

MINUTES

**Kansas State University Faculty Senate Meeting
April 11, 2000 3:30 p.m. Big 12 Room, K-State Union**

Present: Anderson, Baker, Boger, Chenoweth, Clegg, Devault, Dodd, Donnelly, Exdell, Fenton, Fenwick, Finnegan, R. Flores, S. Flores, Frieman, Gatewood, Geiser, Glasgow, Gormely, Gray, Herald, Heublein, Higgins, Holden, Hosni, Johnson, Jones, Jurich, Kassebaum, Keller, Kirkham, Klopfenstein, Legg, Lutz, Lynch, Martin, McCulloh, Michie, Molt, Mortensen, Mosier, Olsen, Ossar, Oukrop, Pence, Peterson, Quirin, Rahman, Ransom, Reeck, Schapaugh, Schmidt, Selfridge, Sheu, Shultis, Simon, Stewart, Swanson, Takemoto, Verschelden, Weiss, White, Williams, Wissman, Worcester, Zabel, Zivanovic

Absent: Bockus, Devlin, Fjell, Heinrich, Jardine, Liang, McClaskey, Ross, Salsberry, Simons, Taylor

Proxies: Canter, Foster, Fraser, Koelliker, Nafziger, Rintoul, Youngman

Visitors: Joyce Yagerline, Shafiqul Chowdhury

- I. President Buddy Gray called the meeting to order at 3:35 p.m.
- II. It was moved and seconded to approve the minutes of the March 14, 2000 meeting. Motion passed.
- III. Announcements - Gray
 - A. Pamela Schodder, Parliamentarian, was unable to attend today's meeting.
 - B. New SGA Senators Travis Lenkner, Jake Worcester, and Ben Hopper were introduced
 - C. Leadership-Administration Meeting - Gray referred to the attached Minutes of the Executive Committee for a summary.
 - D. BOR - Gray again referred to EC Minutes for a summary.
 - E. Faculty-Administration Salary Comparison Report is attached to the Agenda. The Faculty Affairs Committee will report on this. This document can also be found on web @ <http://www.ksu.edu/budget/comp.pdf>.
 - F. Other
 1. Legislative action on the budget - All or most of the Governor's funding proposed for higher education, including his salary request, have been passed by the Legislature. Gray noted that we should not be satisfied, but the budget is the best we could expect under the circumstances. He mentioned the hard work of President Wefald on behalf of faculty salaries and higher education funding.

Pressing issues for the future are continuing the 4-year salary enhancement plan adopted last year by the Legislature, increasing OOE, which is presently about 60% of peers' OOE, and improving salaries of unclassified, non faculty and library faculty. Leadership will continue to work on these issues at the University, BOR, and Legislature levels.

2. **Salary enhancements.** Gray explained that Leadership Council had had extensive discussions with the Provost regarding the procedures for distributing the project 5.9% faculty salary raises for next year. The Provost had consulted with the Council of Deans, as well as representing his own views. The plan developed thus represented both faculty and administrative views, including some compromises. Deans had also consulted with faculty senators and/or members of CCOPs. The process embodied positive features of shared governance. Faculty should all be informed of the procedures used in their colleges and departments.

Senators raised questions about a formula used to determine expected salaries. Gray said he would inquire further about this. Senators also inquired whether individuals whose salaries have been determined to be below projection on the basis of gender or minority status have been notified. It was pointed out that if only the administrator knows of this, and if no steps or inadequate steps are taken to rectify the situation, the faculty member has no means of recourse.

3. **Senator Finnegan made the following announcement:**

“Donald J. Adamchak, Professor of Sociology, died of cancer on 16 March 2000. He is nationally and internationally known for his work in aging and demographic research. He was a recipient of a research award by Kansas State University's Institute for Social and Behavioral Research. Adamchak's greatest contribution to the University may have been in graduate education where he was an aggressive mentor and chaired many very successful dissertation committees. Greatly admired by colleagues and students alike for his intellect, leadership and focus, we ask for a minute of silence and that the Faculty Senate convey our sympathies to the Donald Adamchak Family.”

4. **President-Elect Mickey Ransom** announced the orientation and reception for new and retiring senators on May 9 at 2 p.m. in the Big 12 Room. Structures and activities of FS committees will be presented and retiring senators will be recognized.

5. **“Professors of the Week”** - Gray asked each college caucus to name one colleague to be recognized on the Jumbotron during home football games.

6. **Senator Jurich** announced that K-State's Family Financial Planning team has been named national champion by American Express Corporation.

7. Gray referred to vitae for two candidates for FS President-Elect, John Johnson and Cia Verschelden. Both have indicated willingness to speak to caucuses. Additional nominations are in order until the election.

8. **Senator Rahman** reported on a proposal to improve retention of students from under represented groups by pairing them with faculty mentors in a Developing Scholars Program. If funding is obtained, the program would begin in the fall. She called attention to an April 21 presentation by Sandra Gregerman of the University of Michigan about a similar program there.

IV. Report of Affirmative Action Task Force - Jerry Frieman

Senator Frieman summarized findings and recommendations of the year-long study of the Affirmative Action Task Force (report attached to the agenda and can also be found on web @ <http://www.ksu.edu/facsen/reports/AAREPORT.HTM>). He mentioned that most persons who come to OAA with complaints are unhappy and most persons who are the targets of those complaints are also unhappy. It is not surprising that some involved persons have concerns about the process.

