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FACULTY SENATE EXECUTIVE COMMITTEE

January 19, 2016

3:00 – 4:30 p.m.

Champ Hall

Agenda

- 3:00 Call to Order**.....Ronda Callister
Approval of Minutes December 14, 2015
- 3:05 University Business**.....Stan Albrecht, President
Noelle Cockett, Provost
- 3:20 Information Items**
1. 403.3.1(11) Relatives in classesRonda Callister
2. 402.12 FS Committees proposed changes in committee size.....Ronda Callister
- 3:30 Reports**
1. EPC Items for January 2016.....Larry Smith
2. Budget and Faculty Welfare Committee (postponed to Feb).....Diane Calloway-Graham
3. Academic Freedom and Tenure Committee.....John Stevens
- 3:45 Unfinished Business**
1. 405.12.1 Annual Review of Faculty (Second Reading).....Ronda Callister
- 3:55 New Business**
3. 405.12.3 CFAC Policy (First Reading).....Jerry Goodspeed/Ronda Callister
- 4:30 Adjournment**



FACULTY SENATE EXECUTIVE COMMITTEE MINUTES

December 14, 2015 3:00 P.M.

Champ Hall Conference Room

Present: Ronda Callister (Chair), Paul Barr, Britt Fagerheim (excused) Flora Shrode sub, Dennis Garner, Betty Hassell, Doug Jackson-Smith, Vijay Kannan, Kimberly Lott (excused) Kit Mohr sub, Mark McLellan, Dan Murphy (excused) Sara Urquhart sub, Jeanette Norton, Michael Pace, Robert Schmidt, Charles Waugh, Lindsey Shirley (President Elect), President Stan Albrecht (Ex-Officio) (excused), Provost Noelle Cockett (Ex-Officio), Joan Kleinke (Exec. Sec.), Marilyn Atkinson (Assistant) **Guests:** Trevor Olsen, Larry Smith, Francine Johnson, Taya Flores

Ronda Callister called the meeting to order at 3:00 p.m.

Approval of Minutes

The minutes of November 16, 2015 were adopted with one correction to the attendance.

University Business - President Albrecht and Provost Cockett.

President Albrecht was not in attendance. Provost Cockett briefed the committee on a few items. On January 20, Doug Jackson-Smith and a member of the BFW committee will attend a workshop for the Deans, Department Heads, and financial officers to talk about the new budget model. The new model involves returning a portion of the online tuition to the departments based on enrollment numbers per student credit hour. Projected dollar amounts based on Fall 2015 enrollments will be presented. They would like to have this model in place by July 1, 2016.

The Provost also announced a new working group on campus called Aggie Success. The group will work with students who have less than stellar index scores, who meet qualifications but could use some more personal attentions, primarily students with a 2.5 – 2.7 GPA. The group provides a “go to” person for the students to answer their questions and help them feel more connected to the campus community. Larry Smith is the chair of the group and it also includes Regional Campuses and USU Eastern.

Information Items

USUSA No-Test Week Policy – Trevor Olsen. A recent survey of students on the “No-Test Week Policy” generated 2,300 responses, of which there were two main responses; I am indifferent or I am upset. The issue arises when professors give large assignments due in the no-test week, and give a comprehensive final making 80% of the grade due within about 5 days of each other. Trevor asked the committee for feedback on how to develop the policy. Feedback from the committee included a request that it be made a suggestion to or encourage faculty to put the policy in their syllabus, not required. It becomes problematic to include everything that is required and amounts to several extra pages. It was suggested that presentations be made and the policy addressed at department retreats each Fall. Committee members also commented that students’ time management should also be addressed, sometimes life is hard, but deadlines happen. The faculty needs time to grade large projects and changing this policy can impact the time they have to get grades turned in. It was suggested and decided that an ad-hoc committee be formed consisting of faculty and student representatives to meet and work out some more of the details before presenting it to the full senate.

USUSA Academic Senate Charter Changes – Trevor Olsen. To avoid situations of student initiatives blindsiding the faculty, they have created a new Executive VP, who is the Academic Senate president and will have a monthly meeting with the Faculty Senate President. This will help both sides stay aware of issues and ideas.

A vote of the FSEC was unanimously in favor of this change.

Conflict of interest with Faculty who have relatives in their class – Ronda Callister. AFT has looked at this issue and determined that it is an infrequent occurrence, and it is recommended to be avoided if at all possible.

Focus group regarding frequency of campus wide emails – Ronda Callister. The general feeling of the committee was they would rather delete an email than have to throw out wasteful printed flyers sent through campus mail.

Reports

EPC Monthly Report Items – Larry Smith. The Curriculum Sub-committee formed an ad-hoc committee to revisit language on the Provost Office website regarding course syllabi. Three R-401 requests were considered. One was a request from Special Education and Rehabilitation to offer a Certificate of Proficiency for the Aggies Elevated Program. The program helps students with intellectual and developmental disabilities integrate into campus communities. A request from the Department of Health and Physical Education and Recreation to change the name of the Department to Kinesiology and Health Science due to a decrease in physical education and recreation majors, but an increase in Health Science majors was approved. The final request was from the Wildland Resources Department to offer a minor in Wildland Science.

