seriously problematic with respect to adjunct faculty rights with regard to academic freedom and non-discrimination. If an adjunct faculty member at risk of termination never has to be given any reasons for the termination, how can that individual pursue an action through the Hearing Committee in an effective way? At present, it appears that administrators acting in faculty roles, graduate students, non-faculty academic staff, probationary faculty in tenure-track and Instructor lines, all have that opportunity. (Tenured faculty and Senior Instructors can only be fired for cause—the latter during their contracted employment period.) Adjunct faculty, regardless of number of years appointment, are not expressly covered. Yet adjunct faculty, too, are entitled to non-discriminatory treatment & protection of academic freedom

Note that the language governing non-renewals of adjuncts does not require universal notifications of reasons for non-renewals, but it does enable protesting adjuncts to compel such explanations.
12. Provost’s Recommendation for Tenure and Promotion Candidates

After the Advisory Committee has made its written recommendation to the President, the Provost may interview the candidate as part of his/her independent evaluation of the candidate. The Provost’s recommendation shall be submitted in writing to the President by the announced deadlines. In all cases in which the Provost’s recommendation is negative or reverses an earlier decision, the Provost will provide a copy of his/her recommendation to the candidate, chair, Dean, and chair of the Advisory Committee simultaneously with notice to the candidate of the President’s decision. (Rev. Apr. 2009; Rev. Apr. 2012)

13. President’s Decision

The President shall make a final determination within 2 weeks eleven working days after she/he receives recommendations from all of the following: the department evaluation panel, the appropriate Dean, the Faculty Advisory Committee, and the Provost. All such recommendations shall be submitted to the President no later than March 1 of each year. In addition to these recommendations, the President shall also have access to, and may consider, other materials used by any or all of the foregoing during the course of their respective evaluations. Once a final decision is made by the President, and within the 2 weeks after the last recommendation is received by her/him, the President shall inform the candidate, the Provost, the Dean, and the evaluation panel chair in writing, of her/his decision. (Rev. Apr. 2009)

13. Appeal to the Faculty Hearing Committee

a. A denial may only be appealed to the Faculty Hearing Committee when the faculty member alleges that the denial was based upon any of the following three grounds:

   i. Discrimination, defined as differential treatment based upon gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans’ status, genetic information, or disability; or,

   ii. Violation of academic freedom, as it relates to freedom of expression; or,

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36 Deadlines for earlier stages of the review process are prior to March 1 and are announced by Academic Affairs each year.

37 This list was revised in August 2017 to reflect the College’s policy Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse.
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iii. Violation of due process, as provided in the College’s published rules, regulations, policies and procedures.

b. The appeal shall be heard as a grievance before the Faculty Hearing Committee, and the faculty member should follow the procedures of that committee in requesting a hearing. The notice requesting a hearing before that committee must be filed within twenty fifteen working days of receipt of the President’s written decision.

c. The President’s decision will be made within ten working days after he/she reviews receipt of the recommendation of the Faculty Hearing Committee, and receipt of any objections about the conduct of the hearing or correction of errors of fact from the grievant, or notice of waiver of that right by the grievant.

14. Discretionary Appeal to College of Charleston Board of Trustees

a. The President’s decision in cases heard by the Faculty Hearing Committee may be appealed to the College of Charleston Board of Trustees. The decision as to whether or not to accept the appeal is within the sole discretion of the Board.

b. When an appeal to the College of Charleston Board of Trustees is sought, the faculty member must file a Notice of Appeal within 10 working days of receipt of the President’s decision. This Notice must be in writing and sent to the Chair of the Board, with a copy to the President. The Notice of Appeal must identify the issues to be raised in the appeal and the grounds for the appeal.

c. If the Board decides to hear the appeal, the Chair of the Board will establish a reasonable timetable for disposition of the appeal, which will be communicated to all parties.

d. At the Chair’s discretion, appeals will be heard by the entire Board or by a committee of not less than three Board members appointed by the Chair for that purpose.

e. Appeals will be heard on the record established in the Faculty Hearing Committee. The Board shall have available for its review all tape recordings, statements, documents and evidence accumulated during the appeal process. Briefs and oral arguments will be permitted but are not required. Oral arguments may be made by the parties or by their attorneys.

f. The Board shall submit its decision in writing to the President and the faculty member. The decision of the Board is final.

38 The College of Charleston Board of Trustees passed this policy concerning appeals by faculty members in January 1985. This list was revised in August 2017 to reflect the College’s policy Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse.

IV.D.13.b includes first of several ad hoc Committee recommendations to shorten Hearing deadlines.
This series of proposals revolved around the idea that, by reducing the statute of limitations in which to file a complaint, and the interval from filing to a scheduled hearing, from 20 working days to 15, the ad hoc Committee on Hearings hoped to increase the likelihood that the work of a hearing panel in a tenure or promotion denial case, or denial of a superior PTR rating case, might stand a reasonable chance of completion prior to the May 15th end-of-contracted annual ‘regular duties’ of faculty.

In the view of the By-Laws Committee, this move toward contraction of the time frames fails to take account of the hardships already experienced by grievants faced with the prospect of composing a case in a very short time period, largely on their own, without any prior experience in such a project, and often when they are immersed in routine pedagogical duties which already consume a lot of their time on a daily basis. Making that interval even briefer for the convenience of faculty serving on a Hearing Committee panel just does not seem a compelling justification for eroding the due process rights of grievants.

Part of the thinking of the ad hoc Committee appears to have been that prospective grievants are, or should be, already aware of the likelihood, or at least risk, of a negative outcome in their tenure, promotion, or PTR evaluation, and should be undertaking preliminary preparations well before the President’s final decision is issued. This may be true in many cases of these types, although perhaps not all, but this argument loses sight of the fact that prospective grievants may emerge from other administrative processes which take them much more by surprise. Not all grievances are about tenure decisions.

