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...?