A vote to put the EPC monthly report on the Senate Agenda passed.

Council on Teacher Education Report – Francine Johnson. Francine highlighted a few items from the report for the committee. Many changes have occurred because of changes in federal and state requirements. School Health was eliminated as a teaching major and minor, Elementary Education increased math requirements, and Theater Education modified the program to meet national standards. Policy changes included: a requirement for all candidates to have a speech and hearing test with a reduced fee of \$5, a new writing exam is required for English second language students, and Elementary Education majors are required to have a B- in all degree courses. There was an 8.2% decrease in the number of graduates recommended for licensing, due to new state policy and national accreditation requirements. The average ACT score for new admissions is 24.88 which are higher than the mean ACT for entering freshman. There is a 97% overall pass rate on the Praxis Test.

A vote to place the report on the Senate Agenda passed.

Scholarship Advisory Board – Taya Flores. The report reflects the dollars that went through the scholarship office for the 2013-14 academic year. Not included in the report is other 3rd party dollars.

A vote to place the report on the Senate Agenda passed.

Unfinished Business

There was no unfinished business on the agenda; however Robert Schmidt updated the committee on the status of the state and federal collaborator position item that has been presented to the Senate for a first reading. Due to conflicts and inability for parties involved to come to a consensus on the issue, the item will not be presented for a 2nd reading and Robert suggests officially pulling it from consideration for the time being.

A motion to officially table the original proposal, and inform the Senate with an information item on the agenda was made by Doug Jackson-Smith and seconded by Robert Schmidt. The motion passed.

New Business

405.12.1 Annual Review of Faculty (First Reading) – Jerry Goodspeed. This proposal clarifies that each department shall establish procedures to review their annual review policies every 3 years.

A motion to place the item on the agenda as New Business was made by Charles Waugh. A second was received and the motion passed.

Adjournment

The meeting adjourned at 4:30 p.m.

Minutes Submitted by: Joan Kleinke, Faculty Senate Executive Secretary, 797-1776

CLOSE RELATIVES IN THE CLASSROOM

405.3.3 Standards of Conduct - Responsibilities to the Institution

- (1) Faculty members conduct themselves in an open, fair, civil, and humane manner both in general and when making decisions or recommendations concerning admissions, employment, promotion, retention, tenure, and other professional matters. Faculty members do not harass or discriminate against anyone on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, veteran status, or marital or parental status; the presence of any sensory, physical or mental disability or handicap; or for any other reason impermissible under applicable constitutional or statutory provisions.
- (2) Faculty members should discourage close relatives from taking their classes, if alternatives are available. If this is unavoidable (due to required coursework in a student's chosen major), then allowing a department head or supervisor to arrange an independent evaluation of the student's work is a preferred alternative. While this option may not be possible for all student work such as work that requires being in class regularly to access all contributions, efforts should be made to avoid perceptions of unfair treatment.

Faculty Senate Committee Change Proposal 402. 12

A tremendous amount of faculty time is used on committee service. Listed below are the committees that are staffed by faculty senate. There are many, many other committees including college, department and program committees. Some of these Faculty Senate committees would function much better if they were smaller.

	Current # of Faculty Required	Proposed # Faculty	# of Senators	Δ in Senators
Faculty Senate Executive Committee (nc)	15	15	15	0
Committee on Committees (nc)	3	3	3	0
Academic Freedom and Tenure	15	12	3	0
Benefits and Faculty Welfare	15	12	3	0
Faculty Evaluation Committee (nc)	12	12	0	0
PRPC (Change to all 7 senators)	15	7	7	+6
Faculty Development Diversity & Equity	15	7	0	0
Educational Policy (No senators)	<u>13</u>	<u>13</u>	<u>3</u>	+3
	103	81	34	

Proposed: 22 fewer Faculty Senate committee assignments

Non Faculty Senate Committees Staffed by the Senate (but not required to be senators):

1. Athletic Council - 3 men & 3 women
2. Facilities Naming Committee - 2
3. Calendar Committee - 4
4. Graduate Council - 1
5. Honorary Degrees & Awards Screening Committee – 3
6. Honors Program Advisory Board - 1
7. Research Council - 1
8. Parking/Transportation Advisory Committee – 2
9. Department Teaching Excellence Award Committee - 2
10. University Assessment Coordinating Council - 2
11. Student Conduct Hearing Board - 4

Total 32

Most of these committee assignments are currently required by Faculty Code. No changes are proposed at this time in these non-Senate committees, although this is something to assess in the future.

402.12 SENATE STANDING COMMITTEES & PROPOSED CHANGES

12.1 (2) Executive Committee (FSEC) – One member from each of the 12 units, plus the FS President, President-Elect, Past President - a total of 15. NO CHANGE

12.2 (2) Committee on Committees – 3 senators, NO CHANGE

12.3(2) **Academic Freedom & Tenure Committee** AFT – Currently has 15 members, one member from each of the 12 units, plus three faculty senators. **CHANGE** to having three senators each represent their units for a total of 12 members

12.4(2) Benefits and Faculty Welfare (BFW) same as AFT in 402.12.3(2) (**No code change required.**) BFW has been and will continue under this proposal to be constituted the same way as AFT now with 12 members each representing their units including three senators who also represent their units.

