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 the 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.