The emendation suggested in blue in 13.c is newly proposed to conform with the (already existing) requirements of the Post-Hearing language in the last two pages of the FAM (included below). Time has to be allowed for the grievant to file notice with the President about any procedural concerns about the manner in which the Hearing was conducted, or about any alleged errors of fact upon which the hearing panel, or the President, may otherwise be relying in coming to their respective judgments in the case.
C. Termination of Tenured Faculty Members “For Cause” and Termination Procedure

1. Conditions Under Which A Tenured Faculty Member’s Contract Can Be Terminated

Until the retirement of the faculty member and subject to the procedure stated hereinafter, an appointment with tenure may be terminated by the College only for adequate cause. The following will be considered adequate cause for the termination of tenure:

a. Demonstrably bona fide institutional contingencies such as curtailment or discontinuance of programs or departments;
b. Financial exigencies that are demonstrably bona fide but only after giving the faculty member 12 months’ notice;
c. Physical or mental inability to fulfill the terms and conditions of the appointment;
d. Incompetence, neglect of duty, immorality, dishonesty, including but not limited to plagiarism, falsification of academic credentials or vitae, conduct unbecoming a faculty member, conviction of violating the criminal laws of any state or the United States, willful and repeated violations of College rules, regulations or policies. (Faculty Responsibilities to Students, Code of Professional Conduct, Faculty/Administration Manual Art. VIII.A, and Statement of Professional Ethics, Faculty/Administration Manual Art. IV.B.)

Termination Procedure

a. Termination for cause of a tenure appointment shall be preceded by a written notice of proposed dismissal which states the reasons for the proposed dismissal and gives the faculty member an opportunity to be heard by the Faculty Hearing Committee. Formal written notice may be preceded by discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement.

b. If the faculty member elects to have a hearing before the Committee, he/she they must file a Notice of Grievance with the Chair of the Committee, with a copy to the President, within twenty fifteen working days (normally to exclude all College holidays and from the day after spring commencement through August 15) of receipt of the notice of proposed dismissal. The procedures followed by the Faculty

[continues on p. 150...]

For reasons stated at bottom of FAM p. 126 above, the By-Laws Committee takes the view that the ad hoc Committee recommendation in the last ¶ above is a bad idea. The By-Laws Committee suggests retaining the 20-day period.
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I. Grievances Before the Faculty Hearing Committee)

h. Other matters referred by the President to the committee where a due process hearing is necessary.

2. Requesting a Hearing

a. A Notice of Grievance must be filed by the grievant faculty member with the Chair of the Faculty Hearing Committee, with copies to the President, Provost and the grievant’s Department Chair and Dean, within twenty fifteen working days of the act complained of and shall contain the following information:

(1) the date of the act complained of and the name of the person or persons alleged to have been responsible for the act;\footnote{Failure to file a Notice containing this information within the specified time limitation shall be a waiver of grievance and of all rights under these procedures, absent a finding of good cause for a reasonable delay, as determined by the Hearing Committee.}

(2) a clear, detailed statement of why the grievance falls within the jurisdiction of the Faculty Hearing Committee;

(3) a detailed description of evidence in support of the position of the grievant;

(4) the names of potential witnesses for the grievant, with a short statement of the subject matter of their potential testimony;

(5) the specific remedial action or relief sought;

(6) a brief summary of the results of previous discussions on the issues involved which the grievant has had with the person or persons responsible for the action complained of, if such discussions have been held; and

(7) a preference as to whether a hearing, if held, is to be open to the public or closed to all except the committee and those involved in the hearing.\footnote{If the grievance is based upon a Notice of Dismissal, a copy of the Notice or letter giving notice should be attached to the Notice of Grievance.}

Failure to file a Notice containing this information within the specified time limitation shall be a waiver of grievance and of all rights under these procedures, absent a finding of good cause for a reasonable delay, as determined by the Hearing Committee.

\footnote{The President and Provost may also express a preference for an open or closed hearing by informing the chair of the committee of the preference before the committee’s first meeting.}

For reasons stated at bottom of \textit{FAM} p. 126 above, the By-Laws Committee takes the view that the ad hoc Committee recommendation in 2.a above is a bad idea. The By-Laws Committee suggests retaining the 20-day period.
b. The committee assigned hearing panel will meet within five to seven working days after receipt of the Notice of Grievance by the Chair in order to determine whether the grievance has been properly and timely filed and whether the nature of the grievance is within the jurisdiction of the Hearing Committee. If the committee hearing panel decides that the grievance should be heard, it shall set a date for the hearing, which must be held within twenty to fifteen working days of the committee panel meeting. The committee panel shall also decide, taking into account the preferences expressed, whether the hearing will be open or closed.

c. Within two working days after the committee panel determines the matters set out in (b) above, the panel chair shall notify in writing the grievant, the President; the Provost; the Dean; and, where applicable, the Department Chair of the decision of the committee as to whether or not the grievance will be heard.

(1) If the decision is negative, the committee panel chair will specify the committee’s reasons for not hearing the grievance.

(2) If the decision is positive, the committee panel chair shall include in this written notice the date, time and place of the hearing and the committee’s decision as to whether or not the hearing will be open or closed.

d. Within two working days of receipt of the committee panel’s decision as to whether or not a hearing will be held, the Provost shall give written notice to the committee panel and the grievant of the name of the representative who will be representing the College at the hearing. The college representative may be any of the following persons, so long as he/she is not an attorney and has no conflict of interest in the proceeding: the Provost, a Vice President, a Dean, a Department Chair or any other member of the College community deemed appropriate by the Provost.