12.5(2) **Professional Responsibilities and Procedures Committee** (PRPC). Reduce from 15 to **7 members from different units**. Representation from every unit is not critical for drafting code. The large size is unwieldy and difficult to get responses and have a quorum. This committee is an integral part of the senate and should have all 7 members drawn from current faculty senators so that they an understanding of what the issues and what the goals of the senate are.

12.6(2) Educational Policy Committee (EPC) – Not appointed by Faculty Senate – Thirteen faculty members, one from each unit, plus one from Graduate Council. EPC currently has NO SENATORS and is a STANDING COMMITTEE of the SENATE. **CHANGE – three of the members who are representing their units should also be senators.**

12.7(2) Faculty Evaluation Committee (FEC) – NO CHANGE, No senators currently required or needed. It selects winners for three faculty awards and some years may review and provide feedback on the Faculty teaching evaluation processes. – have 12 members each represent one of the 12 units. The chair and other members thought this wide representation was necessary both for credibility and to have members that understood excellence in different disciplines. These are decisions largely separate from Faculty Senate. The chair acts as a liaison to the senate as an ex officio member.

12.8(2) **Faculty Diversity, Development and Equity** (FDDE) Collect data, identify best practices, provide feedback on recruitment, retention, advancement practices that promote diversity and equity. **Reduce membership to 7 members each from different units always with one each from the two largest colleges – Education and CHaSS. Senators needed besides the chair. Also those who are not located on the Logan campus should be guaranteed some representation. Between** Extension, Regional Campuses and USU Eastern there should be one member. The other three members should come from and rotate between other colleges.

Report from the Educational Policies Committee January 19, 2016

The Educational Policies Committee met on January 14, 2016. The agenda and minutes of the meeting are posted on the Educational Policies Committee web page.

During the January 14, 2016 meeting of the Educational Policies Committee, the following actions were taken.

1. Approval of the report from the Curriculum Subcommittee meeting of January 14, 2016 which included the following notable actions:
 - The Curriculum Subcommittee approved 54 requests for course actions.
 - A request from the Department of Psychology in the Emma Eccles Jones College of Education and Human Services to restructure its current specialization within the Psychology PhD program in Professional Scientific Psychology to two separate specializations 1) combined Clinical/Counseling Psychology and 2) School Psychology was approved.
 - A request from the Department of Psychology in the Emma Eccles Jones College of Education and Human Services to utilize the existing MEd degree in Psychology but with a specialization as an en route degree for students in the School Psychology EdS program was approved.
 - A request from the Department of Environment and Society in the S.J. and Jessie E. Quinney College of Natural Resources to suspend admissions in the Master of Science in Bioregional Planning was approved.
 - A request from the Department of Environment and Society in the S.J. and Jessie E. Quinney College of Natural Resources to rename the Master of Science and PhD in Human Dimensions of Ecosystem Science and Management to Environment and Society was approved.
 - A request from the Department of Geography in the S.J. and Jessie E. Quinney College of Natural Resources to discontinue the Bachelor of Science degree in Geography Teaching was approved.
2. There was no December meeting of the Academics Standards Subcommittee.
3. Approval of the report from the General Education Subcommittee meeting of December, 2015. Of note:

The following courses or syllabi were approved:

ARTH 3730 – The Documentary (CI)
ENGL 4610 – Western American Literature (CI/DHA)
ENVS 4700 – Communicating Sustainability (CI)

Academic Freedom and Tenure (AFT) Committee, Utah State University

Report to the Faculty Senate for Calendar Year 2015 (Prepared January 2016)

AFT Committee Members 2015-2016 (and year rotating off)

Agriculture / Applied Sciences	Grant Cardon (18)
Arts	Bruce Duerden (17)
Business	Kathy Chudoba (18)
Education & Human Services	Troy Beckert (17)
Engineering	Kurt Becker (18)
Humanities & Social Services	Cathy Bullock (16)
Natural Resources	Peter Adler (16)
Science	Farrell Edwards (17)
Libraries	Becky Thoms (16)
Extension	Sterling Banks (18)
Regional Campus & Distance Ed.	Susan Talley (17)
USU Eastern	Anthony Lott (17)
Senate	John Stevens (16; chair)
Senate	Suzie Jones (18)
Senate	Michael Lyons (17; vice chair)

Summary of Committee Meetings

The AFT Committee meets monthly during the academic year to discuss “matters related to academic freedom, tenure, promotion, dismissals, and other sanctions; and actions alleged not to be in accordance with the adopted standards, policies, and procedures of the University” [Policy 402.12.3(1)(a)].

