

**Minutes of the Faculty Affairs Committee
Meeting of February 18, 2008**

Present: Norma Cook; Joan Heminway, Chair; Norman Magden; Neal Shover; Gary Ubben; and Mike Wirth.

The agenda was circulated in advance of the meeting, and the committee met in the Faculty Lounge of the Law School. The meeting commenced at approximately 2:35 pm.

Unfinished Business

Joan Heminway noted that a quorum was not present for the January 22, 2008 meeting, preventing approval of the minutes of the December 3, 2007 meeting of the committee. (Available members of the Committee also met briefly on January 28, 2008 before the Faculty Senate meeting to discuss and approve concepts regarding the drafting of the ombudsperson provision (Section 5.2) of the *Faculty Handbook*. Thanks to Committee members who were able to attend these meetings.) Accordingly, Heminway requested approval of the minutes of the December 3, 2007 meeting. These minutes were approved by unanimous vote of those present.

A report of the Unit Bylaw Posting Project was deferred until Steve Thomas could be present.

Heminway then noted Norma Cook's comments, circulated by electronic mail, on the draft resolution embodying the Committee's proposed revision to the *Faculty Handbook* with respect to an ombudsperson for faculty grievances and related changes. Cook's issue specifically related to the proposed conforming change to the last clause in item 1 of paragraph 4 of Section 5.4.1 of the *Faculty Handbook*. After discussion, the committee determined that the ombudsperson should not be permitted to participate in any mediation undertaken at the recommendation of the Faculty Senate Appeals Committee. Accordingly, the committee determined that the draft resolution should be altered to delete in its entirety (rather than amend) the existing clause in item 1 of paragraph 4 of Section 5.4.1.

The discussion then turned to the process for approval of the resolution at Monday's meeting of the Faculty Senate and the presentation of the resolution to the Senate at that meeting. Heminway explained that Faculty Senate President David Patterson had undertaken to draft a memorandum of introduction setting forth relevant background to the resolution. Heminway said that she would work with Patterson on that document. The committee requested that the peer study memorandum written by Scott Simmons (in addition to the marked version of Section 5.2, the related resolution, and David Patterson's background memorandum) be circulated to the Faculty Senate in advance of the meeting. The committee also agreed that Heminway should request that, as soon as possible, (1) these materials be posted on the Faculty Senate Web site and (2) a message be sent by Patterson to all faculty alerting them to the proposed change and directing them to the Faculty Senate Web page at which the materials are made available.

At the conclusion of the discussion, the committee members present at the meeting approved the draft resolution, as amended to reflect the changes noted above with respect to item 1 of

paragraph 4 of Section 5.4.1., and directed that it be submitted for consideration by the Faculty Senate in accordance with the requirements set forth in the *Faculty Handbook*.

New Business

Heminway then turned the discussion to proposed changes to the *Faculty Handbook* and *Manual for Faculty Evaluation* relating to the Cumulative Performance Review (“CPR”) process. Heminway related her experience as a member of the first CPR committee constituted after adoption of the current *Faculty Handbook* and conveyed the problems faced by both the chief academic officer (then the chancellor) and the CPR committee members in the process of conducting that CPR. She explained (1) that the *Faculty Handbook* does not reflect the most recent policies of the Board of Trustees on CPRs (in particular in terms of the possibility of terminating the faculty member’s employment for unsatisfactory performance) and (2) that neither the Board’s policy nor the *Manual for Faculty Evaluation* compel the CPR committee to convey to the chief academic officer a recommendation to employ a remediation plan or commence proceedings for termination of employment. A brief discussion ensued as to relevant AAUP policies on the dismissal of tenured faculty (to which the committee earlier had been alerted by Cook in an electronic mail message) and related issues. Heminway suggested that the matter be taken up again at the committee’s March meeting.

The meeting adjourned at approximately 3:35 p.m.

Respectfully submitted,
Joan Heminway