3. Pre-Hearing Procedures

a. If the grievant intends to have counsel at the hearing, he/she the grievant shall notify the committee hearing panel and the college representative at least ten (10) working days prior to the date of the hearing. Failure to so advise within this time period may result in a delay of the hearing.

b. The Hearing Committee assigned hearing panel has the authority to determine whether there are conflicts of interest among proceeding participants. If the conflict of interest involves a hearing panel member, that individual will be asked to step down from that particular panel, and another committee member will be appointed to substitute by the Chair of the Hearing Committee, subject to the approval of the Hearing Committee as a whole. If the conflict of interest involves the college’s representative, that individual and the Provost will be so advised, although a decision about recusal in that case rests ultimately with the Provost. Other perceived conflicts of interest will be dealt with as the
hearing panel deems appropriate. Such determinations may be appealed to the Hearing Committee by the grievant, the college’s representative, or any other affected party, for reconsideration.

bc. At a mutually convenient time, but at least three working days prior to the hearing, the committee panel chair shall hold a pre-hearing meeting with the parties in order to:

In X.I.2.b, the ad hoc Committee recommends lengthening the time period for a jurisdictional decision by the Hearing Committee to ten days. Five days does seem a little short, even for a jurisdictional decision which does not seriously assess the substantive merits of the grievant’s complaint. The simple logistics of scheduling a meeting involving six faculty members may take a week on its own. Seven working days seems a good compromise to the By-Laws Committee.

For reasons stated at bottom of FAM p. 126 above, the By-Laws Committee takes the view that the ad hoc Committee recommendation to reduce the time between the hearing panel’s jurisdictional decision and the scheduling of the hearing (also in paragraph X.I.2.b) is unwise. The By-Laws Committee suggests retaining the 20-day period.

Paragraph X.I.3.b is new, inserted here to signal that deliberation in which the panel may engage concerning conflict of interest questions is normally a pre-hearing matter. (Of course that might not always be the case.) It has been moved from the original location proposed by the ad hoc Committee on Hearings, which would have inserted it in the activities to be conducted at the pre-hearing meeting. In the view of the By-Laws Committee, that is rather late in the day to be making decisions about some conflict of interest issues. More importantly, the deletion of red language in X.I.2.d, and the added blue language in X.I.3.b represent substantive modifications, additions, and elaboration of last year’s recommendation from the ad hoc Committee on Hearings.

In the view of the By-Laws Committee, the language proposed to be stricken from the ad hoc Committee on Hearings’ recommendation concerning X.I.2.d reflects the By-Laws Committee’s conviction that, however desirable and prudent such a policy might be, the Faculty Hearing Committee does not have the statutory authority to compel the Provost to reverse a decision on who has been appointed as college representative. Perhaps more to the point, the current Provost is unlikely to concede that authority to the Faculty Hearing Committee. Quite possibly, the same may be true of future provosts, as a matter of respecting statutory lines of authority.

On the other hand, the By-Laws Committee does recognize, and agree with, the ad hoc Committee’s observation that it is on occasion important for a hearing panel to speak out on what it perceives to be various sorts of conflicts of interest, including ones concerning potential conflicts of interest involving the college representative. A Provost can of course ignore such advice on grounds of honest disagreement with the judgment, but once that judgment becomes a matter of a hearing record, the Provost may be doing so at the institution’s peril. In other respects the X.I.3.b blue language is designed to give some executable force to the ad hoc Committee’s proposal.

(1) exchange the names of witnesses to be called at the hearing;

(2) exchange documents and other evidence to be used at the hearing;

(3) enter into stipulations of fact;

(4) achieve other appropriate pre-hearing objectives to ensure a fair, effective, and expeditious hearing.

Witnesses and evidence not exchanged at this meeting will not be allowed to be presented at the hearing except for good cause shown, as determined by the committee.

4. The Hearing

a. Attendance

(1) If the hearing is to be closed, attendance shall be limited to:

   (a) members of the committee hearing panel, including the alternate

   (b) the grievant

   (c) the grievant’s advisor or lawyer, if desired

   (d) the college representative

   (e) the college’s General Counsel

   (f) witnesses while giving evidence

   (g) AAUP observer, if requested by either party or the committee

   (h) recording equipment operator and/or court reporter, if any.

All participants in a closed hearing will be asked to maintain the confidentiality of the hearing to the extent reasonably possible.

1. (2) If the hearing is to be open, the only parties to be excluded will be the witnesses, who may not attend the hearing.
may withdraw any portion or all of the grievance, with the consent of the Committee hearing panel. In all cases of withdrawal with consent, the grievant shall not have the privilege of reopening the same grievance at any time in the future.

c. Sequence of Events

(1) Grievant may make an opening statement.

(2) College representative may make an opening statement.

(3) Grievant presents witnesses and evidence on his or her behalf, subject to cross-examination by the college representative, and members of the Committee panel, including the panel alternate.

(4) College representative may request the committee to rule against the grievant and terminate the hearing because the grievance is not supported by the evidence presented by the grievant. The grievant may argue against this request. If the request is granted, the committee shall terminate the hearing and prepare its report. If the request is denied, the hearing proceeds to the next stage.

(5) College representative presents witnesses and evidence, subject to cross-examination by the grievant, and members of the Committee panel, including the panel alternate.

(6) The committee panel may call new witnesses, or recall previous ones, whose testimony it deems relevant or helpful. New witnesses are subject to cross-examination by the grievant and the college representative.

(7) Rebuttal evidence (either testimony or documents) may be presented by either party, the grievant doing so first.

(8) The grievant may make a closing argument, followed by the college representative. The grievant may rebut the closing argument of the college representative if he/she desires.

(9) If the committee panel would find them helpful, it may request that additional written arguments be filed by both parties, with a copy furnished to the opposing party, within a reasonable period of time stipulated by the Committee panel.

