

Professional Concerns Committee

Minutes for January 21, 2021

Virtual Meeting (On Zoom Conferencing Software), 3:30 pm

Members in Attendance: S. Alexander, K. Code, L. Dynan, J. Elliott, K. Fuegen, B. Green, J. Herman, J. Human, B. Karrick, M. King, A. Miller, K. Munte, M. Nakamura, M. Providenti, H. Riffe, G. Sun, J. Washburn-Moses, M. Whitson

Guests in Attendance: Interim Provost Ande Durojaiye, J. Bloch, G. Hiles, B. Alston

Members Not in Attendance: W. Darnell, N. Grant, L. Manchise, B. Mittal, G. Newell, K. Noyes, J. Rubleske, K. Yates,

1. Call to Order, Adoption of the Agenda
 - a. The Meeting was called to order at 3:30pm. The agenda was adopted unanimously with one additional agenda item (“Have departments or schools lost full text access to journals from the Library that their faculty rely on for their courses”).
2. Approval of the minutes from the November 19 meeting
 - a. Draft Minutes from PCC Meeting of November 19, 2020 were approved without dissent.
3. Nominations for secretary to record minutes this semester
 - a. Michael Providenti (Steely Library) agreed to be secretary.
4. Chair’s Report and Announcements
 - a. Enrollment: Spring enrollment is at 98% of what was projected. This is still preliminary, we don’t know what will happen with 5 week spring sessions or the second 7 week session. Enrollment FTE is 92.5%, lower due to students taking a lighter course load. That not so bad since enrollment last fall was higher than had been projected. Most enrollment driven by accelerated online courses.
 - b. Vaccines: May be available to NKU employees in late March. Faculty and staff are part of phase 1C. Exception for faculty and staff working in K-12 schools who will be in phase 1B. Faculty over 70 will also be in phase 1B. Plans underway to prioritize distribution.
 - c. Coronavirus support: NKU has received \$13.7 million in CARES ACT stimulus. \$4 million designated for students, \$9.7 designated for the institution. More flexibility with recent distribution, institutional funds can be used to offset revenue losses. NKU had revenue losses with students not being in housing, dining plans, parking, and fewer events at BBT Arena.
 - d. Provost Search: 2 candidates had open forums last week. A third candidate meets with the Faculty Senate Executive Committee Friday 1/22/2021. There is no information about third candidate at this time.
 - e. President Vaidya: Thanks us for our hard work this past semester. Wants to provide more student engagement opportunities in the spring. Said Gov. Beshear

wants to increase funding for higher education. In context of exit from KERS, he wants to attract and retain the best people possible.

- f. Provost Sue Ott Rowlands: SACS has fully reaccredited NKU and we are off warning. Regarding RPT, all levels were in agreement with the exception of one candidate. She said this was a good outcome. If you are teaching face to face, expect students to show up unless they are sick.
 - g. Free Parking: Free parking in garages this semester. Return hang tags to Decca in Benefits to stop the payroll deduction. Surface lots NOT included in free parking.
 - h. General Education: Gen Ed committee is seeking proposals to connect Gen Ed with Success by Design. Submit a 2-3 page summary by February 15. First authors are awarded \$100 for submitting an innovation. 3-6 will be selected and asked to submit a full proposal that will be due in the fall.
5. **Old Business**, discussion item: should faculty on part-time appointments be eligible for faculty development awards? Sections of the Faculty Handbook appear to be in conflict.
- a. Background: Benefits (i.e. Sabbatical, Project Grants, Summer Fellowships) faculty member who had been full time elected to go part time wanted to know if they would still be eligible. The relevant sections of the Handbook include:
 - “Tenured, full-time faculty and department chairs/school directors are eligible to apply for sabbatical leaves....” (section 11.1.2; see also sections 11.2.2 and 11.3.2)
 - “Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a tenured faculty member.” (section 1.5.2)
- Benefits committee debated this last fall and agreed to allow faculty on part time appointments to apply for awards while prioritizing full time faculty. Part time faculty would be considered only if ALL full time faculty applicants had been granted an award. Other issues discussed included if sabbatical eligibility should be based on credit hours taught rather than years and extending sabbatical leaves to part time employees with full or pro-rated salary.

In a review of 12 benchmark institutions, only 3 allow part-time appointments. UT Chattanooga restricts sabbaticals to full time, Boise State requires full time to be eligible for sabbaticals, and Towson requires 6 or more years of at least half-time service.

Discussion:

- If a part time faculty member went on sabbatical, would they need to be full time on sabbatical? Could they have another job and take a sabbatical? Do we want that?
- If a sabbatical is because you spend so much time working and teaching, why would part-time faculty need a sabbatical? Project Grants and Summer Fellowships that involve students would make more sense for part time faculty.

