REPORT TO FACULTY SENATE

2003-2004 Faculty Board of Review
Submitted by
Professors Virginia Anderson, James Barry,
Linda Christiansen, Cathy Shea (chair) & Nancy Totten

April 17, 2004

DISPOSITION OF CASES SUBMITTED

During the 2003-2004 academic, one case was submitted to the FBR and subsequently accepted for formal study. A formal open hearing was arranged but the grievant chose not to participate in that part of the review process. Therefore the committee was unable to conduct the formal hearing and could not make a final recommendation regarding the case.

COMMENTS REGARDING THE PROCESS & PROCEDURES

The committee has comments and questions regarding the procedures and processes for future FBRs. Please see attached document.
CONCERNS AND QUESTIONS
ABOUT THE PROCESSES AND PROCEDURES
FOR RESPONDING TO FACULTY APPEALS

20003-2004 Faculty Board of Review
Professors Virginia Anderson, James Barry,
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April 21, 2004

A. Information relating to the processes and procedures are not in one spot in the faculty manual or by-laws. A separate document (possibly filed with Faculty Senate Secretary) could have information rearranged for ease of use.

B. The Senate Nominating Committee needs to be careful not to nominate someone who is on sabbatical either semester of the academic year.

C. It is unclear whether the committee is to judge only process/procedures or to make an independent judgment of the grievant’s qualifications in cases involving reappointment, tenure or promotion.

D. Should there be an option that if the merits of a case warrant it the committee could make an immediate judgment/recommendation without first having a formal hearing?

E. There is no indication of whose responsibility it is to notify people of their presence on a party’s witness list and if they will actually be asked to appear at a hearing.

F. Regarding the advisability of allowing students to testify, what guidance can be given to future FBRs?

G. It is unclear whether “party” can mean all those on one side or the other of the case or if it is singular and refers only to the grievant and the person(s) against whom the grievance is filed.

H. What happens to the report at the end of the formal hearing? Is it made public? If so, who has the authority to make it public? Is it accessible to everyone in the “circle of confidence”? Is it accessible to other faculty or administrators who might wish to see it?

I. How can we make sure that subsequent FBRs know that the Faculty Senate Secretary can provide clerical services?
J. What is the relationship between the third year review report and/or the data/information used for the third year review and reappointment decisions? If the third year review is to be considered for reappointment purposes, is it timed so that it will be completed before the reappointment decision must be made?

K. Change wording:
   - By-law 3 D-4—Change “It” to “The FBR.”
   - By-law 3 C-4—Change “formal study” to “formal hearing.”

L. There is sparse guidance regarding how to set up a formal hearing. How might examination, cross-examination and re-examination be handled?

M. This FBR decided to establish a “circle of confidence,” a group of people who were involved in the chain of decisions pertinent to the case. Members of the FBR believed that this entire group should be privy to all documents submitted by both sides. However, there was no guidance on this matter. Should future FBRs be required to have the same open sharing of information or should the decision be made on a case-by-case basis?

N. It is important to use the same terms throughout the document. For example, is there a difference between a “review,” a “formal study,” and a “formal review”?

O. For ease of identification it might be best to differentiate three different steps in the process from grievance to formal hearing. The first step might be “preliminary review,” the time during which the deliberations focus on whether or not to accept the case for a formal review. “Intermediate review” would then be the time between deciding to go to a formal review (i.e., accepting the case) and the commencement of the open or closed hearing. “Formal review” would then be the formal hearing plus deliberations following it.