5. Post-Hearing Procedures

The panel alternate has been added in (3) and (5), on the theory that we would want to allow that individual to participate in questioning witnesses, because of the possibility of being involved in subsequent deliberations. Normally, the alternate would step down after the completion of the hearing, as reflected in X.I.5.a on p. 187 (next page).

a. Following the hearing, the committee assigned hearing panel, exclusive of any remaining alternate, shall meet in closed executive session with all other persons excluded. In this session, the committee panel shall prepare its report, based upon the evidence presented at the hearing. The written report shall contain:

1. Statement of purpose of the hearing;
2. The issues considered by the committee;
3. Findings of fact as to each major issue raised by the parties; and
4. Recommendations, if desired.

The committee panel’s report shall be forwarded to the President, the grievant and the College representative within ten working days of the conclusion of the hearing, as soon as reasonably possible after the conclusion of the hearing, normally within fifteen working days. The findings and recommendations, if any, of the committee are advisory only and shall in no way bind or commit the President to any suggested course of action. The report must have the concurrence of a majority of the committee panel. A minority position may be expressed either in a section of the committee panel’s report or as a separate report.

If the findings and/or recommendations are adverse to the grievant, he/she shall have ten working days from the date the report is submitted to the President within which to submit in writing to the President for consideration any specific objections he/she may have regarding the conduct of the hearing or alleged errors in the findings of fact. A copy of these objections must be furnished to the committee panel and to the college representative.

b. Within ten working days after receipt of the committee panel’s report, and receipt of any objections about the conduct of the hearing or correction of errors of fact from the grievant, or notice of waiver of that right by the grievant, the President shall either submit to the grievant, the committee panel and the college representative his/her written decision on the case or refer the matter back to the committee for further response and recommendation before rendering a final decision.

The President will not be bound by the findings or recommendations contained within the committee’s report, which are advisory only.

The President may request that the committee make available to him the a recording and/or transcripts of the hearing and any other evidence presented.

Concerning the reference to the alternate in X.I.5.a., if the alternate had to replace a regular panel member, there is no “remaining alternate”. Otherwise, this is when the alternate steps down.
If the President’s decision is contrary to the recommendations of the Committee panel, the President will include within his/her their decision a statement of his/her their reasons for not accepting the recommendations of the committee.

If the President’s decision is adverse to the grievant, he/she the President shall give written notice to the grievant of his/her their right to appeal the decision to the College of Charleston State Board of Trustees, when applicable.
VI.J. APPEAL TO STATE COLLEGE BOARD OF TRUSTEES

Appeal to the College of Charleston Board of Trustees

A. The State College of Charleston Board of Trustees will hear appeals of grievances on the grounds specified in I.A., B and C X.I.1.a through f, listed at the beginning of the previous section (on “Grievances Before the Faculty Hearing Committee”). In their sole discretion, they may choose to hear appeals of other matters.

B. When an appeal to the State College of Charleston Board of Trustees is sought, the grievant must file a Notice of Appeal within ten working days of receipt of the President’s final decision. This Notice must be in writing and sent to the Chair of the Board, with copies to the President, the committee panel chair and the college representative. The Notice of Appeal must identify the issues to be raised in the appeal and the grounds for the appeal. Upon receipt of the Notice of Appeal, if the panel chair has not already done so, the chair of the committee shall transmit to the President, for presentation to the Board, the tape recording of the hearing, as well as all documentary evidence introduced at the hearing.

C. If the appeal must be heard by the Board, or if the Board decides to hear a discretionary appeal, the Chair of the Board will establish a reasonable timetable for disposition of the appeal which will be communicated to all parties.

D. At the Chair’s discretion, appeals will be heard by the entire Board or by a committee of not less than three Board members appointed by the Chair for that purpose.

E. Appeals will be heard on the record established in the grievance procedure at the College. The Board shall have available for its review the tape recording of the hearing, the evidence submitted at the hearing, the report of the Committee panel and any subsequent decisions or recommendations which followed the Committee panel’s report. Briefs and oral arguments will be permitted but are not required. Oral arguments may be made by the parties or by their attorneys.

The Board shall submit its decision in writing to the grievant, the President, the chair of the committee panel and the college representative. The decision of the Board is final.

VII.K. PROHIBITION AGAINST RETALIATION

Prohibition Against Retaliation

A grievant shall not be harassed, intimidated, or otherwise penalized for utilizing these grievance procedures.

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1 The State College Board of Trustees passed this policy concerning appeals by faculty members in January 1985.
Memorandum

From: Deanna M. Caveny-Noecker, Associate Provost for Faculty Affairs, and Richard Nunan, Chair, Committee on the By-Laws and the Faculty/Administration Manual
on behalf of the Committee on the By-Laws and the Faculty/Administration Manual (George Pothering, Mike Lee, Liz Jurisich, Jannette Finch, Deanna Caveny-Noecker)

To: Faculty Senate

Date: March 5, 2018

Re: proposed revisions to Section VI.H, Post-Tenure Review, of the Faculty/Administration Manual

Colleagues,

The attached text outlines proposed changes to the Faculty/Administration Manual language on post-tenure review, addressing several matters.

During the Fall 2016 semester, the 2016-17 Post-Tenure Review Committee discussed post-tenure review schedules and deferrals. Their deliberations resulted in four recommended clarifications or revisions to the post-tenure review process, which were subsequently communicated to Associate Provost Caveny-Noecker via email by Chris Fragile, Chair. The proposed revisions to Articles VI.H. 1, 4a, and 9b in the attached are intended to operationalize the 2016-17 Post-Tenure Review Committee’s recommendations. A copy of their recommendations is attached for your convenience.

Additionally, in January 2017, Provost McGee communicated to the Faculty Welfare Committee and the Advisory Committee on Tenure, Promotion, and Third-Year Review some possible reforms to the tenure and promotion process that had been identified by him and our dean colleagues. His memorandum included a recommendation on the frequency of promotion applications, suggesting that faculty members be limited to two unsuccessful promotion applications in a row and “precluded from applying for promotion for a third consecutive year, though another application or applications could be filed after the ‘off’ year.” While that has not been implemented for reviews for promotion to Professor, item (2) in Article VI.H.1 below is intended to introduce a parallel notion for post-tenure review.

