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INDIANA STATE UNIVERSITY

Minutes of the Faculty Affairs Committee of the Faculty Senate

Oct 6, 2015

3:30pm, HH 280

1. Attending: R. Guell (Chair), L. Eberman, (V. Chair), B. Roberts-Pittman (Secretary),N. Obermeyer, J. Fine, L. Kteily-O’Sullivan, M. Morahn (TFA), S. Powers; Absent: Y. Lin
2. TFA Report
   1. Nominees for this year have been given to the Provost.
3. Minutes of 09/15/2015 Approved Unanimously
4. Minutes of 09/29/2015 Approved Unanimously
5. TFA Selection
   1. R. Guell gave history of the TFA and the selection process. He presented the suggested new section. An amendment (approved by unanimous consent) was made to alter the methodology of interviews. Proposal (included below) approved unanimously.
6. Discussion took place regarding the University of Wisconsin’s Anti-Bullying policy and the need for one at ISU. (Draft included below)
7. Discussion took place regarding the need for progressive disciplinary options for faculty at ISU. (Draft amendments to the Dismissal section Handbook Language included below)
8. Adjournment 4:15

**246.15 Temporary Faculty Advocate** The Temporary Faculty Advocate (TFA) is a part-time or full-time Lecturer selected to serve a one-year term which begins on the Monday prior to the September Faculty Senate meeting.

**246.15.1 Selection** The TFA is selected by the Provost from a list of three (3) nominees provided by the Executive Committee of the Faculty Senate.

**246.15.1.1 Nomination Call** The Chairperson of the Faculty Senate will send a call for nominations to all known temporary faculty not before the first day of classes and not later than the last day to add classes for a Fall term. Nominations will be taken for five (5) working days.

**246.15.1.2 Statements of Interest** Nominees will be asked to provide the Executive Committee a Statement of Interest.

**246.15.1.3 Survey of Support** An electronic survey of temporary faculty will be conducted among the temporary faculty with five (5) working days to respond so as to gauge support for each candidate. That survey will include all statements of interest.

**246.15.1.4 Role of the Officers of the Senate** The officers may, using the statements of interest and the survey of support, select a portion of the nominees for interviews.

**246.15.1.5 Interviews** Two or more officers the Faculty Senate will, where appropriate, schedule interviews with selected candidates.

**246.15.1.6 Executive Committee Role** With the results of the survey and interviews, the Executive Committee will choose three (3) nominees for consideration by the Provost. Preference should be given to temporary faculty where there is a reasonable expectation that the faculty member will have a Spring teaching appointment.

**246.15.1.7 Provost Selection** The Provost will appoint the Temporary Faculty Advocate within five (5) working days of the Executive Committee’s recommendation.

**246.15.1.7.1 Vacancy** The Provost may fill a mid-term vacancy from the same nominee recommendations provided.

**246.15.2 Duties** The TFA is responsible for delivering a report and participating in meetings of the Senate as well as meetings of the Faculty Affairs Committee. The TFA is the point-person for temporary faculty concerns and is expected to make contact information available to the temporary faculty.

**246.15.3 Compensation** The TFA will be compensated in an amount equal to the base temporary faculty compensation for one-credit hour of teaching. Compensation will be paid on 11/1, 3/1, and 6/1.

**906 Defining language describing hostile and/ or intimidating behavior**

1. **.1 Language Describing Hostile and/or Intimidating Behavior** Unwelcome behavior pervasive or severe enough that a reasonable person would find it hostile and/or intimidating and that does not further the University’s academic or operational interests is unacceptable to the extent that it makes the conditions for work inhospitable and impairs another person’s ability to carry out his/her responsibilities to the university. A person or a group can perpetrate this behavior. The person need not be more senior than or a supervisor to the target. Unacceptable behavior may include, but is not limited to:

**a)** Abusive expression (including spoken, written, recorded, visual, digital, or nonverbal, etc.) directed at another person in the workplace, such as derogatory remarks or epithets that are outside the range of commonly accepted expressions of disagreement, disapproval, or critique in an academic culture and professional setting that respects free expression;

**b)** Unwarranted physical contact or intimidating gestures;

**c)** Conspicuous exclusion or isolation having the effect of harming another person’s reputation in the workplace and hindering another person’s work;

**d)** Sabotage of another person’s work or impeding another person’s capacity for academic expression, be it oral, written, or other;

**e)** Abuse of authority, such as using threats or retaliation in the exercise of authority, supervision, or guidance, or impeding another person from exercising shared governance rights, etc.