The Task Force reviewed the current procedures and made recommendations in several areas.

> Role and function of the OAA. It is possible for persons to be mistreated, but not on the basis of gender, race, age, or other relevant characteristics. The Task Force recommends that the OAA do a better job educating the university community understand its role and their rights.

> There is currently no way to deal with complaints early before positions harden. Opportunities for mediation may be needed.

> There are no procedures to deal with low-level harassment and retaliation for employees exercising their rights. The OAA should have authority to issue findings of "unacceptable conduct."

> There is a perception that OAA is too close the University Attorney's Office, both physically and administratively. OAA should be moved to another location, possibly Employee Relations.

> There are few procedures to follow-up on cases where unlawful discrimination or harassment has occurred. Procedures to follow-up on complaints, sanctions, etc. should be developed.

Several senators asked questions and commented on the report. Senator Legg moved to accept the report. Motion was seconded and passed.

V. Reports from Standing Committees

A. Faculty Senate Committee on University Planning - Cia Verschelden

1. Verschelden announced the web site for discussion of the Information Commons (<http://www.lib.ksu.edu/infocommons>). The Task Force includes Senators Legg, Rintoul, Clegg, and Donnelly as well as students, librarians, and others. Major concerns are the need for more computers for library or other uses, who will staff the commons, and what kinds of training are needed.

2. University Scholarships - FSCOUP is continuing to gather information about college and department plans to fund on-going, major scholarships awarded by the administration. Concerns include how the plan will affect students and faculty, the existing 10% tax on all Foundation scholarship money to support major scholarships, constraints on diverting scholarships with specific criteria, minimum GPA criteria, and how to handle students who transfer among colleges, have dual majors, etc. Verschelden is gathering additional information and asked for additional faculty perspectives.

Several senators spoke about these and additional problems that could arise. Senator Jones asked why the university is pursuing this policy and suggested that this should be addressed at the Regents level.

3. Parking and Transportation - Verschelden reported on on-going discussion by FSCOUN and the Campus Development and Planning Policy Advisory Committee, which supports a shuttle system. She said VP Rawson presented the University position at a recent City Commission meeting. The Administration seems to be leaning toward a limited shuttle that could be meshed with a city transportation system and has committed some planning funds.

Several senators expressed concerns regarding parking fees, additional parking lots, safety. Sens. Worcester and Lenkner spoke about student concerns regarding availability of parking near dormitories.

B. Faculty Senate Committee on Technology - Dee Takemoto

Takemoto reported that the last year has involved considerable study and discussion with relevant administrators of policies on computer use, such as the Information Management and the Data Management Policies. E-mail privacy has been a central issue, and disagreements continue. The Technology Committee, administration-appointed committees, and administrators have not been able to reach agreement on e-mail policy. Takemoto is continuing to meet with Beth Unger and others.

Takemoto noted that z-university has generated some money and Technology will attempt to discuss appropriate disbursement.

There is a proposed KSU.org, which is a hybrid between z-university and ksu.edu. It will include university-related advertising, such as McCain events, Colbert Hills, etc. Several senators emphasized that e-mail is stored indefinitely and can be accessed. Concerns were expressed regarding access by hackers and others.

Senator Rahman moved to change the remainder of the agenda to allow discussion of business raised by Faculty Affairs. Motion was seconded and passed.

C. Faculty Affairs - Brad Fenwick

1. Faculty/Administrator Salary Comparison - Fenwick said the long-awaited, attached report is self-explanatory. (See web @ <http://www.ksu.edu/budget/comp.pdf>)

Sen. Johnson, Chair of the Salary and Fringe Benefit Committee, will prepare a tuition waiver proposal, which would allow unclassified employees to receive credits to use for spouse and dependents.

2. C41.5. Work is not yet completed on this, and the Provost will be coming to FA to discuss it.

3. Faculty Handbook - Foreword (ATTACHMENT 1). Fenwick moved adoption. Motion passed.

4. C83.1 Delay in the Tenure Clock (ATTACHMENT 2). Fenwick moved adoption. Several senators asked for clarification of the circumstances for delay of tenure and spoke about the merits of the proposed change. Legg called the question. It was seconded and passed. Main motion passed.

5. C35 Confidentiality of documents (ATTACHMENT 3). Fenwick moved adoption. Gray commented that this policy is related to the Appendix G Grievance Procedures. Legg moved that debate on the remaining FA items be limited to 10 minutes for each item. Motion was seconded and passed.

Senators spoke about the proposed policy. Boger called the question, it was seconded, and passed.

Main motion passed.

6. Appendix G (ATTACHMENT 4). Fenwick moved approval with the deletion of the second sentence from C35 2b. He pointed out several changes that have been made to earlier versions. There was discussion about rewording of C35 2a. and about access to personnel files of faculty other than grievant. Fenwick said that Grievance Panel chairs could request the personnel files, but the responsible administrator could deny the request. After considerable discussion, Sen. Dodd moved to extend debate two minutes. Motion was seconded and passed.

After further discussion the main motion passed.

7. Appendix G General Grievance Board Policy and Hearing Procedures (ATTACHMENT 5). Fenwick pointed out several changes to earlier versions and moved passage. Selfridge moved changing the title to *Unclassified* GGBPHP. Motion was seconded. Following discussion, motion failed.