With the last major revisions to our post-tenure review process, effective with the 2014-2015 academic year, we collaboratively sought to streamline the post-tenure review process for candidates seeking a satisfactory rating. The proposed changes in Article VI.H.6 are intended to further streamline reviews in the case where a department chair is seeking a satisfactory rating, while maintaining the role of the department chair for other post-tenure review candidates in their department in that case.
VI. EVALUATION OF FACULTY

H. Post-Tenure Review

1. Post-Tenure Review Schedule

Each tenured faculty member must undergo post-tenure review at least once every sixth year, except that a tenured Associate Professor or Librarian III may elect to undergo review for promotion to Professor or Librarian IV, respectively, instead, with the understanding that the post-tenure review clock is reset by the promotion review.

Faculty members holding the rank of Professor or Librarian IV are eligible to seek a superior post-tenure review rating in their sixth year in rank at the College or any subsequent year, provided the faculty member does not receive a superior post-tenure review rating more often than every sixth year subject to two conditions: (1) A faculty member may not receive a superior post-tenure review rating more often than every sixth year, and (2) A faculty member who makes an unsuccessful application for a superior rating may seek a superior again the next year but may not apply for a superior rating more than two years in a row. A Professor or Librarian IV who seeks a superior rating but receives a satisfactory may seek a superior rating in a subsequent year, without waiting another six years. Similarly, a Professor of Librarian IV who seeks a satisfactory rating may subsequently seek a superior without waiting six years from the satisfactory review. Additionally, a faculty member seeking a satisfactory rating is eligible to pursue a superior rating the following year and the subsequent year should his or her initial application for superior be unsuccessful.


The restriction to coming up no more than two years in a row came from the Provost in consultation with the deans, not from the 2016-17 PTR Committee. The same principle has not been applied to the case of standing for promotion to Professor. Under our current policy, upon failure to achieve promotion, a candidate may continue to request such a review in repeat years.
4. Deferments

a. Faculty members may petition the Post-Tenure Review Committee for the postponement of their post-tenure reviews based on extenuating personal circumstances, exceptional professional commitments, or valid medical reasons which must be documented in the petition. Petitions must be endorsed by the faculty member's Chair and Dean. Postponements will be approved only under extraordinary circumstances and will not normally extend more than one academic year. Decisions by the Post-Tenure Review Committee regarding deferments shall be communicated in writing. Decisions by the Committee may be appealed to the Provost within one (1) week of the candidate's notification. The Provost's decision shall be final.

(Rev. Aug. 2018)

This modification constitutes a modest move in the direction of the 2016-17 PTR Committee’s recommendation, which was to eliminate all deferments of the six-year PTR cycle other than pending retirement cases. That recommendation seemed a little too uncompromising to the 2017-18 By-Laws Committee. This was our compromise with that particular recommendation.
6. Recommendations by the Department Chair or Panel and the Dean

Post-tenure review is normally conducted by the Department Chair. A departmental post-tenure review panel will be convened only in the case of post-tenure review of the Department Chair seeking a superior post-tenure rating. When the Department Chair herself or himself is up for post-tenure review and is seeking a superior rating, the most senior tenured member of the department (other than the Chair) will convene, and normally chair, a departmental post-tenure review panel consisting of three tenured faculty members (including the panel chair). Panel members will normally be drawn from the home department according to seniority. When necessary to complete the panel, additions will be drawn, following the same criteria, from departments with related areas of study. The panel may not include Department Chairs from external departments. No tenured faculty member concurrently subject to post-tenure review may serve on this panel. The panel will exercise the same responsibility with respect to the Department Chair’s candidacy that the Chair exercises in all other cases of faculty seeking a superior post-tenure rating. This departmental panel will also review all other cases of faculty seeking a superior post-tenure rating coming up for post-tenure review at the same time as the Department Chair. The Department Chair or departmental panel will recommend a rating for the each such candidate’s performance. The Department Chair will handle all cases of candidates seeking a satisfactory post-tenure rating except his or her own, which will be handled by the Dean, acting in the capacity of both the Chair and the Dean in such cases.

In the case of a candidate requesting a superior rating, the Department Chair (or the departmental panel) shall forward to the candidate’s Dean by the announced deadline the candidate’s packet with a letter justifying the Chair’s (or panel’s) concurrence or failure to concur with the candidate’s self-evaluation. At this time a copy of the letter shall be forwarded to the candidate. Should the rating of the Chair (or departmental panel) be satisfactory rather than superior, the candidate
may forward a letter of rebuttal to his or her dean and his or her Department Chair no later than five (5) days before the first day of the beginning of the Spring Semester. The Deans will review packets and forward written recommendations to the Office of the Provost.

In the case of a candidate being considered for a satisfactory rating, the Department Chair (or the departmental panel) shall meet with the Dean to discuss a summary of the candidate’s annual performance evaluations. In addition, the Chair or panel will forward to the candidate’s Dean a written statement that the candidate meets the criteria for a satisfactory rating or a brief summary of the ratings received on annual performance evaluations in the area of teaching and a statement that the candidate receives an unsatisfactory rating. At this time a copy of the letter shall be forwarded to the candidate, the Provost, and the Post-Tenure Review Committee. (Rev. Apr. 2009, Aug 2018)

This set of recommendations, designed to minimize the work of the departmental panel, by limiting the panel’s responsibility to encompass only cases where a department chair under evaluation has a potential conflict of interest, is an innovation proposed by the By-Laws Committee rather than the 2016-17 PTR Committee or the Provost. (Hence the blue color-coding instead of red.) The word ‘normally’ is inserted in the first paragraph to provide for the possibility that someone other than the most senior member of the evaluating department might occasionally be called upon to chair the departmental PTR evaluation panel, depending on the circumstances at the time.
9. Appeals

a. Appeal of decision on completion or remediation plan

...

