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Academic Freedom and Tenure Committee Minutes, December 7, 2015

Utah State University

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Utah State University
Academic Freedom and Tenure (AFT) Committee

Minutes for meeting held 7 December 2015

In attendance (in person or via dial-in or videoconference): Grant Cardon, Bruce Duerden, Troy Beckert, Cathy Bullock, Farrell Edwards, Becky Thoms, Sterling Banks, Susan Talley, Anthony Lott, John Stevens, Suzie Jones

Meeting called to order at 12:30 pm, and minutes from the 11/16/15 meeting were approved.

Old Business
- Request from Provost to look at possible conflicts of interest when a faculty member has a family member in a class
  - John sent committee response to Provost and Faculty Senate President; we’ll see if they feel a need to pursue this any more.
- Apparent need (and golden opportunity) to declutter / demystify / de-lawyerize the grievance process
  - The “Guidelines” (our preferred heading on that document) were discussed along with the Grievance Statement Filing Form and Prehearing Conference Form.
  - No plan to create a separate “Sanctions” document or forms right now; hope that the timeline figure in the “Guidelines” document will be helpful for any (rare) sanctions.
  - After some minor edits (to be sent out with these minutes), these two forms and the “Guidelines” document were accepted (by unanimous committee vote). These forms will now be required to be used by grievants and AFT chair in future grievances.
  - No form requirement for respondents. In the past, respondents have been fairly brief in their responses, anyway, and if the grievant uses the form provided, it will be clear what the respondents should respond to.

New Business
- Request from possible future grievant to extend timeline (emailed with agenda)
  - A ten-day extension was approved by the committee. John will communicate this to the faculty member.
- Definition of “arbitrary and capricious conduct” – clarified in handbook?
  - 407.5 actually uses the phrase “arbitrary or capricious conduct”, compared to the “arbitrary and capricious conduct” phrase used in legal terminology. It’s not clear whether this is a critical distinction.
"arbitrary" can be defined as “without foundational evidence”, and “capricious” can be defined as “erratic” or “subject to a sudden change”

Committee discussion acknowledged there would be value in clearly defining these terms either in code or (more easily) in the newly-adopted “Guidelines” document, as many potential grievances look to this as an option for finding grounds to file a grievance.

Some concern about whether a negative review preceded by numerous positive reviews could be viewed as “capricious” by a faculty member (as they might perceive a sudden change) even when the negative review is entirely justified (i.e., not arbitrary)

This will be discussed in our next AFT committee meeting, and the agenda will include some legal-ish definitions of these words for our consideration.

- Other items from committee
  - John to send around poll to schedule Spring semester committee meetings
  - Committee members should be available for appointment to hearing panels in coming weeks, as third-year review decision letters go out December 10th, and some faculty have already contacted John (as AFT chair) regarding possible grievances.