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.