**906.2 Repeat or Singular Acts** Repeated acts or a pattern of hostile and/or intimidating behaviors are of particular concern. A single act typically will not be sufficient to warrant discipline or dismissal, but an especially severe or egregious act may warrant either.

**906.3 Context of Academic Freedom** These standards are to be construed within the context of the University’s historical and enduring commitment to academic freedom, freedom of expression, and the conception of the University as a place that must encourage and foster the free exchange of ideas, beliefs, and opinions, however unpopular. In no case shall a sanction be imposed in response to a complaint solely about the contents of a faculty member’s beliefs, views, or opinions taken in the abstract. The policy is not intended to constitute a general civility code addressing ordinary stresses of the workplace, such as occasionally insensitive language or behavior. Nor is it intended to constrain the freedom of faculty to speak out about troubling matters, criticize the administration or university policies, or take part in political protest. Rather, it is intended to address patterns of hostility or intimidation that impede persons from carrying out their duties to the University, ensuring that all, regardless of rank or status, may pursue their work and speak as they see fit.

**906.4 Workplace** **Management** This policy is not intended to constrain commonly accepted workplace management practices.

**906.5 Procedures for Resolving Accusations of Hostile and/or Intimidating Behavior.** A person who has been the target of hostile and/or intimidating behavior may use the informal process for redress or proceed directly to the formal process.

**906.5.1 The Informal Process** A person who believes he/she has been subjected to unacceptable hostile and/or intimidating behavior may wish to discuss the matter with the faculty or staff involved either directly or through the intervention of an intermediary at the department, school/college, division, or campus level such as Chairperson of the appropriate governance unit (Staff Council or Faculty Senate).

When a person believes that these rules have been violated and seeks to deal with the problem informally, he/she should be prepared to identify precisely the pattern or acts of conduct believed to constitute the violation. Precision is often aided by expressing the complaint in writing. If the matter is not promptly resolved, and if the person complained against so requests, the complainant shall provide such a written statement.

Oral and written communications occurring during the informal process may not be used as evidence in any subsequent formal proceeding.

If a complaint about unwelcome behavior is being handled informally, and there is a dispute about whether the alleged behavior constitutes a violation of these rules, the person or body handling the matter shall seek advice on this question from the University General Council.

**906.5.2 The Formal Process**

**906.5.2.1 Complaints** An individual may file a written complaint with the department or head of the equivalent unit in the case of non-departmental matters. If there is a conflict with the department chair/unit head, the individual may file with the Dean. If upon investigation of the complaint, evidentiary support for discipline or dismissal is established, the department chair/unit head (or Dean) may initiate the disciplinary or dismissal process by filing a written complaint with the Provost. The written complaint filed with the Provost must also be shared with the faculty member or members against whom the disciplinary or dismissal process is initiated. If the department chair/unit head (or Dean) does not initiate the disciplinary or dismissal process within 30 days, the complainant may file a complaint directly with the Provost.

**906.5.2.2 Grievances**

If filing a written complaint does not lead to a resolution, an employee can file a grievance pursuant to applicable policies and procedures for the respondent’s employee category. Faculty members can file a grievance pursuant to 246.14 while staff members can file a grievance pursuant to 255.14-255.16.

