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 provided 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.