b. Appealing a Satisfactory Rating
A candidate who receives a satisfactory rating after having sought a superior rating and who alleges that the rating was based upon discrimination, violation of academic freedom or violation of due process may follow the appeals procedure outlined in Art. X.I. If the candidate feels that the satisfactory rating received is incorrect for reasons other than those listed in the preceding paragraph, a formal appeal is not allowed. However, the faculty member may remain eligible to undergo review for a superior rating in the subsequent years or the following year, as outlined above, without waiting six years for the next scheduled review. (Rev. Aug. 2014, Aug. 2016, Aug. 2017, Aug. 2018)

To make the language of this paragraph consistent with the modifications suggested earlier. (See p. 135 above.)
Post Tenure Review Superior Rating Advisory Evaluation Language (Motion 7)

Section VI.H.5.a.6 (FAM 139); similar language appears in VI.H.3.b (FAM 137)

H.5 Preparation and Submission of…Packet for Superior Rating

a.(6) Candidates seeking a superior rating must also furnish clear evidence that they continue to perform at the level expected for the promotion to the rank of Professor, or Librarian IV, in accordance with the criteria of the Faculty/Administration Manual, as indicated in Sect VI.A.4.c. for instructional faculty and VI.C.4.d for library faculty.

Insert new subsection VI.H.6 (following discussion of PTR packet preparation for Superior rating, and preceding current sections 6 Dept. Chair’s & Dean’s Recommendations, 7 PTR Committee’s & Provost’s Recommendations), 8 Remediation Plans, & 9 Appeals). All those remaining subsections are to be renumbered as 7, 8, 9, and 10, respectively:

6. Specific Criteria for a Superior Rating

Awarding of a superior rating to a faculty member who has previously achieved the rank of Professor, or Librarian IV, requires clear evidence that the candidate has continued to perform at the level expected for that earlier promotion, in accordance with the criteria set forth for such promotions in the Faculty/Administration Manual, as indicated in Section VI.A.4.c. for instructional faculty and VI.C.4.d for library faculty.

It should be noted, however, that the somewhat streamlined review process for a Superior Rating at this career level reflects the recognition that, having once satisfied the standard for promotion to the rank of Professor, or Librarian IV, expectations for sustaining this level of achievement might be met in a variety of ways. While sustaining an active research record, including scholarly books or journal articles (or otherwise juried publications, or professional evaluated performances or exhibits in the arts), is still a critical element in any successful application for a superior rating, it may be recognized that, while specific departmental policies governing publication standards may exceed the College-wide norm for tenure and for promotion (preamble of Sect. VI.A.4), application of such higher standards may not always be appropriate to require for a superior rating, unless a departmental policy explicitly states that they are. Faculty at the rank of Professor are occasionally called upon to fulfill time-consuming leadership roles in professional service, sometimes for lengthy periods, either within the College or in their larger professional community. They are also occasionally called upon to shoulder teaching duties outside of customary expectations because of departmental or institutional needs. Such responsibilities can make the fulfillment of higher departmental publication standards for tenure and promotion quite onerous, and evaluators at the various levels of PTR review may be mindful of those realities in the cycle of academic careers. There are multiple avenues to the fulfillment of exemplary performance in one of the specified competency areas and satisfactory performance in the other two, or to performance at the level of significant achievement in all three areas.

We have had issues in the past with different PTR Committees focusing in some years on the potential implications of the streamlined PTR standards, and in other years on a more literal interpretation of the language about mirroring precisely the perceived expectations for the initial promotion to the rank of Professor. This attempts to clarify the superior rating standard, with an eye to reducing such inconsistencies of interpretation from one PTR committee to the next.
Amendment 04/10 from Senator Tom Kunkle (seconded and approved by the Senate)

Blue strike-throughs & Green text are proposed amendments to Motion 4 from By-Laws Comm:

12. Faculty Hearing Committee

a. Composition: Twelve Eleven (11) tenured faculty members, at least six four of whom shall hold the rank of Professor. Each September the committee Chair will divide the Hearing Committee pool into two panels of six members each, including at least three at the rank of professor, with one of those three designated as a panel alternate. Panels are to be constructed with an eye to broad disciplinary distribution, and submitted by the Chair to the Committee as a whole for majority approval. Each panel will determine its own chair at that time. If a case emerges over the course of the academic year, one of the panels will be assigned randomly to that first case, and the remaining panel to any second case. Any additional cases will be heard by new the panels in alternating fashion, randomly constituted out of the committee pool, minus any members obliged to recuse themselves for conflicts of interest. The position of panel alternate will rotate among the three professors on each panel. In the event of conflicts of interest emerging in the first two panels as initially constituted, members will be swapped as needed, by the Committee Chair, subject to majority approval by the Committee as a whole. Five members will be randomly among those with no conflict of interest, including two members with the rank of Professor. In the event of a second hearing in a given academic year a second committee of five will be constituted. Members of the first committee may elect to not be considered for service in the second Hearing. Each iteration of a group to Hear a case will consist of five members, two of whom must have the rank of Professor. Two years of service is encouraged.

2nd Kunkle Amendment to Motion 4

Each Hearing Committee member will normally serve two three consecutive academic years.

Gigova Amendment to Motion 5 (p. 125 of current FAM)

13. President’s Decision

The President shall make a final determination within 2 weeks eleven ten working days after she/he receives recommendations from all of the following: the department evaluation panel, the appropriate Dean, the Faculty Advisory Committee, and the Provost.