- Full time faculty should take precedence.
 - In the event of tie, full time should get a bump up. A strong proposal shouldn't be automatically moved to the bottom due to part time status.
 - Q: Are untenured prioritized over tenured? A: Yes, pre-tenure gets priority in Benefits Committee.
 - In conclusion, PCC is exploring the possibility of clarifying handbook language to make sure faculty on part time appointments would be eligible for developmental awards of summer fellowships and project grants.
 - K. Fuegen will take this to next Executive Committee meeting and discuss this with Benefits Chair.
6. New Business: Bio 291 (covers writing in Biology) instructors need to use current resources and they need to access the current issues of the journal *Nature* from the Library website. Students discovered this week that the library has reorganized and they could no longer access the journal *Nature*. Bio 291 instructors are upset about the change and that there was no communication about it. Are other departments concerned or having issues?
- a. Someone from library came to some PCC members' departments asking what resources were needed. No issues yet.
 - b. M. Whitson: Rep from library visited, but there must have been a miscommunication.
 - c. M. Providenti: will look into the issue and test access for *Nature*, and follow up.
 - d. K. Fuegen: PCC reps should check with their departments and bring any additional issue forward to PCC.
7. New Business, discussion item: Handbook section 14 (grievances); see attachment

Background: a faculty member can file a grievance for multiple reasons (negative recommendation from Provost for RPT, underwent post-tenure review and disagreed with the development plan, or if there were a program reduction or faculty reassignment that we were dissatisfied with). Faculty grievances are also included in the statement on collegial governance as an academic matter in which faculty have a primary responsibility for making recommendations. Addressed by A. Miller:

- a. Issues
 - Filing a petition to initiate the peer review process:
A faculty member filed a grievance after being denied RPT at department, chair, dean, and provost level.
 - Processing the petition:
RPT Chair told that RPT Committee didn't have purview over the grievance. That the grievance committee and provost have purview.
 - Communicating decisions:
In the summer, the RPT Chair learned the decision was overturned. The

RPT committee should have been given copies of the grievance and decision, but that didn't happen. A revision of the Handbook should make this process clear.

- Resolving the matter through negotiation:

The current policy is not clear regarding RPT decisions. If RPT was denied, there could be a grievance, the grievance committee would meet to determine if there is a prima facie case and, if so, it would be handed to the Provost to negotiate. The dean, chair, and RPT committee should be allowed to have input. If the RPT committee didn't follow the policy, it should go back to the RPT committee with an explanation of where the policy was not correctly followed.

b. Discussion:

- Should we clarify the language in the Handbook?
- Q: What about decisions made at the Dean level, not RPT Committee?
A: A. Miller -- At the point of the first negative review you can ask for a reconsideration, not a grievance. A grievance would come at the end of process regarding the final decision. At the reconsideration you are submitting materials that may have been missing to support your application.
- A. Miller -- Working on edits to make the process clearer using bullet points. Do we want the process to use negotiation with the Provost or the RPT Committee? The RPT Committee should be given 10 days, like the Dean had, to respond to the written grievance.
- Q: Was there no request for reconsideration? Did this go straight to grievance?
A. Miller: No, a reconsideration was filed but it was denied. RPT Committee told it had no purview over this.
- K. Fuegen: Handbook Section 3.2.14: Formal reconsideration only at level of level of initial negative recommendation. This suggests the RPT Committee ought to be notified of decisions regarding the reconsideration process. The grievance comes in when the Provost gives a negative recommendation, see Handbook Section 14.
- Handbook Section 14.2.5.3. A grievance that cannot be negotiated would go the grievance committee.
- We need to look at Handbook Section 3.2 to determine when grievances can be filed.

8. Future Business

- a. We will continue with Grievances at the next meeting.
- b. Reach out if you have additional agenda items for this group.

9. Adjournment

The meeting adjourned at 4:33pm.

Submitted,

M. Providenti, Secretary

Benchmark institution	Website	May tenure-line faculty request part-time appointments?	Internal grants policy	Sabbatical policy
Boise State University	https://www.boisestate.edu/policy/academic-affairs-faculty-administration/policy-title-part-time-tenure-eligible-faculty/ Scope and Audience: This policy applies to Tenure-Eligible faculty. This policy does not apply to faculty members who for a limited time period have reduced responsibilities solely as a result of participating in the University's phased retirement program, or faculty on a full-year sabbatical.		Grants and awards. Part-time faculty members are eligible for any internal University grants and awards available to full-time faculty (unless otherwise specified in another governing University Policy or in the official announcement of a particular such grant or award opportunity, with good cause stated for limiting eligibility to full-time faculty).	Sabbaticals. As Policy 4400 (Faculty Sabbatical Leave) specifies a requirement of full-time service, faculty members on a Part-Time Appointment will not accrue sabbatical eligibility. Part-time faculty members will retain any previously accrued years of eligibility and may resume accrual if or when they return to full-time status.
California State University—East Bay	https://www.csueastbay.edu/search/?q=faculty+policies	No part-time appointments identified in faculty handbook		
Central Connecticut State University	https://www.ccsu.edu/hr/laborrelations/files/MCPolicies.pdf	"Part-time" employees or positions are those that are less than full-time.		Upon completion of six (6) years' full-time service, an employee may be considered for sabbatic (sic) leave.