Main Actions by the AFT Committee

1. In an effort to streamline and clarify the grievance process, in our December 2015 meeting, the AFT Committee voted to adopt a “Guidelines” document, and to require the use of certain forms for the filing of grievances and for the completion of prehearing conferences. These are all consistent with the USU Policy Manual, and have been influenced by experiences of current and former AFT committee members. These documents are included with this report, and are now posted on the AFT website, <http://www.usu.edu/fsenate/aft/>

2. Based on inquiries from potential grievants, the AFT Committee had several discussions in early 2015 on the “advisory” nature of tenure and promotion advisory committees (Policy Manual 405). In responding to future potential grievants (and also for the benefit of Faculty Senators reading this report), we will emphasize that, based on faculty code, these committees advise the department head, and not the faculty member. The following are a few key points from our discussions:
 - a. The role of these advisory committees is to evaluate the faculty member’s performance, not to help the faculty member be successful.
 - b. Nothing prevents a mentoring system in departments or colleges, but mentoring (which involves emotional investment and help for the faculty member) should be separate from these advisory committees (which involve only professional evaluation).
 - c. Promotion and tenure advisory committees should play no role in dossier preparation, since that conflicts with their later evaluative role. Faculty members can seek advice on dossier format, but must take responsibility for both format and content (see Policy Manual 405.6.3).
3. The AFT Committee was involved in a few proposed changes to and questions about the faculty code:
 - a. The AFT Committee previously initiated (in 2014) a proposal to require the reason(s) (of the three allowed by code) for non-renewal be stated in notices of non-renewal. The proposal was motivated by a desire to prevent non-renewed faculty from blindly alleging violations of academic freedom when no reason for non-renewal is given, and also by a sense of fairness and closure to the non-renewed faculty member. In essentially all notices of non-renewal, this code change would have only required the notice to include, without elaboration, the statement that the reason was unsatisfactory performance of the faculty member’s assigned role. This proposal was approved by the Faculty Senate, but did not pass the Executive Committee in spring 2015, apparently due to concerns it would invite grievances naming the president as a respondent. After quite a bit of discussion on revising the proposal, the AFT committee decided to table this issue for the time being.
 - b. In spring 2015, the AFT Committee provided feedback on proposed changes to the post-tenure review process, which were ultimately passed by the Faculty Senate in its final spring 2015 meeting.
 - c. In fall 2015, the AFT Committee provided feedback to Vince Wickwar on the proposed changes to section 406 of the faculty code, regarding program discontinuance, financial exigency, and financial crisis.
 - d. In fall 2015, the AFT Committee responded to a request from the Provost’s Office to consider situations where a potential (or even perceived) conflict of interest arises when a faculty member has a family

member in a class. We felt that it probably isn't a very common problem, but pointed to a few code sections that could be modified to address this if the Provost's Office feels it deserves more attention.

4. The AFT Committee chair responded to and met with several faculty members with questions about potential grievances. Only one faculty member filed a grievance, and this proceeded to a grievance hearing in fall 2015. In this case, the hearing panel found that the grievance was not valid.

Respectfully submitted,

John R. Stevens, as 2015-2016 AFT Chair
Dept. of Mathematics and Statistics

Guidelines for Grievances (with Sanctions Timeline)

**Academic Freedom and Tenure Committee
Utah State University
11 December 2015**

Introduction

An important role of the Academic Freedom and Tenure (AFT) Committee at Utah State University is to hear both complaints initiated by the University against a faculty member (sanctions) and grievance petitions brought by a faculty member (grievances). In doing so, the AFT Committee acts as neither the faculty member's advocate nor their opponent, but ensures that faculty code is followed as it relates to the sanction and grievance process.

The purpose of this handbook is to highlight for faculty members and administrators the relevant issues and timelines associated with sanctions and grievances, with an emphasis on grievances. The contents of this handbook are based on faculty code (particularly Policy 407) and the experiences of AFT Committee members. Should any discrepancy be found between this handbook and the faculty code, the handbook defers to the faculty code.

Guidelines for Potential Grievants

The grievant (faculty member filing a grievance) must use the AFT Committee's "Grievance Statement Filing Form".

Carefully read Policy 407 of the faculty code (<http://www.usu.edu/hr/htm/policies>), particularly Policy 407.5, which specifies that a faculty member may only grieve actions taken against them which involve one or more of the following:

- (i) arbitrary or capricious conduct
- (ii) violations of legal, constitutional, or statutory rights
- (iii) violations of faculty code or other adopted policies and procedures

In practice, all allegations involving (ii) are necessarily referred to the AA/EO Office (Policy 407.5.2). As a result, the AFT Committee most often responds to allegations of (i) or (iii).

The AFT Committee and its hearing panels are not empowered to intervene in disagreements between faculty members and supervisors. A faculty member's disagreement with an administrative decision (including non-renewal of appointment or denial of promotion) does not in and of itself constitute a valid grievance. Grounds for a valid grievance exist only in arbitrary or capricious conduct, or in a violation of the faculty code, when such conduct or such a violation materially affected the administrative decision. In other words, grievances are not for simply appealing an administrative decision.

The purpose of the grievance hearing is not for the grievant to discover new evidence, but to present evidence (as given in the grievance statement and as provided at the pre-hearing conference) for the hearing panel to consider. As such, a faculty member should only consider filing a grievance when they have the necessary evidence to support their grievance. The hearing itself is not an investigative tool, and should not be thought of as a court-like proceeding, but instead as an opportunity for faculty colleagues on the hearing panel to consider whether the evidence provided supports the grievance.