Main motion passed.

8. Grievance Compensation (ATTACHMENT 6). Fenwick explained that the paragraph added to Appendix G, Section H. 4. b. would, upon recommendation of the Grievance Panel, make the University responsible for paying reasonable legal expenses of grievants. He moved acceptance.

Senators spoke both in favor and in opposition to the proposal and asked for clarifications. Senator Baker yielded the floor to Shafiqul Chowdhury who as a successful grievant in a denial of tenure hearing. He spoke of the importance of representation by an attorney.

Senator Weiss moved to eliminate a limit of 30 hours to attorney fees. Motion was seconded. Following discussion the motion passed.

Main motion passed.

D. Academic Affairs - John Selfridge

1. Course and Curriculum Changes

a. Undergraduate Education

1. Selfridge moved to approve undergraduate course and curriculum changes approved by the College of Arts and Sciences February 17, 2000.

CHANGE:

DAS 100 Freshman Seminar
MUSIC 201 Styles II, Textures of Music
MUSIC 202 Styles III, The Classical Period
PHYS 532 Electricity and Magnetism to PHYS 532 Electromagnetic
Fields
SPCH 526 Persuasion

DROP:

BIOL 107 Biological Science Colloquium
BIOL 400 Human Genetics
BIOL 402 Eugenics
BIOL 547 Herpetology
SPCH 505 The Rhetoric of Black Slave Narratives

ADD:

GEOL 560 Field Methods

CURRICULUM CHANGES:

Division of Biology
Changes in Block C: Microbiology major electives

Department of Geology
Changes in Geology option

Department of History
Changes in requirements for a history major

Motion passed.

2. Selfridge moved to approve undergraduate course and curriculum changes approved by the College of Education February 22, 2000.

DROP:

EDSEC 359 Administration of Physical Education
EDSEC 410 Gymnastics and Aquatics in Physical Education
EDSEC 421 Rhythms in Physical Education
EDSEC 427 Sports Skill Progressions
EDSEC 461 Observation in Physical Education

Department of Secondary Education--Policy for Student Teaching
Eligibility

Motion passed.

b. General Education

Selfridge moved to approve course for general education approved by the General Education Task Force.

EDSEC 407 World Wide Web Resources, Tools, and Evaluation

Motion passed.

2. Graduation Lists

Selfridge moved to approve addition to December 1999 Graduation List.

Amy Louise Vrban, Arts & Sciences, BS-Kinesiology

Motion passed.

3. Policy Approvals

a. Selfridge moved approval of policy governing evening examination conflict. ATTACHMENT 7

Senator Legg offered a friendly amendment (see attached). Selfridge accepted the amendment.

Motion passed.

b. Selfridge moved approval of A/Pass/Fail Policy. ATTACHMENT 8

Motion passed.

VI. Old Business - None

VII. New Business - None

VII. For the Good of the University.

Senator Jurich commended Faculty Affairs Committee and Faculty Senate for their work on the grievance policies and procedures. Gray added his commendation.

IX. Legg moved adjournment. The motion was seconded and passed by acclamation.

Meeting adjourned at 6:05 p.m.

I. The purpose of this handbook is to provide a broad description of Kansas State University, its nature, and the role of the KSU faculty and administration in relation to the university community's many activities. Unless otherwise specifically noted, the contents of this handbook will be considered standard policy by the faculty and administration. Procedures and regulations, along with privileges and responsibilities, are presented for ready reference. The latest version of this document, including revisions, can be accessed at the following web site address <http://www.k-state.edu/uauuc/fhbook>. **The policies stated in this handbook are reviewed and revised as needed by the Office of the Provost and the Faculty Senate. Changes are incorporated in the handbook on a continuing basis and become effective when approved by the Faculty Senate and the Provost. The Office of Unclassified Affairs and University Compliance maintains the official, most current version of this handbook.**

II. This handbook supersedes any earlier versions. Corrections or suggested clarifications are welcome and should be submitted to the Office of Unclassified Affairs and University Compliance **or to the Faculty Senate**. The contents of this handbook are reviewed annually by the Office of the Provost, appropriate committees of the Faculty Senate and updated as needed by the Faculty Handbook and Policy Committee. Annual updates are included. ~~The Office of Unclassified Affairs and University Compliance maintains the official, current version of this handbook.~~ The policy development flowchart, also included, outlines the policy transmittal process. Questions about the process should be directed to the President of Faculty Senate or to the Chair of the Faculty Handbook and Policy Committee. Printed copies of the Faculty Handbook are maintained in all the deans' offices, the library, and all departmental offices. In addition, individual copies of the Faculty Handbook may be purchased in the K-State Union.

III. These policies apply to faculty and unclassified staff. The definition of terms used to define faculty and unclassified staff are as follows:

Faculty includes all individuals with the academic ranks of Assistant Instructor through Full Professor. Unclassified staff includes all individuals who do not hold academic rank and do not have a civil service classification. Some Research Assistants are unclassified. All Research Associates, Extension Assistants, and Extension Associates are unclassified staff. Unclassified staff serve in student service departments or in other support units of the university. Directors, assistants, coordinators, and specialists are examples of this type of support personnel.

