

Faculty Handbook Revision Committee
September 30, 2015

Members Present: Nancy Tate, Randy Pembrook, David Sollars, Cynthia Waskowiak, Marc Fried, Laura Stephenson, Matt Arterburn, Tracy Routsong, Monica Scheibmeir

Discussion:

We began discussing whether lecturers are subject to the non-reappointment schedule. The Committee did not think they should be but wondered if we should have some internal process or timeline for telling them we aren't rehiring them for the next year. Someone asked when they are normally notified, but they are rarely not reappointed so there was not a sure answer. Schedules are due in January for the next fall, but deans don't decide on the person that quickly as it depends on their spring semester performance. Marc noted that when setting a date, it might give someone a property right if the deadline is missed. Someone said that we could simply let the contract speak for itself, meaning that lecturers know that a contract ends and they will probably get another one, but we can't let them know before a certain date. There are lots of variables, like enrollment, budgets, etc. and not having a deadline gives departments some flexibility in their schedules.

A member asked if there is any legal obligation to those on a one year contract. There is no legal obligation, but practically we should tell them when we have an idea about their future. The risk is a lecturer will leave and get another job when you tell them it's iffy, then they are gone when you know that you have the budget to keep them. The consideration seemed to be professional courtesy versus legal obligation. The Committee felt it is better to have no timelines in policy but to have a communication to them that they aren't being hired. Someone asked whether receiving a letter could impact someone's unemployment, but Cynthia explained that it's not required.

Marc advised against a policy requiring a letter telling them they are not being hired again, but others want a standard practice of doing this. He explained that in having a policy, it could create an unofficial notification position that would raise the employment relationship to a higher level than intended. We hope that professional courtesy would prevail and deans would visit with people so they know they aren't getting a new contract. There is always a risk that a dean wouldn't be good with people but generally, they will have a conversation with the person leaving so we will leave it as an encouraged practice to notify, but no requirement of a letter of non-renewal for Lecturers.

Next, the Committee discussed the draft of termination procedures that Marc and Randy have prepared based on Committee discussion. This draft includes addressing faculty misconduct more generally and not just termination. The Committee likes adding this and it's not really addressed elsewhere in the handbook except for academic misconduct.

In looking at reasons "for cause," it seems that the new reason that was added, 'failure to meet roles and responsibilities', is already covered by substantial and manifest neglect of duty and seems to lower the standard of conduct required to meet "for cause". Someone asked about having a PIP as an alternate outcome to termination and if that is the only time a PIP would be implemented. Someone explained that having it as an option serves as a sort of check on administrators who overreached when deciding certain behavior is so egregious to require termination. A PIP can also be given at any time outside of this procedure and not all outcomes of PIP require termination. We decided that we need

language about guidance for a PIP. Also, adding that a 'failure to complete a PIP' *may* result in termination and could be used as evidence of manifest neglect of duty will make it clearer.

We want to add 'endangering students, faculty or staff' as a reason to terminate "for cause". A member asked about criminal behavior off campus and if that is or should be addressed. Marc noted that it should be an individual determination for each circumstance not a blanket prohibition on certain crimes. The Committee decided to remove 'failure to meet roles and responsibilities' and 'failure to complete a PIP' as reasons "for cause" to terminate. We also will change the name of the committee that reviews terminations to the 'termination appeals committee' to avoid confusion with the Faculty Affairs Committee, which uses the same abbreviation [as the name of the termination committee in the draft].

We also will make some minor changes to the formal hearing process, like how the hearing committee is selected. There weren't many other major concerns about that process and it was taken from AAUP guidelines so we will mostly leave it unchanged. Matt will send to Marc the minor changes already discussed. We will also use "decision" not "determination" throughout the process. Randy prepared a flow chart of the procedure and we may use it as an appendix, as it looked helpful. He will make some edits and send to Marc for a draft, then Randy will chat with Dr. Farley about it.

Decisions:

- Remove 'failure to meet roles and responsibilities' and 'failure to complete a PIP' as reasons "for cause" to terminate.
- Add 'endangering students, faculty or staff' (or "others" or "community members") as a reason "for cause".
- Lecturers will not be subject to the non-reappointment schedule. That will only be for tenure track faculty.
- We will encourage a practice of communicating with those who aren't getting a new contract, but will not have a policy requiring a method or time of delivery.
- Marc will update the draft after receiving language suggestions from Matt and Randy.
- Randy will meet with Dr. Farley about the proposed changes.

Next Meeting October 14, noon, Shawnee Room