Faculty members seeking clarification about whether their situation might constitute a valid grievance may contact the AFT Committee chair, whose name should be current at <http://www.usu.edu/fsenate/aft/membership/>. In such preliminary discussions, the AFT Committee chair will not assess the truth of any allegations, and will not dissuade the faculty member from pursuing a grievance, but can clarify both the grievance timeline (visualized later in this handbook) and the necessary elements that must be included in a formal written notice of intent to grieve (Policy 407.5.1) and grievance statement (Policy 407.5.2; "Grievance Statement Filing Form").

Guidelines for Respondents

A faculty member's grievance statement (Policy 407.5.2) must identify individuals who should respond to the grievance statement. These individuals are those alleged to being party to the grieved action taken against the faculty member. Policy 407.5.6(2) says, in part, "Compliance with such requests" [from the grievant or hearing panel to respond, to produce records, or to testify to the hearing panel] "is an obligation of employment of any university official or employee" [with some limited exceptions].

If any respondent named in a faculty member's grievance statement refuses to respond within the timeline specified (Policy 407.5.4), the hearing panel chair or AFT Committee chair should petition the respondent's supervisor(s) (department head, dean, or provost) as necessary to achieve the required response.

The initial response of the respondent(s) should concisely address the specific allegations found in the grievance statement, and may also include supporting documentary evidence.

Guidelines for AFT Committee Chair

Prior to a faculty member formally giving their written notice of intent to grieve, they may contact the AFT Chair to inquire about the grievance process. The AFT Chair can use this time to help the faculty member understand Policy 407.5 and the guidelines included in this handbook, in particular helping them understand what would and would not constitute a grievable offense – without trying to assess the truth of specific allegations.

Once a faculty member formally gives their written notice of intent to grieve, and again when the grievance statement is filed (using the “Grievance Statement Filing Form”), the AFT Chair should inform the Provost’s Office.

Guidelines for Grievance Panel Chairs

To be the chair is a very time consuming process! Be organized and conscious of timelines (see visual timeline later in this handbook), keep both parties in the loop, keep an email trail of everything from start to finish, be prepared for lots of questions from both parties (as this process is seldom used), make sure both parties see all documentation (transparency) and have a chance to respond, keep an electronic record of the Grievance Panel, and do not show bias for either party.

Prehearing Conference

The AFT Chair, the Grievance Panel Chair, the grievant, and the respondents attend this conference. The AFT Chair must fill out the AFT Committee’s “Prehearing Conference Form” at this meeting. The purpose of the meeting is not to “try” the case, but to establish the following:

- What is the Grievance?
- What evidence is to be presented at the Grievance Hearing?
- Who will be the witnesses?
- What are the elements and relevant issues in the grievance statement that will go forward to the full grievance panel?
- What deviations are needed from the hearing schedule outline at the end of the “Prehearing Conference Form” to “make the hearing fair, effective, and expeditious”? (Policy 407.5.5)

The Grievance Hearing needs to be scheduled within 20 days of the Pre Hearing.

Grievance Hearing

The Grievance Panel members, the grievant, the respondents, and the witnesses attend this conference. The grievant and the respondents may each have one advisor or counselor present. The following points will be helpful for the panel chair and members:

1. The schedule outline at the end of the AFT Committee's "Prehearing Conference Form" should be used to ensure fairness and consistency.
2. The hearing is not a legal proceeding and is not bound by strict rules of evidence. While the Policy Manual does mandate general requirements for the hearing, it does not provide specific procedures. This gives the hearing panel discretion in establishing procedure, so deviations from the schedule outline are allowed at the discretion of the hearing panel.
3. Schedule sufficient time for the hearing. Although some hearings only take a few hours, the hearing could go much longer. This can be difficult to find an entire day as there are many people involved. The outline at the end of the AFT Committee's "Prehearing Conference Form" should help estimate the needed time. The hearing can be prevented from running excessively long if all involved keep in mind the fact that the hearing itself is not an investigative tool, but instead is an opportunity for faculty colleagues on the hearing panel to consider whether the evidence provided by the grievant supports the grievance.
4. Before the hearing, complete the final assignments list at the end of the "Prehearing Conference Form".
5. At the hearing:
 - Be consistent in applying the set rules.
 - Record the entire hearing.
 - After each witness, give both sides a chance to question witnesses and give all panel members a chance to ask questions.