Cleveland State University	https://www.csuohio.edu/sites/default/files/faculty_handbook.pdf	(No part-time appointment for tenure-line faculty) There are three broad categories of faculty across the Colleges: tenured or tenure-track (full-time); nontenured (full-time); and part-time/adjunct.		A full-time University faculty member with at least seven academic years of teaching service (may be cumulative, summer teaching does not count) and who has been granted tenure by the date of the leave may be granted professional leave (sabbatical)
Eastern Michigan University	https://www.emich.edu/research/development/funding/sabbaticalcomplete202021g.pdf https://www.emich.edu/ahr/docs/contracts/ft/master_ftl_contract_2018_2021.pdf	(No part-time appointment for tenure-line faculty)		Applicants shall be faculty who have served the equivalent of 12 or more semesters of regular full-time employment as faculty with EMU since the initial appointment and since any previous sabbatical leave.
Kean University	https://www.kean.edu/media/employee-handbook-0 https://www.kean.edu/media/rtr-2020-2021-guidelines	(No part-time appointment for tenure-line faculty)		Release time for research and creative works: All full-time tenured/tenure-track faculty and unit librarians, and full-time professional staff members are eligible to apply
Missouri State University	https://www.missouristate.edu/Assets/policy/faculty-handbook-08-07-2020.pdf	(No part-time appointment for tenure-line faculty)		Only ranked faculty members (but not including ranked faculty members who are serving as Department Heads, School

				Directors, Associate Deans, Deans, or Associate Provosts) are eligible for sabbatical leave. Eligibility is established by completing 12 semesters of service to Missouri State University (summer teaching excepted).
University of Tennessee at Chattanooga	https://new.utc.edu/sites/default/files/2020-06/faculty-handbook-2019.pdf	<p>Temporary, term, and part-time appointments are not eligible for tenure consideration, except that in the extraordinary circumstances defined in Board policy, faculty members who do not have a full-time appointment may be eligible for tenure consideration.</p> <p>If a tenured faculty member accepts a part-time faculty position or an administrative position with UTC, neither of which can carry tenure, the faculty member retains tenure in the full-time faculty position he or she vacated.</p>		Full-time tenured faculty members are eligible to apply for professional development leave if they have completed a minimum of six consecutive years of service in a full-time appointment immediately prior to the time the professional development leave is to begin.
Towson University	https://www.towson.edu/provost/academicre		Qualifications for a Faculty Research Grant: Regular	To be eligible for sabbatical leave, a full-time faculty

	sources/facultyhandbookupdated10262020.pdf		<p>part-time faculty members are eligible to apply for FDRG research grants. Temporary part-time faculty members are not eligible.</p>	<p>member shall have attained tenure and the rank of assistant professor, associate professor or professor; and shall have completed at least six years of service at Towson University ("University") at the time of an initial sabbatical leave or since the last previously granted sabbatical leave. A part-time faculty member shall have been granted tenure and shall have completed six or more years of at least half-time service at Towson University.</p> <p>A sabbatical leave may be granted to both full and part-time tenured faculty members who are on 10-month contracts for one-half of the recipient's annual contract period at his/her normal compensation or for the full annual contract period at one-half normal compensation.</p>
<p>University of Central Oklahoma</p>	https://www.uco.edu/academic-affairs/files/faculty-	<p>(No part-time appointment for tenure-line faculty)</p>		<p>Full-time faculty members meeting specific criteria are eligible to apply for a sabbatical.</p>

	handbook/fh19-20-full.pdf	The regular faculty includes members of the faculty who are full-time employees of the university and who hold the rank of professor, associate professor, assistant professor, instructor, or special instructor.		
University of Nebraska at Omaha	https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/board-governing-documents/board-of-regents-bylaws.pdf?la=en http://www.unoaaup.org/resources/Documents/2019-2021%20Contract.pdf			<p>The Board may provide for a regular system of sabbatical leaves for fulltime faculty members and administrators.</p> <p>Faculty Development Fellowship: any Unit Member on Continuous Appointment who has completed six years of full-time service at UNO at any academic rank shall be eligible for a Faculty Development Fellowship, either for a full year at half pay and full benefits or for a half year at full pay and full benefits.</p>
University of North Carolina, Wilmington	https://uncw.edu/facsen/documents/faculty_handbook.pdf	(No part-time appointment for tenure-line faculty)		The University of North Carolina does not have a sabbatical leave program. A full-time continuing tenured faculty member is