[Not in By-Laws, therefore no need to solicit Faculty approval.]
By-Laws Committee Amendments on Hearing Committee Structure & Charge
(Senate approval: 13 Mar & 10 Apr 2018; By-Laws changes also require Faculty approval)

Color coding:

Black: Language as currently appears in 2017-18 FAM (includes 09/17 changes ratified by Senate)

Red: Language modifications proposed by ad hoc Committee on Hearings in March 2017

Green strike-through: Old language to be stricken on advice of ad-hoc Committee

Blue: New (or restored) language recommended by the By-Laws Committee

Dark Red: Senate-approved amendments to main motion

Brown: Explanatory rationales from By-Laws Committee (Ad hoc Committee rationales are available in last year’s Senate archives. By-Laws Committee has not repeated them here.)

In general, strike-through means language proposed to be stricken; thus, red strike-through refers to language proposed by ad hoc Committee, not yet added to FAM, but proposed for replacement by more recent By-Laws Committee language. Black strike-through is By-Laws Committee action applied to existing FAM language. Blue strike through is language amended by Senate when reviewing motion.

Pagination & §#s based on 2017-18 FAM (different from ad hoc Committee FAM pages & §#)

Motion numbers correspond to 2017-18 Senate-approved motion numbers from the 2017-18 Committee on the By-Laws and the Faculty/Administration Manual (George Pothering, Mike Lee, Liz Jurisich, Jannette Finch, Deanna Caveny-Noecker, & Richard Nunan, Chair).

Motion 3
Replace binary-gendered pronouns with gender-neutral substitutes throughout the FAM., and in the By-Laws segment of the FAM in particular. (Out of perhaps an excess of caution, we are requesting Faculty approval of this initiative, since the By-Laws portion of the FAM is involved.)

The practical significance of this motion most typically involves using third person plural pronouns instead of expressions like ‘her/his’, ‘he or she’, which suggest exclusively binary gender options. There will be other work arounds used occasionally, either for the sake of grammatical aesthetics, or, more critically, legal considerations. Traditional English usage practices are profoundly sexist, a practice which academic institutions have been combatting for some time now. But traditional usage is also profoundly binary with respect to third person gender references such as he/she or her/him. Not everyone subscribes to this dual-valued allocation of genders, and we believe the College should be more inclusive in its official documents. Doing this does sometimes necessitate resorting to plural pronouns in contexts where singular forms would be more traditional. But that practice is becoming more commonplace, and thus our language is arguably evolving, in terms of what is now regarded as grammatically correct.
Although the effects of this motion were already integrated into the various Senate-approved motions on hearings, the intent of the motion is much broader, eventually encompassing the entire FAM. The By-Laws Committee, like the Provost, cautions that this may take another year to complete, while any legal implications of such language modification are reviewed.

**Motion 4**

Modify the structure and charge of the Faculty Hearing Committee in accordance with the following language changes on pp. 26, 27, & 28 of the *Faculty-Administration Manual.*

**Page 26 2017-18 Manual**

12. Faculty Hearing Committee

a. **Composition:** Twelve Eleven (11) tenured faculty members, at least six four of whom shall hold the rank of Professor. Each September the committee Chair will divide the Hearing Committee pool into two panels of six members each, including at least three at the rank of professor, with one of those three designated as a panel alternate. Panels are to be constructed with an eye to broad disciplinary distribution, and submitted by the Chair to the Committee as a whole for majority approval. Each panel will determine its own chair at that time. If a case emerges over the course of the academic year, one of the panels will be assigned randomly to that first case, and the remaining panel to any second case. Any additional cases will be heard by new the panels in alternating fashion, randomly constituted out of the committee pool, minus any members obliged to recuse themselves for conflicts of interest. The position of panel alternate will rotate among the three professors on each panel. In the event of conflicts of interest emerging in the first two panels as initially constituted, members will be swapped as needed, by the Committee Chair, subject to majority approval by the Committee as a whole. Five members will be randomly among those with no conflict of interest, including two members with the rank of Professor. In the event of a second hearing in a given academic year a second committee of five will be constituted. Members of the first committee may elect to not be considered for service in the second Hearing. Each iteration of a group to Hear a case will consist of five members, two of whom must have the rank of Professor. Two years of service is encouraged.

Each Hearing Committee member will normally serve two three consecutive academic years. Committee assignments shall be staggered as determined by the Committee on Nominations and Elections. Early each Fall term, committee members will undergo training sessions relevant to Hearing Committee responsibilities, conducted by past committee members or others with relevant expertise. It will be the committee Chair’s responsibility to organize the training sessions.

Composition: Five tenured faculty members, at least two of whom shall hold the rank of Professor, and six tenured alternates, at least two of whom shall have the rank of Professor, who shall be available in case of a conflict of interest involving a member of the committee. In the event of the disqualification of a committee member because of a conflict of interest, a replacement of comparable rank shall be chosen from among the alternates, if possible.
The recommendation to assign the committee Chair the novel task of selecting panel members early in the year is a By-Laws Committee attempt to apply AAUP best practices advice to the task of designating hearing panel membership, by doing it prior to the emergence of any particular grievant, so as to minimize the possibility of conflict of interest issues that might otherwise arise in panel selection. The additional suggestion about swapping out panel members is an acknowledgment of the possibility that conflicts of interest could arise nonetheless, depending on the identity of a particular grievant and the constitution of a particular panel. The panel member swapping policy is the By-Laws Committee’s proposed solution to that contingency.

The innovation of adding an alternate to each panel is a By-Laws Committee addition to a recommendation proposed by the 2016-17 ad hoc Committee on Hearings to reconstitute the previous mix of regular and alternate Hearing Committee members as a collective panel pool. This additional new element was devised to render it less likely that a panel’s full complement of members might be disrupted if a panel member is unpredictably unable to complete panel duties. If such a contingency appears unlikely at the close of a hearing, the alternate could then be excused from participation in post-hearing deliberations, and merely be “on call” for participation if a regular panel member abruptly becomes unable to participate at some later point in the panel’s post-hearing deliberations. This proposal does necessitate adding a twelfth member to the Hearing Committee, one at the rank of Professor. The total number of members at the rank of Professor would increase from four to six, compared to the existing policy, and from five to six, compared to the ad hoc Committee’s recommendations. This undeniably poses a new challenge for the Nominations Committee.