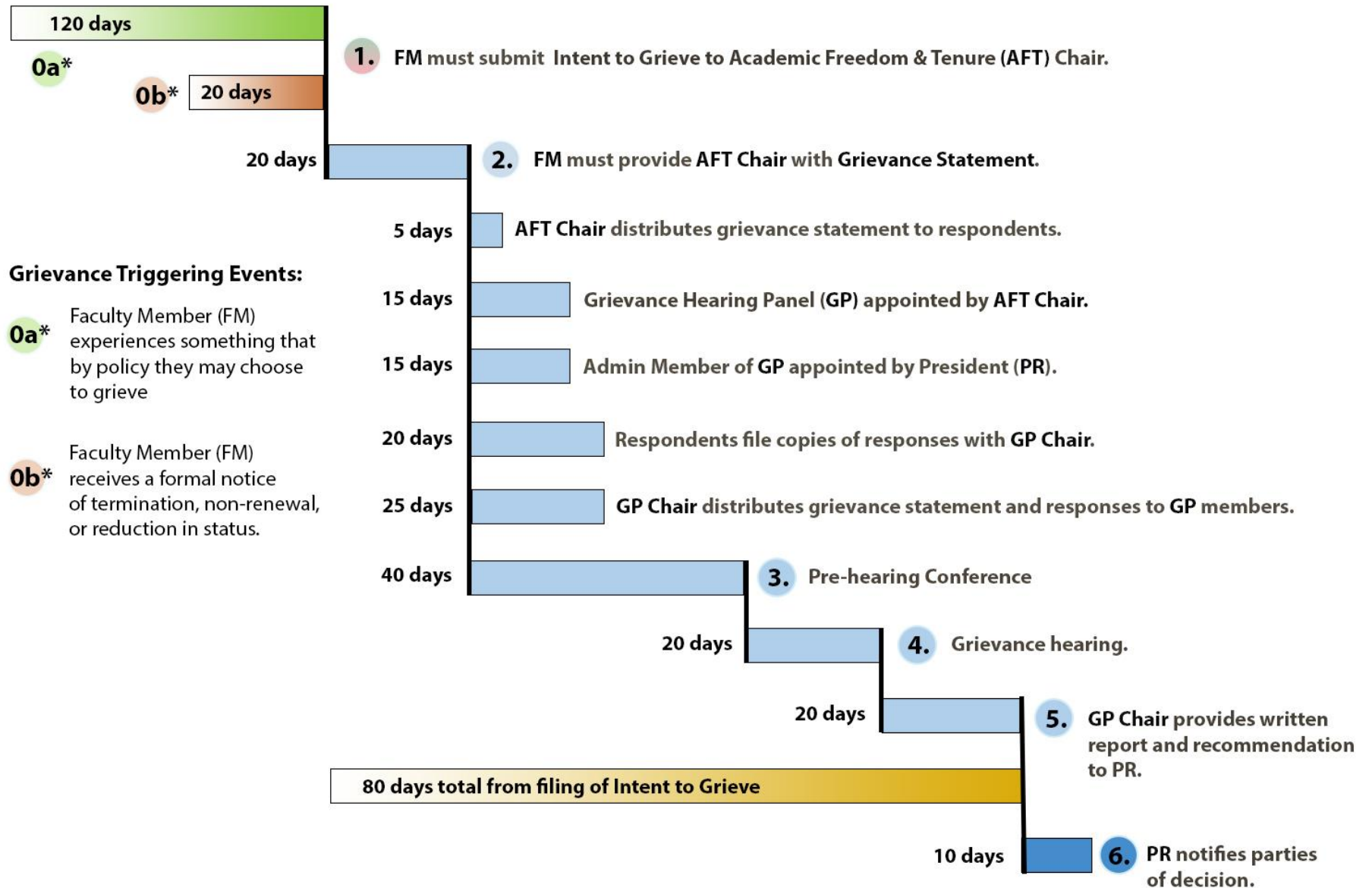
Grievance Hearing Panel Report

The chair and hearing panel (AFT members) will create a report of the hearing outcome for the President. The chair will develop the first draft and other members make comments and changes.

Grievance Hearing Panel Timeline

(calendar days, excluding USU employee holidays)