**906.6 Discipline**

**906.6.1 Discipline for Faculty** Discipline can be imposed on faculty members for violations in compliance with the requirements of the formal processes delineated in the Chairperson’s authorities regarding letters of admonishment (350.2.9.1.3.3) or in the section on Faculty Discipline and Dismissal Proceedings (246.13)

**906.6.2 Discipline for Support Staff** Discipline can be imposed on support staff in compliance with the requirements of the formal processes delineated (560.6).

**906.6.3 Discipline for Professional and Administrative Staff and Executives** Discipline can be imposed on support staff in compliance with the requirements of the formal processes delineated NOWHERE.

246.13 Faculty **Discipline and** Dismissal Proceedings

246.13.1 Preliminary Proceedings Concerning the Fitness of a Faculty Member. When **cause arises to discipline a faculty member beyond a letter of admonishment (350.2.9.1.3.3) or when** reason arises to question the fitness of a University faculty member who has tenure or whose term appointment has not expired, the appropriate administrative officers will ordinarily discuss the matter with him/her in personal conference. The matter may be terminated by mutual agreement at this point.

246.13.1.1 Role of Executive Committee. If an agreement does not result, the Executive Committee of the University Faculty Senate, charged with the function of rendering confidential advice in such situations, shall informally inquire into the situation to effect an agreement if possible and, if none is effected, to determine whether in its view formal proceedings to consider his/her dismissal should be instituted. If the Executive Committee of the University Faculty Senate recommends that such proceedings should be initiated, or if the University President, even after considering a recommendation of the Executive Committee of the University Faculty Senate favorable to the faculty member, expresses the conviction that a proceeding should be undertaken, or if the concerned faculty member desires that a proceeding be undertaken, action shall be commenced under the procedures which follow. Except where there is disagreement, a statement with reasonable particularity of the grounds proposed for the **discipline or** dismissal shall then be jointly formulated by the University President and the Executive Committee of the University Faculty Senate. If there is disagreement, the University President, or designee, shall formulate the statement.

246.13.2 Commencement of Formal Proceedings. The formal proceedings shall be commenced by a communication addressed to the faculty member by the University President. This communication will include the statement detailing the grounds for the proposed **discipline or** dismissal and information that, if so requested, a hearing to determine whether he/she should be removed from his/her faculty position on the grounds stated will be conducted by the Faculty **Discipline and** Dismissal Hearing Committee at a specified time and place.

246.13.2.1 Time for Hearing. In setting the date of the hearing, sufficient time shall be allowed the faculty member to prepare his/her defense. The faculty member shall be informed, in detail or by reference to published regulations, of the procedural rights that will be accorded to him/her.

246.13.2.2 Response by Faculty Member. The faculty member should state in the reply whether he/she wishes a hearing and, if so, shall answer in writing, not less than one (1) week before the date set for the hearing, the statements in the University President’s letter.

246.13.3 Suspension of the Faculty Member. Suspension of the faculty member during the proceedings involving him/her is justified only if immediate harm to himself/herself or others is threatened by his/her continuance. Unless legal considerations forbid, any such suspension shall be with pay.

246.13.4 Faculty **Discipline and** Dismissal Hearing Committee. The committee of the faculty members to conduct the hearing and reach a decision shall be the Faculty Dismissal Hearing Committee.

246.13.5 Committee Proceedings. The Faculty **Discipline and** Dismissal Hearing Committee shall proceed by considering the statement of grounds for **discipline or** dismissal already formulated and the faculty member’s response submitted before the time of the hearing.

246.13.5.1 No Request for a Hearing. If the faculty member has not requested a hearing, the Committee shall consider the case on the basis of the obtainable information and decide whether he/she should be removed; otherwise, the hearing shall go forward.

246.13.5.2 Public or Private Hearing. The Committee, in consultation with the University President and the faculty member, shall exercise its judgment as to whether the hearing should be public or private.

246.13.5.3 Factual Dispute. If any facts are in dispute, the testimony of witnesses and other evidence concerning the grounds set forth in the University President’s letter to the faculty member shall be received.

