

**Minutes**  
**Faculty Affairs Committee – Kansas State University**  
**February 6, 2007**

Present: Betsy Cauble, William H. Hsu, Kaleen Knopp, Richard McFarland, Judy Anderson, Kathy Greene, Walter Renberg, Sheri L. Smith, Mark Haub, Ashley Boldt, Dave Nichols, Regina Beard

The meeting was called to order by chair, Betsy Cauble, at 3:35 p.m.

**Cauble: Review of Section G, University Handbook**

A request for clarification of Sections G, M, and O of the University Handbook was made. These sections discuss the general grievance procedures, dismissal of tenured faculty, and academic integrity.

Having the consultation of an attorney was discussed during an Appendix G hearing was discussed. Such things as whether it would be a university attorney or one assigned by the Board of Regents. It was mentioned the individual must maintain a neutral position and have some knowledge of parliamentary procedures; therefore a university attorney would not be appropriate. Several questions were brought up regarding the attorney's responsibilities, who would retain and pay for attorney fees, and who would select the attorney, etc.

Cauble mentioned the issue of appointment eligibility for the GGB. Should members be tenured faculty? Hsu commented that regulations differ from Appendix M only in regards to the inclusion of women and minorities (Appendix G-D) [<http://www.k-state.edu/academicservices/fhbook/fhxg.html>]. Cauble will check with Clyde Howard from Affirmative Action to see if this is mandated in any way by federal regulations.

Hsu brought up the demographics of the general grievance board (GGB). Currently there are 60 members plus the chair (Allen Featherstone) [<http://www.k-state.edu/academicservices/univcomm/fsc.html#gfgb>]. There are a total of 709 tenured faculty members as of 2006 [<http://www.k-state.edu/pa/statinfo/reports/faculty/Demographics/Total/index.htm>]. McFarland asked about unclassified professionals. Members of the committee responded about the breakdown within colleges.

Cauble discussed the type of language which should be used when making a recommendation to the University Handbook and Policy committee. Greene mentioned that there should be a statement regarding non retaliation toward grievant members. Cauble commented that the panel should be based on the grievant. Hsu recommended looking at the Policies and Procedures manual for classified employees [<http://www.k-state.edu/policies/ppm/4030.html>]. Cauble responded that classified employees have a different set of guidelines.

Cauble wondered if it might be wise to expand the number of the GGB to 90 in order to have enough people to empanel. This brought up many other items among committee members which were discussed such as leave issues (birth and sick leave), an alternative pool of just tenured faculty, the rationale for the eligibility of a pool, three-year appointments to the GGB, the rate of grievances filed, etc.

Greene questioned how the language will change in the policy? The issue of training grievance board members came up. Will they need training only if they are new or called to serve on a panel? Cauble mentioned that adopting some aspects of Appendix M would promote impartiality due to designating eligible faculty from other units. McFarland offered that this also alleviates personal conflicts of interest. The committee continued to discuss the issue of training and the neutrality of impartiality of panel members.

Cauble commented that this is a procedural manual to go with policy - issues included determination and preparation of venue, logistics of decision-making. Hsu mentioned that classified employees have one [<http://www.k-state.edu/policies/ppm/4030.html>]. Discussion continued. Cauble brought up that the last grievance had severe logistical problems.

Faculty advocates were discussed as well as the role of ombudspersons. Ombudspersons have an obligation of neutrality, which is not the case with faculty advocates. What if the grievant uses an attorney? If the grievant uses an attorney, the other party would also need to have one. Preparation for grievance hearings takes a considerable amount of time, similar

to the process of a court hearing. The last hearing had a legalistic tone and there was some dispute as to what was germane to the GGB. A middle ground between mediation and a court of law should be facilitated.

Cauble mentioned that FSFAC attended an afternoon grievance hearing last year and it proved to be highly informative.

- \* phone calls to attorneys to resolve disputes about introduction of evidence occurred because the attorney assigned to the panel could not be physically present at the hearing;
- \* within Regents institutions: 6 @ K-State, 6 @ KU, 1 @ Pittsburgh, etc. have attorneys available to advise the grievance panel.

Quite a discussion came up about the use of attorneys. Such as if there should be attorneys within the GGB. This would be tantamount to opening up to general litigation. There needs to be a recommendation to address the gravity of the situation for the grievant. Attorneys are used as consultants to the panel. The University Attorney's office is involved with drafting material for the just-in-time training.

Suggestions and recommendations under consideration are as follows:

1. On-demand empanelling cf. Appendix M: inclusion of members from a general pool of faculty and unclassified staff.
2. Just-in-time (JIT) training: have attorneys write up rules of grievance hearing.
3. Need statement regarding non retaliation towards grievant members.
4. Designate who serves on panel based on grievant (faculty/faculty, unclassified staff/unclassified staff).
5. Development of a procedural manual (cf. PPM 4030) to be developed by Provost's Office.
6. Faculty advocates.

The meeting was adjourned at 5:05 p.m.