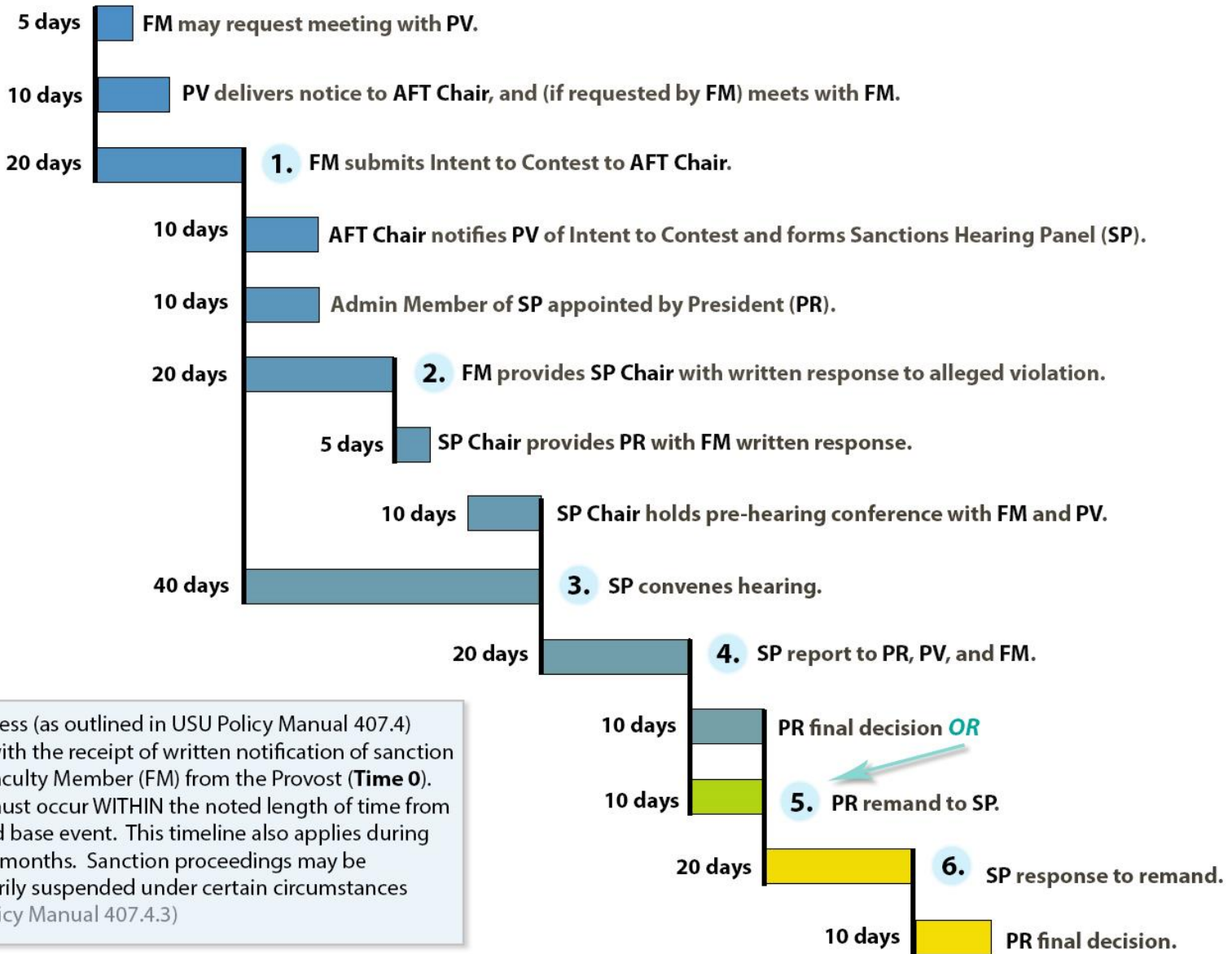
The grievance process begins with one of two possible events (0a and 0b). Events must occur WITHIN the noted length of time from indicated base events. This timeline also applies during summer months. Grievance proceedings may be temporarily suspended under certain circumstances. (USU Policy Manual 407.5.1)



Sanctions Timeline

(calendar days, excluding USU employee holidays)

0. Faculty member (FM) receives notice of intent to impose a sanction from Provost (PV).



The process (as outlined in USU Policy Manual 407.4) begins with the receipt of written notification of sanction by the Faculty Member (FM) from the Provost (**Time 0**). Events must occur **WITHIN** the noted length of time from indicated base event. This timeline also applies during summer months. Sanction proceedings may be temporarily suspended under certain circumstances (USU Policy Manual 407.4.3)

120 day maximum

Grievance Statement Filing Form

Academic Freedom and Tenure (AFT) Committee
Utah State University

Note: This form (last updated 11 Dec. 2015) follows USU Policy 407.5.2 regarding the necessary elements of a valid grievance statement, and is required by the AFT Committee. Submission of this form to the chair of the AFT Committee must be preceded (within 20 days) by a written notice (may be email) of intent to grieve.

1. Grievant (faculty member filing grievance)

Name:	
Department(s):	
Email address:	

2. Specific identification of grievance (actions the grievant alleges were taken against them; select all that apply)

<input type="checkbox"/> Arbitrary or capricious conduct
<input type="checkbox"/> Violations of legal, constitutional, or statutory rights (immediate referral to AA/EO Office by AFT chair)
<input type="checkbox"/> Violations of USU code or other adopted policies and procedures (must specify section number(s) of violated code in #4 below)

3. Respondent(s) (USU employee(s) alleged to have taken the actions in #2 above, and who should respond to this grievance statement)

[illegible]

4. Concise summary of the evidence (explain how the evidence supports the allegations that the individual(s) in #3 above committed the grieved actions in #2 above)

5. Supporting documentation (list here; attach with form)

[illegible]

Prehearing Conference Form

Academic Freedom and Tenure (AFT) Committee
Utah State University

Note: This form (last updated 11 Dec. 2015) follows USU Policy 407.5.5 regarding the necessary results of a prehearing conference, and must be completed at the prehearing conference. Portions can be agreed to before the prehearing conference.

