

**Minutes of Academic Freedom, Tenure, Professional Relations and Standards
Committee
Monday, October 16, 2006, 1 pm, 346 Reitz Union.**

Present: Baker, Bolton, Cenzer, Heft, Roberts, Segal, Smith, Stopka, Taylor, Triplett, Wingo. Absent: Anusavice, Berg, Hannah, Harrison, Schultz.

I. Meeting procedures.

Minutes will be taken by volunteers from the membership of AFTPRS. It was noted that the chair cannot reasonably be expected to take minutes and preside over the discussion items.

II. Grievance procedures and related information.

Barbara Wingo provided an overview of the following for the information and use of the committee in hearing grievances.

AFTPRS is under Sunshine Law. Meetings must be “noticed” which is done through the faculty senate webpage. Members cannot discuss issues coming before group unless it is a noticed meeting. The requirements for noticed meeting are fairly minimal. Open meetings require they must be noticed.

Open Records. Not all records are open. Evaluation records are confidential. Other records may be closed even after hearing is over and the information may be public. Examples are: (a) names in a sexual harassment case, (b) faculty member waives right to read evaluation letters prior to promotion and tenure.

What is a public record? Your own notes are not public record. Do not keep personal notes longer than you have to. Chair has to be sure that one copy [of the grievance report **and all other records of the case**] goes to the president and senate secretary. Be sure to destroy any personal records after report goes to senate secretary.

Who can come to AFTPRS? Faculty in collective bargaining unit cannot as they have access to other procedures. Those faculty members not in the collective bargaining unit can and their grievance will be heard within the process of this committee. The issue must involve academic freedom, tenure, professional relations and standards, or **the** general welfare **of the faculty**.

Jurisdiction can be questioned at any time during the process. The committee, inquiry panel, hearing panel, or the president can question jurisdiction. The chair has first “look” and can ask for additional info to show jurisdiction. The chair can **grant** for an extension of time. **A 30-day extension to file the grievance is typically granted.**

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There is a time limit of 30 days for this committee. Timeliness cannot be revisited. The president, **president’s designee**, or chair of AFTPRS makes decision of timeliness. This decision can be appealed.

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There are two processes – investigation and hearing of the grievance. This must be done within 30 days. The chair acts as a “dro” to attempt to come to a resolution of the parties. The chair has to send a copy of the grievance to the person complained about.

Inquiry panel. Settlement can occur at any time. Three persons from AFTPRS Committee must find probable cause. This process is to eliminate frivolous complaints. It only takes 2 people to agree on probable cause. Inquiry panel makes a report. Barbara Wingo’s office has a template for the report and all other steps in the process.

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Hearing panel. This is comprised of 3 AFTPRS members plus an alternate.

- a. Chair decides who will be the presiding officer.
- b. Wingo assists the hearing panel through all steps.
- c. Who has the burden of proof? Administration for any disciplinary action; the firing/dismissal.

Faculty member for all other issues.

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- d. Templates for reports are available.
- e. The process is very much like a legal procedure.
- f. For hearing panel meetings, everyone must be present.
- g. There can be witnesses for either or both parties.
- h. The chair decides what can be admitted as evidence. Hearsay evidence can be admitted, but cannot be used as the sole basis for a finding of fact.

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- i. The panel writes the report giving the facts of the case, legal conclusions and the proposed remedy.

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j. The report is sent to the two parties (the grievant and the person grieved against), who can make exceptions.

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- k. The hearing panel makes the final report to the president.
- l. The president can adopt or reject the report. If president wants to change the conclusions, he/she has to meet with hearing panel.

Deleted: [attorneys, plaintiff and defendant.] [Not sure, check on this.]

Barbara Wingo’s role is to provide procedural assistance. The DRO will also provide procedural assistance. Neither will act as an advocate.

III. Potential items of interest to pursue during year.

- a. Professional standards for the faculty
example: if faculty is author of a book that is used for class

IV. Inquiry panel convened by Chair Mark Heft.

Three members volunteered to be on an inquiry panel. They stayed after the meeting adjourned to learn the specifics.

V. Meeting adjourned at 2:30 pm.

Minutes recorded by E. Bolton.