	https://uncw.edu/policies/documents/03.210_faculty_reassignment_award06.pdf			eligible to apply for a reassignment when engaged in a significant scholarly or artistic endeavor that can make an important contribution to the individual's discipline.
University of North Florida	https://www.unf.edu/acadaffairs/development_grants/AA_Development_Grants.aspx	(No part-time appointment for tenure-line faculty)		Full-time tenured faculty members who will have completed at least six (6) years of continuous full-time service with the University by the end of the 2020-21 academic year are eligible to apply.
University of Wisconsin, Osh Kosh	https://www.uwosh.edu/provost/Main%20Highlight/handbooks/HANDBOOK_Moment_In_Time_051020.pdf	Probationary appointments. 5 (1) Each institutions rules for faculty appointments shall provide for a maximum 7-year probationary period in a full-time position, and may provide for a longer maximum probationary period in a part-time position of at least half time.		Sabbatical leave may be granted only to those faculty members who have completed 6 or more years, or the 49 equivalent, of full-time instructional service in the system.
West Chester University of Pennsylvania	https://www.wcupa.edu/admin/provost/documents/20190429094734889.pdf	?		Act 182 and the Collective Bargaining Agreement specify that 7 years of service are required for each sabbatical. The Collective Bargaining Agreement states "At least five (5) consecutive years of such service shall be

				rendered to the university from which leave is sought."
Youngstown State University	https://ysu.edu/sites/default/files/2017-2020_OEA_FINAL_DRA_FT_november_2_2017-1.pdf	(No part-time appointment for tenure-line faculty)		To be eligible for a Sabbatical leave, a faculty member must meet the following three (3) conditions: seven complete academic years of service performed at YSU since joining the full-time faculty or since the completion of any previous Sabbatical, three complete academic years of service performed at YSU since the completion of any previous Faculty Improvement Leave, and the submission of any required report detailing the faculty member's professional activities in any previously approved Sabbatical or FIL leave.

14. GRIEVANCES

14.1. DEFINITION

For the purposes of this Handbook, there are two categories of grievances:

- Major issues concerning a faculty member's professional appointment that are heard by the peer review committees (Section 14.2 below), and
- All others (see Section 14.3 below, Complaint Process)

14.2. PEER REVIEW PROCESS

The Peer Review Process is confidential except as agreed to by the grievant faculty member and the University, through its appointed representatives, or as provided herein, or as may be required in a court of law.

14.2.1. MATTERS SUBJECT TO PEER REVIEW

Only the following matters, all of which affect a faculty member's professional employment at the University, may be appealed to or heard by the Peer Review **Process**:

- Denial of reappointment, promotion or tenure;
- Cases involving alleged illegal discrimination, except for cases of alleged sexual discrimination which are covered in Section 16.8, Sexual Harassment/Gender Discrimination, of this Handbook;
- Cases involving alleged violation of professional ethics and responsibilities, as set forth in Section 16.3, Professional Ethics and Responsibilities, in this Handbook;
- Termination for medical reasons, as set forth in Section 10.5, Termination for Medical Reasons, in this Handbook;
- Program reduction and faculty reassignment, as set forth in Section 10.6 in this Handbook;
- Termination for cause, as set forth in Section 10.8, Termination For Cause, in this Handbook; and
- Cases involving disagreement with a post-tenure review development plan, as set forth in Section 9.6.4 in this Handbook.

The Peer Review Process will deal with appeals and grievances of matters listed above only for persons who receive a faculty contract; no person who receives an administrative contract (e.g. director, dean, associate provost, vice president) may utilize the Peer Review Process.

Section 14.3, Complaint Process, applies to all other complaints, grievances and appeals by faculty members.

14.2.2. COMPOSITION OF PEER REVIEW COMMITTEES

14.2.2.1. MEMBERSHIP OF THE COMMITTEES

There shall be two peer review committees. The Peer Review Advisory Committee shall consist of five members and five alternate members. The Peer Review Hearing Committee shall consist of five members and five alternate members. Alternate members of either Peer Review Committee may be called upon to serve on the other Peer Review Committee; however, no alternate can serve on both Committees to hear the same case. If it is necessary to constitute a full committee, the Faculty Senate Executive Committee shall appoint members to serve until elected members replace them. Members will serve four-year terms beginning on July 1 of the initial year and extending through June 30 of the final year of service. If a

hearing is in progress, Committee members are required to continue their service beyond June 30 of the final year until the hearing is concluded.

14.2.2.2. ELECTION OF THE COMMITTEE MEMBERS

The members of the Peer Review Committees will be elected at large by the full-time faculty of the University eligible to vote for Faculty Senators. The election shall be conducted by the Faculty Senate Elections Committee. Nominations shall be sought from all full-time faculty eligible to vote for Faculty Senators.

Elections will be held according to the schedule of elections developed by the Elections Committee of the Faculty Senate. Members shall be elected by frequency of votes. In event of a tie, the matter will be settled by the Elections Committee, with the advice and consent of the affected individuals and the President of the Faculty Senate. Membership on the Peer Review Committees should be from a broad representation of the University faculty; therefore no Department will be represented by more than one faculty member on each Committee.

14.2.2.3. TERMS OF THE COMMITTEE MEMBERS

Members of the Peer Review Committees must be tenured full-time faculty. They shall serve staggered four-year terms (1 July to 30 June) to provide continuity of membership. The alternates will serve two-year terms (1 July to 30 June).