IV. All university policies and procedures are subject to the concurrence of the president and Kansas Board of Regents. While ultimate responsibility for the operation, plans, and policies resides with the president, certain powers to formulate policy have been delegated to the following:

- Provost (President's Office Directives, POD)
- Deans' Council (Deans' Council Minutes, DCM)
- Faculty Senate (Faculty Senate Minutes, FSM)

V. The following referencing code is used in this Handbook:

Administrative Council Minutes, ACM; Kansas Board of Regents Policies, BOR; Business Procedures Manual, BPM; Council of Academic Deans' Minutes, CADM1; Deans' Council Minutes, DCM; Faculty Senate Minutes, FSH; General Faculty Minutes, GFM; General Statutes of Kansas, GSK; Graduate Council Minutes, GCM; Graduate Faculty Minutes, GRFM; Human Resource Circulars, HRC; Kansas Statutes Annotated, KSA; Personnel Services Circulars, PSC; Policy & Procedure Manual, PPM; President's Office letters, memorandums, or directives, POD; Student Council Minutes, SCM; Student Handbook, SH

1CADM changed to DCM 9/80.

1999-2000 edition approved for:

KANSAS STATE UNIVERSITY FACULTY SENATE

_____, President

KANSAS STATE UNIVERSITY

_____, President

DATE, 200X

ATTACHMENT 2

~~C82.5~~ **83.1** ~~Delay of the tenure clock. C82.5 through 82.8, passed by Faculty Senate on May 10, 1994 should be considered interim policy and may need to be revised following review by Kansas Board of Regents. Section 82.9 was added upon the advice of the Board of Regents' General Counsel.~~ Faculty members on probationary, tenure-track positions may request a one-year delay of the tenure clock. Such a delay shall be granted to a faculty member who is responsible for the care of a child five years of age or younger, or who adopts a child of any age. Requests for a delay in the tenure clock for the above noted reasons shall be made to the department or unit head who will forward the request to the dean. The dean will forward the request to the provost who will grant the one year delay.

~~C82.6~~ **83.2** Faculty members on probationary, tenure-track positions may request a one year delay of the tenure clock (1) for a serious health condition: that is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential treatment facility, or continuing treatment by a health care provider or (2) for the care of a household member, a parent, or a sibling with a serious health condition: that is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential treatment facility, or continuing treatment by a health care provider. Common illness, minor injuries, or minor surgeries that are not life threatening are excluded. Requests for a delay in the tenure clock for the above noted reasons shall be made to the department or unit head who will forward the request along with her/his recommendation to the dean. The dean will forward the request along with his/her recommendation and the recommendation of the department or unit head to the provost, with whom the final decision rests.

C83.3 Faculty members on probationary, tenure-track positions may request a one year delay of the tenure clock when for programmatic reasons there is a substantial change in the probationary faculty member's assigned area(s) of responsibilities. Requests for a delay in the tenure clock shall be made to the department/unit head/chair who will present the request to the tenured faculty in the department/unit for consideration. The head/chair will forward the request along with her/his recommendation and the vote of the tenured faculty plus unedited faculty comments to the dean. The dean will forward the request along with his/her recommendation, the recommendation of the department/unit head/chair, and the faculty vote with unedited comments to the provost, with whom the final decision rests.

~~C82.7~~ **83.4** If a delay in the tenure clock is granted prior to the mid-probationary review, the review will take place one year later than would have occurred without such a delay. An individual granted a delay of the tenure clock shall not be subject to additional scholarship, teaching, or service requirements above and beyond those normally required.

~~C82.8~~ **83.5** A request for delay of the tenure clock must be made within a reasonable amount of time from the date of the event which would show cause for a delay of the tenure clock.

~~C82.9~~ **83.6** Delay of the tenure clock during the probationary period is limited to one year.

~~C83~~ **C84**

ATTACHMENT 3

C35 Confidentiality of documents. Faculty members should expect that **their** peer evaluations gathered from individuals at Kansas State University and at other institutions will not be available to them, **except in association with grievance proceedings (see Appendix G).**

ATTACHMENT 4

Appendix G

E. Composition

~~3. Each grievance shall be heard by a panel composed of four members and a presiding officer, and two alternates, appointed by the chairperson from among the members of the GFGB. For cases involving discrimination, the chairperson shall include members appropriate to the particular case. The presiding officer shall vote only to break a tie vote of the hearing panel. If necessary, and when practicable, the chairperson will appoint an additional committee member to represent the appropriate classification of handicapped person (e.g., blind, mobility problem, hearing and speech, emotional).~~

L. Legal Advice for GGB

At the beginning of each fall semester, the chairperson shall call a meeting of the GFGB GGB, at which an attorney from the attorney general's office or the Kansas Board of Regents and/or other legal counsel, invited by the chairperson, shall provide information about the role of the members of the hearing panel in the grievance proceeding, including the requirements of due process, the mechanisms of fact-finding, judicial review, and liability of GFGB GGB members. In addition, each hearing panel shall have the assistance of such an attorney for each individual grievance, if requested by its presiding officer (See H.1.D).