Concerning the last proposed addition in blue above (to be inserted at the bottom of what is now FAM page 26), advising training sessions for Hearing Committee members, the 2016-17 ad hoc Committee did not address the issue in their proposal to the Senate, although they did discuss the topic. This language serves to put both the Faculty and the Administration on notice that training sessions should be conducted, while leaving open the details by precisely whom, or on what topics training sessions would be conducted, prior to the emergence of specific cases. The general idea is to try to insure, in part, that Hearing Committee members are reasonably conversant with hearing process regulations in the FAM, but also that they are familiar with the specific nature of the substantive rights possessed by grievants, and with the nature of committee members’ quasi-judicial responsibilities, and authority, within hearings. Case studies would be an appropriate vehicle to use in training sessions.

d. Duties:
   1. To hear the cases of tenured faculty members against whom the College has made formal, written allegations of a nature that, if substantiated, could lead to their dismissal for cause.
   2. To hear cases of non-tenured faculty members against whom the College has made formal, written allegations of a nature that, if substantiated, could lead to their dismissal during the course of a contract year.
   3. To hear cases involving alleged discrimination in denial of tenure, dismissal at the end of the contract term, promotion, compensation, or work assignment.
   4. To hear cases involving alleged violation of academic freedom.
   5. To hear cases involving alleged violation of due process.
   6. To hear election appeals.
   7. To hear other matters referred by the President to the Committee where a due process hearing is necessary.

e. Grievance Procedure:
On receipt of a written request, the committee Chair will normally convene the Committee within thirty days (normally to exclude all College holidays and from the day after spring commencement through August 15) fifteen working days in accordance with procedures for the committee outlined in the Faculty Hearing Committee Faculty/Administration Manual, Appendix E, Article X, Section I, the section laying out the procedures governing “Grievances Before the Faculty Hearing Committee.” In addition to the procedures set forth in X.I, the Committee will also follow pertinent policies located in Articles IV Conduct of Faculty and Administrators, V Terms and Records of Faculty and Unclassified Administrators, VI Evaluation of Faculty, and VII Faculty Discipline, Misconduct, and Termination, which details the Hearing Committee’s procedure.
From: Nunan, Richard  
Sent: Thursday, April 26, 2018 10:40 PM  
To: Chairs <Chairs@cofc.edu>  
Cc: McGee, Brian <McgeeB@cofc.edu>; Caveny, Deanna M. <CavenyD@cofc.edu>; Lee, Michael J <LeeM@cofc.edu>; Pothering, George J <PotheringG@cofc.edu>; Jurisich, Elizabeth G <JurisichE@cofc.edu>; Finch, Jannette L <FinchJ@cofc.edu>  
Subject: Consultation on expansion of FAM language governing PTR Superior rating evaluations

Dear Department Chairs,

I’m writing to each of you on behalf of the 2017-18 Committee on By-Laws and the Faculty-Administration Manual, concerning the last of seven motions we submitted recently to the Faculty Senate, each of which was approved, with some minor amendments in one case, over the course of the March and April 2018 Senate meetings. Most of the major motions proposed (Motions 4, 5, and 6, together with some more modest additions to the 2017-18 FAM last Fall) have emerged from a two-year process involving, in addition to the work of our own committee, a series of initial proposals made either by the 2016-17 ad hoc Committee on Hearings (appointed by the Provost in consultation with then Speaker of the Faculty Todd McNerney), or by the 2016-17 Post-Tenure Review Committee. The one exception to this rule was Motion 7, which I have attached here. That motion concerns an elaboration of the (pretty minimalist) existing language governing the standards which have to be met in order to achieve a Superior PTR rating.

Unlike Motion 6 (also recently approved by the Senate), and some of the FAM language modifications made last Fall, Motion 7 was not a component of the 2016-17 Post-Tenure Review Committee’s set of recommendations. And unlike most of the other motions we brought to the Senate this year, Motion 7 (along with Motion 3, concerning gender-neutral language in the FAM) is entirely a product of the 2017-18 By-Laws Committee’s own initiative. We did however consult with the 2017-18 Post-Tenure Review Committee about the language of Motion 7, prior to submitting it to the Senate. We received only positive responses from members of that committee. Because Motion 7 is a novel development this year, and because it concerns a subset of faculty evaluation standards, we want to consult with all the Department Chairs, even though the motion already has Senate approval, and does not require Faculty approval as well. (In this regard Motion 7 is unlike Motion 4, and perhaps Motion 3, both of which are currently being submitted for Faculty approval, because they involve By-Laws changes.) It is, in our view, important not only that Department Chairs be made aware of this expansion of the Superior rating language, but also that, collectively at least, Department Chairs feel comfortable with the advisory thrust of the language. If there are serious problems with any of this language, unforeseen by us, we could always revisit some aspect(s) of the issue with the Senate again next Fall (relatively easy, since membership of the By-Laws Committee will remain the same, with the exception of Scott Peeples replacing Jannette Finch in the role of Secretary of the Faculty).
Although the other six motions are all independent of this one, you can see a general summary of all seven motions here on the Senate website:

And detailed accounts of each motion (with original rationales) here:
http://facultysenate.cofc.edu/about-faculty-senate/meeting-schedule.php

Finally, Motions 3 and 4 in particular, together with the Senate-approved Amendments to Motion 4, can be reviewed here:
These are the two motions currently subject to Faculty ratification.

I am also cc-ing Provost McGee on this email, in the event he would like to share this email and the attachment with the academic deans at some point, perhaps for discussion at a Deans’ Council with the Provost, or for discussion further down the road between deans and their respective department chairs.

Richard

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