14.2.2.4. CHAIRS OF THE COMMITTEES

Each committee will elect a chair who shall serve for one year.

14.2.2.5. CONFLICT OF INTEREST

No member of either Peer Review Committee shall serve in the appeal or review of any matter arising from the department(s) of his/her appointment, in any case in which the member participated in any prior to referral to the Peer Review Committee on which the member participates, nor in any matter in which the member may legitimately be called as a witness. It is the responsibility of committee members to exclude themselves from participating on a committee in any proceeding in which they have any other conflict of interest.

14.2.3. PROCEDURE

14.2.3.1. FILING THE PETITION

Any faculty member wishing to initiate a review by the Peer Review Process must file with the provost one original and eight copies of a written petition. The provost shall retain the original and the eight copies should be sent to:

- Copies 1 – 5 shall go to the Chair of the Peer Review Committee,
- Copy 6 shall go to the dean of the college in which the faculty member resides,
- Copy 7 shall go to the department chair/school director in which the faculty member resides,
- Copy 8 shall go to either the chair of the Reappointment, Promotion and Tenure committee in the department in which the faculty member resides or other respondents to the grievance.

The petition must:

- Clearly state the nature of the grievances and any/all attempts that the faculty member has made to resolve the grievance(s); only those grievances listed in Section 14.2.1 of the Handbook can be investigated by the Peer Review Committees.
 - If the faculty member wishes to submit supporting documentation, one original and eight copies of the documentation must be included with the copies of the written petition to the provost. Although decisions regarding the inclusion of supporting documentation are the sole responsibility of the faculty member, the Peer Review Committees discourage the submission of documents unrelated to the specific grievance(s).
- Be filed within the time limits prescribed by the applicable section of this Handbook; for reappointment, promotion, and/or tenure decisions the time limit is fifteen (15) University working days of receipt of the notice from the provost (Section 3.2.13); if no time limit is prescribed elsewhere in this Handbook, the petition must be filed no later than 60 days of the date of the alleged grievous conduct; if a petition is filed after the prescribed time, it shall be dismissed.

14.2.3.2. WITHDRAWING THE PETITION

An aggrieved faculty member may withdraw a petition for Peer Review at any time prior to the completion of the Peer Review Process. The faculty member must file a written request with the provost asking that the petition be withdrawn. Withdrawal of the petition shall be effective on the date the written request is received in the office of the provost and all further consideration of the petition shall cease immediately.

14.2.4. PEER REVIEW ADVISORY COMMITTEE

14.2.4.1. INITIATING THE PROCESS

~~Within five (5) working days of receipt of a timely filed petition and any supporting documentation, the provost shall forward copies of the petition and any supporting documentation received from the faculty member to the Chair of the Peer Review Advisory Committee, the dean of the college in which the aggrieved faculty member resides, the department chair/school director, the chair of the Reappointment, Promotion and Tenure Committee of the grievant faculty member's department/school, and/or any other legitimate respondent to the grievance.~~

Within five (5) working days of receipt of a filed petition, the provost shall forward the copies of the petition and any supporting documentation received from the faculty member to:

- the dean of the college in which the faculty member resides,
- the department chair/school director,
- if the grievance is pertaining to tenure, promotion or reappointment, the chair of the Reappointment, Promotion and Tenure Committee
- and/or other respondents to the grievance.

The chair of the Peer Review Advisory Committee will provide each Advisory Committee member with copies of all correspondence.

14.2.4.2. THE COMMITTEE PROCESS

Upon receipt of a petition and any supporting documentation for peer review, the dean of the college in which the faculty member resides, the department chair/school director, the chair of the Reappointment, Promotion and Tenure Committee, and/or other respondents may each file a written response to the petition, including supporting evidence, with the Peer Review Advisory Committee within ten (10) University working days of receipt of the faculty member's documentation. Any respondent filing a written response to the petition shall provide the grievant with a copy of said response. The grievant faculty member may respond in writing within ten (10) University working days of receipt of the response(s) from the dean, department chair/school director, chair of the Reappointment, Promotion and Tenure Committee, and/or other respondents. The chair of the Peer Review Advisory Committee will notify, in writing, all the parties described above of their right to submit a response and will provide each Advisory Committee member with copies of all correspondence.

Normally the Peer Review Advisory Committee will meet no more than ten (10) University working days after receipt by the committee's chair of the petition and all of the responses described in the previous paragraph.

Within ten (10) University working days of receipt of the faculty member's documentation from the provost, those noted below have a right to submit a written response to the petition and to include supporting evidence. The written response should be sent to the provost within 10 University working days of receipt of the faculty member's documentation

1. the dean of the college in which the faculty member resides,
2. the department chair/school director,
3. if the grievance is pertaining to tenure, promotion or reappointment, the chair of the Reappointment, Promotion and Tenure Committee
4. and/or other respondents to the grievance.