H. Grievance Hearing Procedures

1. General Policies and Procedures

a. The grievance hearing procedures are to respect the ordinary standards of fairness but are not intended to be equivalent to a judicial hearing. The goal is to provide the hearing panel with the best opportunity to determine the truth and to make a recommendation to the President of the University as to the most appropriate resolution on the matters in dispute. The hearing shall be held as expeditiously as possible, but in any event ~~†~~ the grievant shall have the right to a hearing within 35 class work days after submission of the a grievance to the GFGB GGB chairperson, provided that extensions may be granted by the chairperson for a cause and within a specified period of time consistent with the other provisions of this document.

b. Members of the University community are encouraged to participate in the grievance process. In the event that a respondent (administrator(s) whose action or inaction is the basis of a grievance) refuses to participate, the matter will be resolved administratively by agreement between the next higher-level administrator and the grievant. The person who refuses to participate cannot use the grievance procedure on any matter related to the original charge or its resolution. Witnesses called by either party are expected to participate as a responsibility of being a member of the University community.

c. Each grievance shall be heard by a panel composed of four members, and a presiding officer, and two alternates, appointed by the GGB chairperson from among the members of the GGB. The presiding officer participates in the hearing but shall vote only to break a tie vote of the hearing panel. During the course of a hearing a panel member may be replaced by an alternate by the GGB chairperson based on justification(s) provided by the presiding officer. The GGB chairperson and the panel alternates will attend the hearing but are not to participate. For cases involving discrimination, the chairperson shall include members appropriate to the particular case. If necessary, and when practicable, the chairperson will appoint an additional committee member to represent the appropriate classification of faculty/staff with a disability (e.g., blind, mobility problem, hearing and speech, emotional).

d. ~~C172~~ A grievance brought by an unclassified employee who is not a faculty member ~~who are not faculty non-teaching faculty with administrative and support appointments, who are not eligible under the General Faculty Grievance Board Procedure, Appendix G, or C171, of the Faculty Handbook,~~ shall be reviewed in accordance with the provisions of Appendix G, and ~~such faculty~~ the employee shall have a choice of: (1) a hearing panel of the composition specified in Appendix G, or (2) a hearing panel selected from a separate pool which shall include all unclassified

employees who are not faculty members non-teaching faculty with administrative and support appointments, except persons holding positions in the administrative unit in which the grievant or administrator(s) respondent(s) are appointed.

(Current C172 to be deleted and the subsequent sections renumbered accordingly.)

e. As a component of their academic duties, members of the GGB are expected to serve on a grievance-hearing panel when called to do so. It is recognized that to fulfill this obligation may require reasonable adjustments in other responsibilities, which should be facilitated by their supervisor. Appropriate reasons for being excused from service (including conflict of interest and commitments) will be determined by the GGB chairperson, whose determination will be final. Service on a hearing panel must receive positive recognition and shall not jeopardize the person's yearly evaluation for performance, merit salary increases, or promotion. Some form of additional compensation is expected for faculty on 9-month appointments who are involved in a hearing that takes place during the summer (see H.4.J). As State employees, when acting within the scope of their employment, individuals who serve on a hearing panel are eligible for legal representation and indemnification under the Kansas tort claims act.

f. The hearing panel's deliberations are confidential and closed to all persons including the alternates and the GGB chairperson. Panel members are not permitted to individually contact persons involved in the grievance and will not on their own initiative, conduct any form of fact finding or investigation. Beyond the final report, panel members will not discuss case-specific aspects of a grievance hearing or panel deliberations.

g. At the hearing, each party may be accompanied by (1) a representative, who is not an attorney, to serve as an advocate and/or assist in the presentation, and/or (2) an attorney, who may advise, but not participate in the proceedings. If the grievant chooses to not to be accompanied by an attorney, the respondent(s) will also not be accompanied by an attorney.

h. Advocates who are state employees and when acting within the scope of their employment, are eligible for legal representation and indemnification under the Kansas tort claims act. The advocate is only expected to make a best effort and the outcome of the hearing can not be appealed based on the actions/performance of the advocate. While the advocate can aid in preparing the presentation and can participate in the hearing, the primary responsibility for establishing the validity of the complaint or presenting a defense rests with the grievant and the respondent(s). Advocates will appropriately respect the confidential nature of information and materials that they are exposed to during the course of a grievance hearing. Activities as an advocate will be considered service to the University which must receive positive recognition and shall not jeopardize the person's yearly evaluation for performance, merit salary increases, or tenure/promotion.

i. Hearings are generally scheduled to occur on two consecutive days. One-day extensions may be granted by the GGB chairperson, upon justification by the panel chair, and should be scheduled, if possible, to take place not more than one week after the first day of the preceding panel meeting. In scheduling the hearing, the GGB chairperson will determine whether or not conflicts are sufficiently valid to warrant a rescheduling of the hearing to a different date or whether the individual is obliged to attending the hearing (see H.4.j).

j. In addition to the preceding provisions, the presiding officer, in consultation with the GGB chairperson, shall have the discretion to establish supplementary procedural rules deemed necessary, and shall inform both parties of such rules at least five days prior to the hearing. At the discretion of the presiding officer and GGB chairperson, a pre-hearing meeting of the parties and/or their non-lawyer representatives may be convened to consider specific issues related to the procedures to be followed.

k. It shall be the responsibility of the GGB chairperson to ensure that a good quality an audio recording is made of the hearing. A tape recorder and tape shall be provided by the Office of the Provost. A secretary, who is not a member of the GGB, shall be appointed by the president of Faculty Senate to take minutes. At the direction of the GGB

chairperson, the University will provide suitable space, associated equipment, supplies, and refreshments necessary to meet the reasonable needs of the hearing panel and the parties involved.