246.13.5.4 Role of University President. The University President shall have the option of attendance during the hearing. He/she may designate an appropriate representative to assist in developing the case; but the Committee shall determine the order of proof, shall conduct the questioning of witnesses and, if necessary, shall secure the presentation of evidence important to the case.

246.13.5.5 Right to Counsel. The faculty member shall have the option of assistance by counsel, whose functions will be similar to those of the representative chosen by the University President.

246.13.5.6 Procedural Rights. The faculty member shall have the additional procedural rights set forth in the 1940 A.A.U.P. Statement on Principles of Academic Freedom and Tenure (as amended) and shall have the aid of the Committee, when needed, in securing the attendance of witnesses.

246.13.5.7 Witnesses. The faculty member or his/her counsel and the representative designated by the University President shall have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member shall have the opportunity to be confronted by all adverse witnesses. Where unusual and urgent reasons move the Committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as his/her statements, shall nevertheless be disclosed to the faculty member. Subject to these safeguards statements may, when necessary, be taken outside the hearing and reported to it.

246.13.5.8 Recording of Evidence. All evidence shall be duly recorded.

246.13.5.9 Not a court proceeding. Unless special circumstances warrant, it will not be necessary to follow formal rules of court procedure.

246.13.6 Consideration by the Committee.

246.13.6.1 Executive Session. The Committee shall reach its decision, in executive session, on the basis of the hearing.

246.13.6.2 Oral Arguments. Before doing so, it shall give opportunity to the faculty member or his/her counsel and the representative designated by the University President to argue orally before it.

246.13.6.3 Written briefs. If written briefs would be helpful, the Committee may request them.

246.13.6.4 Transcript. The Committee may proceed to decision promptly, without having the record of the hearing when it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing if its decision would be aided thereby.

246.13.6.5 Findings **and Alternatives.** It shall make explicit findings with respect to each of the grounds of **discipline or** removal presented, and may provide its rational. N**on-dismissal discipline may include the loss of up to five years of salary increases, suspension for a semester without pay, or reduction in rank with a commensurate reduction in salary.**

246.13.6.6 Notice of Decision; Copy of Record. The University President and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing.

246.13.7 Consideration by the ISU Board of Trustees.

246.13.7.1 Report to Trustees. The University President shall transmit to the ISU Board of Trustees the full report of the Committee.

246.13.7.2 Acceptance of Committee Decision. The acceptance by the ISU Board of Trustees of the Committee decision will normally be expected.

246.13.7.3 Review. If the ISU Board of Trustees chooses to review the case, its review will be based on the record of the previous hearing, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or their representatives.

246.13.7.4 Decision by Board of Trustees. The decision of the Committee will either be sustained or the proceeding be returned to the Committee with objections specified.

246.13.7.4.1 Reconsideration by Committee. In such a case the Committee shall reconsider, taking account of the stated objections and receiving new evidence if necessary. It shall frame its decision and communicate it in the same manner as before.

246.13.7.4.2 Board of Trustees Final Decision. Only after study of the Committee reconsideration will the ISU Board of Trustees make a final decision overruling the Committee.

246.13.8 Publicity.

246.13.8.1 During Proceedings. Except for simple announcements as may be required covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officers shall be avoided until the proceedings have been completed.

246.13.8.2 Final Decision. Announcement of the final decision shall include a statement of the Committee’s original action, if this has not previously been made known.

246.13.8.3 Release to Public. Any release to the public shall be made through the University President’s Office.

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**350.2.9.1.3.5 Dean’s Prerogative.** Upon the receipt of a notice of continued deficient performance, the dean may, require a remediation plan, may render the faculty member ineligible for any and all course releases or travel funds to which they may otherwise be entitled, or may recommend additional action be taken by the Provost. Those additional actions could include (but are not limited to) a reassignment of workload, the denial of all compensation adjustments for a defined period, and/or the initiation of the **discipline/**dismissal process following procedures outlined elsewhere in the handbook.