Within ten (10) University working days of receipt of the above noted responses, the grievant faculty member may respond in writing.

No more than ten (10) University working days following the above noted responses, the chair of the Peer Review Advisory Committee will convene the meeting of the committee.

The chair of the Peer Review Advisory Committee will convene the meeting of the committee. A quorum of the committee shall consist of four of the five members. Alternate members may be used as necessary. Based upon the written information it has received, the committee members will determine whether a prima facie case for a hearing by the Peer Review Committee is presented. All committee members present shall vote. The committee's determination shall be conveyed in writing to the petitioning faculty member, to the president of Faculty Senate, and to the provost, all within three university working days of the committee's decision. If the Committee determines that no prima facie case was presented, the petition will be dismissed by the Committee, accompanied by written reasons explaining the committee's decision. If the committee determines that a prima facie case was presented, the case shall be returned to the provost for further action. If there is a tie vote, the grievant faculty member's petition shall be forwarded to the provost for further proceedings with a finding that a prima facie case is presented. The entire committee file and record, including the petition and all copies of written statements and documents, shall be forwarded to the provost. If the petition has been dismissed, there shall be no further peer review proceedings. The provost is responsible for safekeeping the record

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Below is what was drafted in April of 2020. Please read the note on page 4 before moving onto this section.

A quorum of the committee shall consist of four of the five members. In the case of a conflict of interest, alternate members may be used as necessary. All committee members present shall vote.

Based upon the written information received, the committee members will determine whether a prima facie case for a hearing by the Peer Review Committee is presented.

- If the Committee determines that no prima facie case was presented, the petition will be dismissed by the Committee. If the petition has been dismissed, there shall be no further peer review proceedings.
- If the committee determines that a prima facie case was presented or if there is a tie vote, the case shall be returned to the provost for further action per the procedure set forth in Section 14.2.4.3 Resolution by Negotiation

Within three (3) university working days of the committee's decision, the Committee will notify all parties of their determination in writing.

- the aggrieved faculty member
- the Chair of the Peer Review Advisory Committee,
- the dean of the college in which the aggrieved faculty member resides,
- the department chair/school director,
- and/or any other legitimate respondent to the appeal, including the chair of the Reappointment, Promotion and Tenure Committee if the grievance is pertaining to tenure, promotion or reappointment

The entire committee file and record, including the petition and all copies of written statements and documents, shall be forwarded to the provost. The provost is responsible for safekeeping the record.

14.2.4.3. RESOLUTION BY NEGOTIATION

In the event that the Peer Review Advisory Committee determined that a prima facie case was presented, the provost may review the entire record to determine whether the petition might be resolved by negotiation. The provost may consult with his/her staff, the deans of the University's colleges, and/or other appropriate persons while making this decision. In that event the entire record may be reviewed by those consulted so that proper advice may be given.

If the provost determines that negotiation might resolve the matter, he/she or his/her designee shall negotiate with the grievant faculty member for the purpose of seeking a mutually agreeable settlement. If such a settlement is reached, it will be reduced to writing and signed by the provost and the faculty member. Such an agreement shall not become binding on either party until approved by the university president and Board of Regents, if required. Approval of the Board of Regents is required only as to matters that the Board of Regents must approve, such as reappointment, promotion and grant of tenure.

In the event that the Peer Review Advisory Committee determined that a prima facie case was presented, the provost may review the entire record to determine whether the petition might be resolved by negotiation.

In making this decision, the provost shall consult with all parties below and ensure all parties have a copy of the entire record

- the aggrieved faculty member
- the Chair of the Peer Review Advisory Committee,
- the dean of the college in which the aggrieved faculty member resides,
- the department chair/school director,
- and/or any other legitimate respondent to the appeal, including the chair of the Reappointment, Promotion and Tenure Committee if the grievance is pertaining to tenure, promotion or reappointment

If the provost determines that negotiation might resolve the matter, he/she or his/her designee shall negotiate with all parties noted above for the purpose of seeking a mutually agreeable settlement.

- If such a settlement is reached, it will be reduced to writing and signed by the provost and the faculty member.
- Upon settlement, the provost shall notify in writing all parties to the grievance.

Such an agreement shall not become binding on either party until approved by the university president and Board of Regents, if required. Approval of the Board of Regents is required only as to matters that the Board of Regents must approve, such as reappointment, promotion and grant of tenure.

NO FURTHER EDITS

14.2.4.4. NON-RESOLUTION BY NEGOTIATION

If the petition for peer review is resolved by negotiation, there shall be no further peer review proceedings. If negotiation was not pursued by the provost or the matter was not successfully resolved by negotiation, the provost shall expeditiously forward the petition to the chair of the Peer Review Hearing Committee and to the president of Faculty Senate.

14.2.5. PEER REVIEW HEARING COMMITTEE

14.2.5.1. REPRESENTATION AT THE HEARING

The provost may designate him/herself, a dean of a college within the University, but not the college in which the grievant faculty member is assigned, or a department chair, but not the chair of the department in which the grievant faculty member is assigned, to be the University representative before the Peer Review Hearing Committee.