1. Each hearing panel shall have the ongoing assistance of legal counsel (typically from the Board of Regents or Attorney General's Office), who may provide information about the role of the members of the hearing panel in the grievance proceeding, requirements of due process with respect to the panel's procedures, the mechanisms of fact-finding, prejudicial actions/information, judicial review, and liability of panel members. The panel is not to rely on its legal counsel for interpretation or judgement of fact. Normally, the hearing panel will meet prior to the beginning of a hearing to review procedures and to confer with their counsel. During the hearing the presiding officer and/or panel may adjourn to privately discuss specific issues related to the hearing and to confer with their counsel.

2. Filing a Grievance and Pre-Hearing Activities

a. The grievance process shall be initiated by a written request, submitted by the grievant to the ~~GFGB~~ **GGB** chairperson, with a detailed statement of the grievance, which shall include (1) an account of the alleged administrative action/inaction which gave rise to the grievance **including the date(s)**; (2) the name(s) of the administrator(s) **who will be the respondent(s)**; (3) the precise grounds upon which the grievance is based; (4) **whether an "open" or "closed" hearing is requested**, and (5) the nature of the relief sought. **When such terms as "capricious", "arbitrary", "collegiality", etc. are used as the basis of a grievance or an administrative response, it is incumbent upon the person who uses them to demonstrate by example or specific evidence the meaning of these terms and how they apply.**

b. **The grievant will be assisted by the GGB chairperson in obtaining relevant documents and information when judged to be of critical importance in supporting the request for a grievance hearing.** The chairperson shall determine whether the grievance falls within the jurisdiction of the ~~GFGB~~ **GGB** and if the materials presented by the grievant meet adequate standards of detail and clarity.

c. Within five ~~class work~~ days from the **date of acceptance** of the grievance by the chairperson, the chairperson shall give to both parties written notification of same, including a copy of the grievance.

d. Within ten ~~class work~~ days following such notification, the ~~administrator(s)~~ **each party** shall submit to the chairperson, with copies to the other party, **a preliminary list of (1) a written response to the allegations contained in the grievance; (2) all documents to be introduced; (3) a list of witnesses to be called; and (4) documents requested from the other party, plus the (5) the name of the attorney, if an attorney is to accompany the administrator(s) party to the hearing; and (6) the name and title of the non-lawyer representative (advocate), if one a representative is to accompany the administrator(s) party to the hearing. In addition, the respondent(s) shall submit a written response to the allegations contained in the grievance.**

~~d. Within ten class work days from the date of notification prescribed by H.2.c., the grievant likewise shall submit to the chairperson, with copies for the other party: (1) all documents to be introduced; (2) a list of witnesses to be called; (3) the name of the attorney, if an attorney is to accompany the grievant to the hearing; and (4) the name and title of the non-lawyer representative (advocate), if a representative is to accompany the grievant to the hearing.~~

e. Within 15 ~~class work~~ days from the **date of notification** prescribed by H.2.c, ~~the chairperson shall provide to each the parties shall provide each other, with a copy the GGB chairperson,~~ **the documents requested in H.2.d or a statement as to why the documents are not being provided (e.g. they are irrelevant or nonexistent). The claim that documents are privileged or confidential shall not in itself be sufficient justification for withholding them from the other party. The validity of the basis for not producing a requested document will be judged by the GGB chairperson whose ruling can be appealed to the hearing panel at the time of the hearing. (1) copies of the documents to be introduced by the other party; (2) a list of witnesses to be called by the other party; (3) a list of the members of the hearing panel, the presiding officer, and two alternatives; (4) a list of the name of the attorney and the name and title of the non-lawyer (advocate) if an attorney and/or representative is (are) to accompany the other party; and (5) notification of the date, time, and place of the hearing.**

f. Within 15 ~~class work~~ days from the **date of notification** prescribed by H.2.c, the ~~GFGB~~ **GGB** chairperson shall provide to each party: (1) a list of the members of the hearing panel, the presiding officer, and two alternatives; and (2) notification of the date(s), time(s), and place(s) of the hearing.

g. Within 20 class work days from the date of notification prescribed by H.2.c, each party may strike name(s) from the list of panel members for conflict of interest or for other just and sufficient cause, which shall be determined by the GFGB GGB chairperson. The GFGB GGB chairperson shall appoint replacements as necessary. **Both parties will also exchange, with copies to the GGB chairperson, an updated list of documents to be introduced and witnesses that may be called.** In no more than 35 class work days from the date of acceptance of the grievance by the GFGB GGB chairperson as prescribed by H.2.a, the hearing shall begin, **except as provided by H.1.h. and H.4.j.**