1. Prehearing Conference Attendees (others, including counsel, may be allowed to observe but not participate, only at the discretion of (and subject to dismissal by) the AFT Committee Chair)

Grievant:	
AFT Committee Chair:	
Hearing Panel Chair:	
Respondent(s):	

2. Issues to be examined at the hearing (brief summary of specific allegations from grievance statement that will be addressed at the hearing; some allegations may be outside the scope of the grievance process – see #5 below)

3. Witnesses (including the grievant and respondent(s) – be sure to list those; only those other witnesses with a relevant purpose will be called)

[illegible]

4. Documentary evidence for hearing / university records requested (in addition to the grievance statement, supporting documentation submitted with the grievance statement, and response from respondent(s))

[illegible]

5. Stipulation of facts to be agreed upon, and issues or allegations in grievance statement that will not be examined at the hearing

6. Names of advisors / counsels to attend hearing (one allowed for each grievant and respondent, to advise respective party but not to argue case or question witnesses)

7. Outline of hearing schedule (“make the hearing fair, effective, and expeditious”)

- a. Written opening statements (up to 3 pages) – due 48 hours before hearing to panel chair, who will distribute to panel and other party; read aloud at the hearing at the discretion of each party (grievant first, followed by respondent(s))
- b. Each witness in #2 above will be questioned, in the following order, by:
 - i. Grievant
 - ii. Respondent(s)
 - iii. Panel(Each witness will therefore be present for up to three times the time specified in #3 above.) The order of witnesses during the hearing will be arranged by the panel chair based on best availability.
- c. After all witnesses are questioned, then for each issue in #2 above, the panel will ask any final clarifying questions. Anticipated total time required:
- d. Written closing statements (up to 3 pages) – due 48 hours after hearing to panel chair, who will distribute to panel and other party, before panel deliberation

8. Final assignments for panel chair, between pre-hearing conference and hearing

- Send copy of this form to grievant, respondent(s), and panel
- Contact witnesses
- Arrange meeting room for hearing
- Arrange for hearing to be recorded
- Arrange and send out final schedule to all parties
- Receive and distribute opening statements
- Meet with panel to discuss grievance process and materials

Existing Code

405.12 REVIEW OF FACULTY

12.1 Annual Review of Faculty

Each department shall establish procedures by which all faculty shall be reviewed annually. This evaluation shall review the work of each faculty member in a manner and frequency consistent with accreditation standards. In the case of tenured faculty, this evaluation shall encompass a multi-year window of performance that covers a five-year span. Such reviews shall, at a minimum, incorporate an analysis of the fulfillment of the role statement. The basic standard for appraisal shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position. The department head or supervisor shall meet with the faculty member annually to review this analysis of the fulfillment of the role statement and, subsequently, provide a written report of this review to the faculty member. A copy of this report shall be sent to the academic dean or vice president for extension, and, where appropriate, chancellor or regional campus dean. The annual evaluation and recommendation letter by the department head or supervisor developed for tenure-eligible faculty as part of the promotion and tenure process (405.7.1 (3)) may not serve as a substitute for this annual review letter for salary adjustment. For faculty with term appointments, the annual review shall also include a recommendation regarding renewal of the term appointment.

Proposed Code

12.1 Annual Review of Faculty

~~Each~~ The faculty of each department (as defined in 401.3 and 401.4) shall establish procedures by which all faculty shall be reviewed annually. These procedures must shall be agreed upon by majority vote by of the department faculty at minimum once every three years. If the procedures do not pass the majority vote, the department faculty must establish new procedures before the next review. This- ~~The~~ evaluation shall review the work of each faculty member in a manner and frequency consistent with accreditation standards. In the case of tenured faculty, this evaluation shall encompass a multi-year window of performance that covers a five-year span. Such reviews shall, at a minimum, incorporate an analysis of the fulfillment of the role statement. The basic standard for appraisal shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position. The department head or supervisor shall meet with the faculty member annually to review this analysis of the fulfillment of the role statement and, subsequently, provide a written report of this review to the faculty member. A copy of this report shall be sent to the academic dean or vice president for extension, and, where appropriate, chancellor or regional campus dean. The annual evaluation and recommendation letter by the department head or supervisor developed for tenure-eligible faculty as part of the promotion and tenure process (405.7.1 (3)) may not serve as a substitute for this annual review letter for salary adjustment. For faculty

with term appointments, the annual review shall also include a recommendation regarding renewal of the term appointment.

405.12.3 College Faculty Appeals Committee (CFAC)

The CFAC committee shall consist of five tenured faculty members, each representing departments within the college or unit. Three members of the CFAC participate in each appeal. Members of the CFAC serve three year staggered terms. Members may run for subsequent terms. The five members of the CFAC select a chair (and a co-chair, if desired). After initial formation of the CFAC the chair solicits nominations from across the college or unit and runs the election while striving to keep broad representation across departments.

Where mutual agreement on the PRC (405.12.2) makeup is required and department head and faculty member do not agree on committee membership, a College Faculty Appeals Committee (CFAC) shall decide membership. Either the faculty member and/or the department head can initiate an appeal by written request to the CFAC chair. Each side submits a one page document listing their preferred choices for the committee membership, briefly outlining their rationale and, if desired, the willingness of each person to serve. Within three weeks of receiving the request for an appeal, a meeting shall be held, a decision made and delivered to both the faculty member and department head. At the meeting each side may present their rationale for their request. Neither the department head nor the faculty member is required to attend, but both shall have the opportunity to voice their request. A simple majority of the three CFAC decides the membership of the committee in question and the decision is binding.