14.2.5.2. TIMING OF THE HEARING

The Peer Review Hearing Committee shall proceed expeditiously to schedule a hearing and reach a decision.

14.2.5.3. SCOPE OF REVIEW

14.2.5.3.1. REAPPOINTMENT, PROMOTION AND/OR TENURE

When hearing a case involving denial of reappointment, promotion and/or tenure, the Peer Review Hearing Committee may receive evidence and consider only the following in order to determine whether or not the faculty member's rights have been violated:

- Whether or not the policies and procedures set forth in Sections 3, Evaluation; 4, Reappointment; 5, Promotion; 6, Tenure and/or 7, Appointment, Reappointment, Promotion, and Tenure for Librarians of this Handbook were correctly followed in reaching a decision affecting the faculty member's professional appointment;
- Whether or not the faculty member received a reasonable opportunity to present his/her side of the matter at issue; and/or
- Whether or not the decision affecting the faculty member's professional appointment was made in a fair and/or reasonable manner, i.e. whether there was some rational basis to support the decision.

14.2.5.3.2. ILLEGAL DISCRIMINATION

When hearing a case involving alleged illegal discrimination (except cases of alleged sexual harassment/gender discrimination which are covered by different procedures and not within the purview or responsibility of the Hearing Committee), the Hearing Committee shall determine whether there was illegal discrimination which affected the decision from which the appeal is taken, and if there was illegal discrimination, make a recommendation for a remedy.

14.2.5.3.3. VIOLATION OF PROFESSIONAL ETHICS AND RESPONSIBILITIES

When hearing a case involving alleged violation of professional ethics and responsibilities, the Hearing Committee shall be guided by Section 16.2 of this Handbook. The Hearing Procedures provided below apply.

14.2.5.3.4. TERMINATION FOR CAUSE

When the Hearing Committee is hearing a case of termination for cause, the Committee shall be guided by Section 10.8, Termination for Cause. The Hearing Procedures provided below are modified in Section 10.8.

14.2.5.3.5. TERMINATION FOR MEDICAL REASONS

When the Hearing Committee is hearing a case of termination for medical reasons, the Committee shall be guided by Section 10.5, Termination for Medical Reasons. The Hearing Procedures provided below apply.

14.2.5.3.6. PROGRAM REDUCTION AND FACULTY REASSIGNMENT

When the Hearing Committee is hearing a case of program reduction and faculty reassignment, the Committee shall be guided by Section 10.6, Program Reduction and Faculty Reassignment. The Hearing Procedures provided below apply.

14.2.5.4. HEARING PROCEDURES

14.2.5.4.1. QUORUM

A quorum of the committee shall consist of four of the five members. Alternate members may be used as necessary.

14.2.5.4.2. PRIORITY

Hearings involving non-reappointment or termination shall be given preference over all other cases.

14.2.5.4.3. STATEMENT AND WITNESS LISTS

The committee must request a written statement of the grievant's case and a written list of witnesses. The University representative must be given an opportunity to respond with a written statement of the University's case and a written list of witnesses. These statements and witness lists must also be exchanged between the grievant and the University representative.

14.2.5.4.4. CLOSED HEARING

Hearings will be closed unless both the grievant faculty member and the University representative agree to an open hearing. That agreement must be in writing and signed by both the grievant faculty member and the University representative, and will be subject to approval by the provost and the University president.

14.2.5.4.5. ADVISORS

The grievant faculty member may bring a person, including an attorney, to serve as an advisor. This shall be at the grievant faculty member's expense. If the grievant faculty member intends to bring an advisor, that fact shall be communicated to the Hearing Committee and to the University representative within five university working days of the day on which the grievant faculty member is asked to give the committee a list of witnesses. If the grievant faculty member brings an advisor, the University representative may bring an advisor, including an attorney if the grievant's advisor is an attorney. Neither advisor may address the Hearing Committee nor question any witness(es); the sole role of the advisor shall be to advise the person to whom they are the advisor.

14.2.5.4.6. FORM AND PROCEDURE

Hearings shall be non-adversarial in form and procedure. The committee shall seek to learn the truth. The rules of evidence binding upon courts of law are not to be observed; however, the committee shall seek to keep the evidence received pertinent to the issue(s) raised in the proceeding.

14.2.5.4.7. EVIDENCE AND WITNESSES

The grievant faculty member may present evidence and call witnesses and submit documentation, all of which must be pertinent to the issue(s) raised. Thereafter the University representative may present evidence and call witnesses and submit documentation, all of which must be pertinent to the issue(s) raised. The Committee may call any witness(es) and request any documentation it deems appropriate and

pertinent to its investigation. The grievant, the University representative, and the committee shall all be given the opportunity to question each witness before that witness is excused.

14.2.5.4.8. HEARING TRANSCRIPT

A complete transcript of the hearing shall be made, including all written documents submitted by any person or witness. The transcript shall be reduced to writing.