3. Grievance Hearing Procedures

a. The presiding officer shall call the hearing to order, state the **nature of the grievance**, and review the **rules (including those appropriate for open or closed hearing)**. Because the hearing is a peer review, the panel shall not be bound by strict legal rules of evidence; it may admit any evidence it considers pertinent to the grievance, and may exclude evidence it considers not pertinent. **On issues of procedures, evidence, relevance, and all other items related to the hearing, the presiding officer in consultation with the hearing panel is the final authority.**

b. **The grievant(s) and the administrator(s), in that order, will make short opening statements not to exceed 20 minutes. The panel will then have an opportunity to ask questions of either party in order to clarify specific issues before presentation of evidence and testimony of witnesses.**

c. The grievant(s) shall ~~(1) make an opening statement and~~ (2) present evidence, which may include testimony by supporting witnesses, documents, and/or other relevant material. The respondent(s) may (1) cross-examine each witness following the his or her testimony and (2) object to any testimony on grounds it is not relevant **or is repetitive.** **Members of the panel will have the opportunity to ask questions of each witness after each cross examination.**

d. The ~~respondent(s) administrator(s)~~ shall ~~(1) make an opening statement and~~ (2) present evidence, which may include testimony by supporting witnesses, documents, and/or other relevant material. The grievant may (1) cross-examine each witness following the testimony and (2) object to any testimony on grounds that it is not relevant **or is repetitive.** **Members of the panel will have the opportunity to ask questions of each witness after each cross examination.**

e. The grievant(s) and the ~~respondent(s) administrator(s)~~, in that order, may then present evidence in **rebuttal of previously introduced evidence after the presentations of both parties.** **The other party may object to any rebuttal testimony on the ground that it is a new subject, is not relevant, or is merely repetitive.** **Members of the panel will have the opportunity to ask relevant questions of each rebuttal witness.**

f. Witnesses shall not be present at the hearing until called to testify and then shall be excused, unless either party or the GFGB GGB requests that they remain available. **Only witnesses who have been excused may remain in the audience and then only when it is an open hearing.** **Witnesses called by the grievant who are also persons against whom the grievance has been brought may be present prior to giving testimony.**

g. The ~~respondent(s) administrator(s)~~ and the grievant, in that order, may make a closing statement.

h. Members of the panel may question the parties and/or recall witnesses for questioning. **At any time during or after the close of the hearing, the presiding officer after consultation with the panel may request from the grievant or respondent(s) the production of any other information the panel deems relevant. Refusal to comply with this request and the reason(s) will be noted in the panel's report.**

4. Findings, Recommendations, Appeals, and Reporting Responsibilities

a. **The goals of the hearing panel are to (1) establish the facts of the matter in question, (2) whether or not it believes University policy or generally accepted principles of academic conduct have been violated, and (3) if violation(s) have occurred whether these are sufficiently serious that some corrective action(s) should take place and (4) to recommend to the President of the University what, if any action(s) should take place.**

b. The decision of the panel shall be based only upon the testimony and other evidence presented at the hearing or acquired by the panel. The grievant shall bear the burden of demonstrating, by ~~clear and convincing~~ **a preponderance of the evidence**, that relief should be granted. The report of the panel shall include (1) an evaluation of the evidence and

findings of fact, (2) a description of the recommended specific relief or course of action that should be taken, and (3) the reasons supporting the decision. **A minority statement(s) may be appended to the report.**

c. The panel shall have discretion to recommend that the relief sought should be granted, denied, or that some other form of resolution should be employed **as long as such relief it is consistent with policies set forth in the Faculty Handbook. In the event of a finding that University policy has been violated, the panel may recommend that a brief statement of the finding become a part of the offending party's personnel file(s). Any disciplinary action that may be suggested will be in accordance with University policies and procedures, and depending on the severity of the offense, such sanctions may include (but are not limited to) a letter of reprimand, a formal warning, suspension, demotion, or termination of employment.**

d. Within 21 ~~class work~~ **calendar work** days after the completion of the hearing, the presiding officer shall present the report to the ~~GFGB GGB~~ chairperson, who shall within the following five ~~calendar work~~ **calendar work** days, send copies to (1) the president of the University, (2) both parties and (3) the president of Faculty Senate. **The findings of the hearing panel are final and cannot be appealed.**

e. The President of the University shall respond to the recommendations of the ~~GFGB GGB~~ **GFGB GGB** within 21 ~~calendar~~ **10 work** days of receiving the report. Copies of the response and notification of subsequent actions taken should be sent to the chairperson of the ~~GFGB GGB~~ **GFGB GGB**, the parties of the grievance, and the president of Faculty Senate. If confidentiality of the nature of the implementation **of the President's decision** is part of the disposition **and is agreed to by both parties**, the president of Faculty Senate shall receive notice only of the fact that disposition has taken place and it is confidential.

f. The complete record, including all evidence presented, shall be retained in the files of Faculty Senate. Both parties, at their own expense, may copy the record at a place and time to be determined by the president of Faculty Senate.

g. At the first meeting of Faculty Senate each fall semester, the chairperson of the ~~GFGB GGB~~ **GFGB GGB** who served the preceding year shall report the (1) number and (2) nature of grievances heard during the preceding year, including, if consistent with other provisions of this document, (3) other information about individual grievances considered to be a concern of Faculty Senate **and may suggest recommendations for modification of relevant policies and procedures.**

h. The Committee to hear a case regarding the dismissal of a tenured faculty member (Appendix M) shall retain its assigned jurisdiction.

