

**Minutes of the Faculty Affairs Committee  
Meeting of March 10, 2008**

Present: Norma Cook, Joan Heminway, Chair; Julia Malia; Norman Magden; Neal Shover; Steve Thomas; Gary Ubben.

The meeting, held in the Faculty Lounge of the Law School, was called to order by the chair at approximately 2:25 PM.

Agenda: The agenda, circulated by the chair in advance of the meeting, was accepted by common consent.

Minutes: The minutes of the meeting on February 18, 2008, also distributed in advance, were considered. Cook requested that the statement concerning the ombudsperson resolution be changed from “unanimously approved” to “approved.” She felt “unanimously” implied a level of comfort that the committee did not possess. This change was accepted by common consent. The minutes were approved with this correction.

Bylaws Posting Project: Thomas presented a written summary of the responses from the committee’s survey of college and departments to verify the status of the bylaws. To date, all but four units have responded. Seventeen units have reported that bylaws are still being prepared or revised. Forty-nine units report that bylaws are available. Of this number, 40 units have bylaws available via the Internet, seven have provided electronic copies of their bylaws but report no web-access, and two units have provided bylaws in paper format. The chair expressed the appreciation of the committee for the report and suggested that these results now be shared with Sharonne Winston, Administrative Assistant for the Faculty Senate, so the web-page directory of bylaws maintained by the Faculty Senate could be update. This suggestion was accepted by common consent. Some consideration was given to identifying individuals within the remaining four units who might be contacted for additional information.

Ombudsperson Update: The chair reported that information about the ombudsperson resolution, presented to the February meeting of the Faculty Senate, has been shared via a listserv posting to all faculty members. Comments have been requested in advance of the March meeting of the Faculty Senate. To date, only one such comment has been received. This comment expressed concern for the move from three individuals sharing the ombudsperson duties to a single individual. The commenter posited a situation where a faculty member seeking assistance from the ombudsperson could not work comfortable with that individual. This conflict could be present for any number of reasons (e.g., religious preference, gender, or communication differences). In such a case, the faculty member would have no other resource to which to turn for informal dispute resolution.

Short of returning to having multiple individuals serving as ombudspersons, an alternative might be to have an informal group of qualified individual as a possible alternative resource. Various possibilities for the composition of this informal group

were discussed. An advisory committee, already proposed to assist the ombudsperson (by providing a “corporate memory” and information about local practices) might be one source. Individuals from the Office of Equity and Diversity, trained in dispute resolution, are another possibility. The Faculty Affairs Committee might be empowered to appoint an individual on an ad hoc basis from volunteers, vetted in some way.

Following discussion of this concern, there was general agreement not to change the resolution presented to the Faculty Senate. This concern, and any others that might be received prior to the meeting, could be presented to the Faculty Senate at its March meeting as information, without recommendation from the committee.

Cook spoke of a situation where she felt faculty members had lost (or could lose) rights because of the re-wording of a policy omitted the fact that a faculty member could bring an advocate to help present his or her case meetings with administrators. Because the policy no longer mentioned this option, some administrators might take the position that such advocacy was no longer allowed. There was brief discussion of the need for a balance between scripting every possible alternative and leaving matters more open to allow flexibility. For example, one might take the position that such advocacy is allowed because the policy in question does not forbid it specifically. Cook summarized her position with the statement that a right not in writing is not a right. There were additional discussions about the need for confidentiality and for faculty to be informed of all their rights (such as to meet with the ombudsperson somewhere other than the office, if the felt this choice was important for reason of confidentiality). The chair noted that is was knowledge of these sorts of local practices that proposed advisory committee might provide the ombudsperson.

The chair reported that a search committee for the ombudsperson has been formed and that Malia will be serving on that committee. A review of the remaining committee members led to a concern that there should be additional faculty representation on the search committee. By common consent, the chair will request that an additional, knowledgeable faculty representative (appointed by the Faculty Senate Executive Committee) be added to the ombudsperson search committee.

Malia requested that a consideration of the topic of phased retirement be added to the committee’s list of future agenda items.

In order to attend the meeting of the Faculty Senate Executive Committee, the chair adjourned this meeting at approximately 3:20 PM.

Respectfully submitted,

Steve Thomas.