14.2.5.5. DECISION OF THE COMMITTEE

Following completion of the hearing and upon receipt of the complete transcript, the Peer Review Hearing Committee shall promptly meet to deliberate and reach a decision. The decision shall be determined, following discussion, by simple majority vote, which may be by secret ballot, including the vote of the committee chair. A tie vote must be reconsidered. In the event the final committee vote is a tie vote, the grievant faculty member's petition shall be dismissed. The committee may make the recommendation(s) it deems appropriate, within the scope of its charge as stated above. The decision and recommendations shall be in writing. The decision and recommendation(s) must be based upon written findings of fact, which may be a separate document or included in the decision and recommendation(s).

14.2.5.6. COMMITTEE REPORT

The Peer Review Hearing Committee's written findings of fact, decision and recommendation(s) shall be delivered to the University president, to the president of Faculty Senate, and to the grievant faculty member within five (5) University working days of reaching its decision. The University president and faculty member shall each receive a copy of the complete transcript of the hearing, including all documents received in evidence.

14.2.5.7. PRESIDENT'S DECISION

If the matter does not have to be presented to the Board of Regents for a decision, then upon receipt of the written findings of fact, decision and recommendation(s) of the Peer Review Hearing Committee, the president shall make a decision. If the matter requires action by the Board of Regents, the president shall formulate a recommendation to the Board of Regents. In doing so, the President may consult with the provost and with the deans of the University's colleges, and in that event the provost and the deans may have access to the complete transcript, documents received in evidence, and to the written findings of fact, decision and recommendation(s). The president shall communicate his/her decision or recommendation to the grievant faculty member, to the provost and to the Board of Regents.

14.2.5.8. BOARD OF REGENTS' DECISION

If the decision must be made by the Board of Regents, the president shall forward his/her recommendation and all previous recommendations pertaining to the hearing to the Board of Regents for final action. The Board of Regents shall deliberate the case and reach its decision. The Board of Regents shall communicate its decision to the president, the provost and to the faculty member, which may be through the president. The president shall implement the Board's decision.

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14.2.5.9. COMMUNICATION

In the event that the case provides instruction to any aspect of the University and its procedures, the president may provide a means for that instruction to be communicated to appropriate persons, with confidentiality of the Peer Review Process otherwise maintained.

14.2.5.10. KEEPING OF THE RECORD

The President is responsible for safekeeping the record.

COMPLAINT PROCESS

The following process will apply to all complaints other than those heard by the peer review committees and those not covered elsewhere in this Handbook.

14.3.1. PROCESS APPLICABILITY

A faculty member initiates the complaint process when a concern can no longer be resolved through informal discussion and is not governed by the peer review process.

14.3.2. COMPLAINT PROCESS PROCEDURE

The faculty member addresses the complaint in writing to his/her department chair, with copies to the appropriate dean and the provost. The complaint should identify clearly the nature of the concern and record any earlier attempts to resolve the complaint through discussion.

If the matter remains unresolved at the chair's level, the faculty member may address the complaint in writing to the appropriate dean with copies to the provost and the department chair.

If the matter remains unresolved at the dean's level, the faculty member may address the complaint in writing to the provost with copies to the department chair and the dean.

The provost or an associate or vice provost assigned at the provost's discretion will provide oversight throughout the complaint process and will ensure that careful consideration is given to the complaint at every level without prejudice to the complainant.

The department chair, the dean, and the provost are required to respond to the complainant in writing.

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14.3.3. COMPLAINT ADVISORY COMMITTEE

Each college shall elect one at-large member to serve on the Complaint Advisory Committee. The members shall serve staggered two-year terms. This election will be conducted by the Faculty Senate at the time of other Faculty Senate elections. Members of the Complaint Advisory Committee will be full-time tenured faculty.

The vice president of the Faculty Senate shall be responsible for calling the first meeting of the Committee, which will then choose a chair from among its elected members. The vice president of the Faculty Senate will also act as an alternate member of the Complaint Advisory Committee should one be needed because of illness or conflict of interest. The Complaint Advisory Committee may be called on to

review any complaint and make recommendations to either the department chair or the dean during the procedure outlined in Section 14.3.2, above. If the complaint is addressed in writing to the provost, the provost is required to consult the Complaint Advisory Committee, which will then make recommendations in writing to the provost for resolution of the complaint. The provost and the Complaint Advisory Committee will work as expeditiously as possible to resolve the complaint promptly. The Complaint Advisory Committee shall be provided copies of the written complaint, all written correspondences of the administrator(s) and the complainant, and if the Committee considers it necessary, it may meet with the complainant and others mentioned in the complaint. The complainant and the vice president of Faculty Senate shall also receive a copy of the Complaint Advisory Committee's recommendations.

A member of the Complaint Advisory Committee may not hear a complaint if he/she is from the same department as the complainant. In this event, the vice president of the Faculty Senate will serve as alternate.