i. ~~Grievances brought by non-teaching faculty with administrative and support appointments employees that are not faculty are provided for in Section C172 of the Faculty Handbook.~~

j. ~~As indicated by the academic calendar established by the Board of Regents, class days include all days that classes are conducted, excluding legal holidays, vacation periods, the period of final examinations, intersessions, and for purposes of this document, summer school, provided that when the chairperson determines that extraordinary circumstances so required, and with the approval of both parties, University working days may be counted. For the purpose of this section a "work day" is defined as any week day, that is part of the regular nine-month academic calendar, including all days that classes are conducted, the period of final examinations, and intersessions. Legal holidays and during the time when summer school is in session are excluded from the definition of "work day". However, if it is agreed to by the parties that a hearing can be conducted and/or the process completed during a vacation period, those members of the panel for which they are not being paid for service as a panel member on a grievance will be compensated for their time at their normal rate.~~

ATTACHMENT 5

Appendix G: General Faculty Grievance Board Policy and Hearing Procedures

C. Jurisdiction

The jurisdiction of the ~~GFCB~~ **GGB** shall extend to charges or allegations (hereafter referred to as grievances) arising out of administrative action or for which administrative action could provide a remedy, provided that all administrative remedies have been exhausted.

1. Nature of grievances: Grievances may arise out of decisions concerning reappointment, tenure, dismissal, promotion, salary, working conditions, discrimination, or any other matters related to the employment of a faculty member or other unclassified personnel.

2. Eligibility: A grievance may be filed by current and former ~~members of the faculty (hereafter referred to as the grievant), including but not limited to term and part time faculty, having an appointment at the rank of or performing as a teaching assistant, research assistant, research associate, assistant instructor, instructor, postdoctoral fellow, research assistant professor, research associate professor, research professor, assistant professor, associate professor, or professor~~ **unclassified employees**. Grievances must be submitted within one year of the **latest** incident(s) or the administrative action/inaction at issue.

ATTACHMENT 6

Appendix G:

Section H. 4. b.

The decision of the panel shall be based only upon the testimony and other evidence presented at the hearing or acquired by the panel. The grievant shall bear the burden of demonstrating, by a preponderance of the evidence, that relief should be granted. The report of the panel shall include (1) an evaluation of the evidence and findings of fact, (2) a description of the recommended specific relief or course of action that should be taken, and (3) the reasons supporting the decision. A minority statement(s) may be appended to the report.

On the recommendation of the panel and at the request of the grievant, the University will compensate the grievant for documented expenses associated with the preparation and presentation of the grievance, which in addition to routine duplication, mail, and communication costs; may include reasonable attorney fees.

ATTACHMENT 7

The Committee on Academic Policy and Procedure has passed the following proposed policy governing evening examination conflict, and are forwarding it to you for Academic Affairs consideration:

During the semester, students who have two or more evening examinations that occur at the same time may petition the instructor of the higher numbered course to schedule an alternate time to take the examination. If the necessary rescheduling cannot be done through the instructors involved, the academic dean will resolve the conflict for examinations within the same college. If the examinations are within the jurisdiction of different colleges, decisions regarding rescheduling shall be made by the University Provost.

Amendment to Attachment 3 (version that passed Faculty Senate):

During the semester, students **may** have two or more evening examinations that occur at the same time. **Priority will be given to the examination that is part of the student's official class schedule. If no examination has priority,** the student may petition the instructor of the higher numbered course to schedule an alternate time to take the examination. If the necessary rescheduling cannot be done through the instructors involved, the academic dean will resolve the conflict for examinations within the same college. If the examinations are within the jurisdiction of different colleges, decisions regarding rescheduling shall be made by the University Provost.

ATTACHMENT 8

A/Pass/F Policy

Undergraduate students, except first-semester freshmen and students on academic warning, may enroll in certain courses for which they have the normal prerequisites under the A/Pass/F grading option. Under this option, students earning a grade of A in a course will have an A recorded on the transcript for that course; a grade of B, C, or D will be recorded as Pass; a Grade of F will be recorded as F.

Students may request the A/Pass/F grading option for eligible courses through the fourth week of a 16-week semester or through the second week of a six-, seven-, or eight-week summer session. Students requesting the use of the A/Pass/F option must obtain the signature of their advisors. The decision by a student to use the A/Pass/F option is treated with strict confidentiality.

It is the responsibility of a student-requesting enrollment under the A/Pass/F grading option to be sure that such an enrollment is valid in the declared degree program. A course originally completed under the A/Pass/F grading option may not be converted at any time to a graded basis.

Students should be aware that some schools, scholarship committees, and honorary societies do not find work taken on a nongraded basis (Pass) acceptable. Furthermore, many employers do not view nongraded (Pass) course work favorably. All students should be cautious in using the A/Pass/F grading option.

Each department or division may specify which courses its majors may take under the A/Pass/F grading option consistent with the university requirements listed below.

- ~~1. A student may enroll under the A/Pass/F option for any free elective course offered under this option, that is, in any course that is in no way specified even in general terms in his or her curriculum, *secondary major or minor*. Courses that are specified by name or number and courses that meet general distribution requirements, *courses required to meet University General Education requirements and courses to be applied in a secondary major or minor*, are not considered free electives.~~
- ~~2. A student may enroll under the A/Pass/F option for any general distribution requirement offered under this option, provided the course is in the upper division level (300 and above), for example, three courses in the humanities.~~
- ~~3. A student may not enroll under the A/Pass/F option in any course that is required by name or number as part of his or her program of study.~~

Students may submit Pass hours for graduation requirements up to and not exceeding one-sixth of the total number of hours required for a bachelor's degree. That is, five-sixths of all hours submitted for the degree must be hours submitted on a graded or credit basis.