

FACULTY COUNCIL
Minutes
Wednesday, February 25, 2015
3:00-5:00 PM – CLC 206, WTC

Members Present: Battaglia, G. (video); Bohanon, H.; Classen, T.; Conley, J.; Conway-Phillips, R. (video); Friend, P. (video); Graham, D.; S. Jellish (video); Langman, L; Lash, N.; McNulty, J. (video); Miller, H.; Ramsey, G.; Ruppman, T.; Shanahan, A.; Shoenberger, A.; Singh, S.; Uprichard, S. (video)

- 1) Meeting was called to order at 3:10 pm by Gordon Ramsey.
- 2) Approval of January Minutes
Discussion to revise the account of Dean Brubaker's visit. Motion to approve with recommended changes. Lash moved; Miller seconded. Minutes approved: 16 in favor, 0 against, 2 abstentions.
- 3) Chair's Report:
 - a) Status of issues: CAS restructure status
Ramsey received an email yesterday from Rhys Williams, co-chair of the task force considering the restructuring of CAS. Williams indicated the task force is nearing a decision and a report will be sent to the Provost this week. Recommendations may include a separation of the Sciences from Arts & Sciences, as well as separation of the School of Fine and Performing Arts. Ramsey will send the text of the email out to the full Council.
Shanahan shared Academic Council's concerns that CAS faculty have a voice before any decisions to move forward are made.
 - b) Spring tasks: March and April
March: Tom Kelly will come back in March to discuss Title IX. Elections are coming up.
Conley gave a report on the status of the nominations so far.
April: Executive Committee elections and welcoming new members.
 - c) FC Allocations
 - d) Handbook revision approval and subsequent discussions
 - e) Final Exam schedule changes
Shanahan added that Academic Council has asked University Senate to discuss the issue and brainstorm ways to work together to advise on any further changes.
- 4) Report from University Senate: T. Classen
 - a) Textbooks and affordability. They will form a task force to look into issues of affordability of course materials. There was some discussion about academic freedom and the ability of faculty to select their own textbooks (not being forced to choose particular texts based on cost).
 - b) Proposal from about 200 faculty who signed a letter advocating divestment of assets in fossil fuels. Recommendation to the Provost that we divest within 5 years. It's up to the Board to make that decision.

- 5) Report from HSD: J. McNulty
- a) BSI salary issues. McNulty reported that a number of SSOM Faculty expect their salaries to be reduced as a result of the current BSI compensation plan. The motion FC passed on to Dean Brubaker in April requested a report on the outcome of the plan, which has been in place for more than a year. Sufficient data should be available. A discussion followed about what steps FC could take beyond what has already been done (motion from April 2014 that has not been responded to). Uprichard added that SSOM faculty have been able to give feedback on the BSI plan and that perhaps a report on that feedback and any changes to the plan (as a result of the feedback) could be requested. Ramsey agreed FC could request that. Battaglia asked if FC could take this issue to AAUP, since requests from FC to administration have not been responded to. Ramsey, Miller and Shoenberger suggested that Battaglia, as a member of both FC and AAUP, would be the most appropriate representative of the issue. Shoenberger added that Battaglia might want to ask AAUP if a reduction in salary at SSOM is an infringement on the rights of tenured faculty, according to the terms of the Faculty Handbook. The FC gave its full support and encouragement for Battaglia to take the issue to AAUP on behalf of the FC. Uprichard added that Dean Brubaker has created an Ambassador's Council, with representatives from each department, that meets monthly. She suggested this as another avenue for inquiring about the report on the shadow year of the BSI plan. Ramsey supported this idea. Classen asked if the BSI Task Force was still meeting and whether that might also be another avenue for information regarding the BSI report. Uprichard said the BSI Task Force is continuing to meet, though possibly under a different name. They haven't gotten a final draft of a revised compensation point list.
 - b) Battaglia: There may be another issue where a tenured faculty member was terminated which relates to the changes in the Handbook.
Ramsey: I can't speak about this case, but the changes we discuss today do address that issue.
- 6) Discussion of recommended Handbook revisions by AAUP: I have included a synopsis of the recommendations below and attached the full document to this message. Please look over pages 2 and 4 through 7 for the details of the recommendations.

Key points boil down to three issues (outlined below)

#1 – Dismissal for Cause

#2 – Establishment of Faculty Hearing Committee

#3 – Librarians and Archivists having the same rights to appeal as other NTT faculty.

Discussion:

Shoenberger pointed out that this is an old function that could be taken up by a committee that already exists. The old Committee on Faculty Appointments took up issues of this nature. The current Rank and Tenure committee does take up the functions of the old CFA on issues of rank and tenure. Several faculty agreed that having this added to the

charge of the current Rank and Tenure committee would satisfy the AAUP recommendation and might appeal to the administration. There was a discussion about whether having the Rank and Tenure committee review appeals would in some way be damaging, and/or whether there might be a conflict of interest when a faculty member later goes up for promotion or tenure, but ultimately those concerns were allayed. The current handbook specifically prohibits faculty from having legal counsel at a Hearing Committee meeting, but the AAUP document recommends that legal counsel be an option for faculty (not an obligation). There followed a discussion about where in the handbook the specific elements of the first recommendation regarding Dismissal for Cause should go. Shoenberger suggested that Points 1 through 3 would be appropriate at Hearing Committee. They should be preliminary to the appeals committee. Points 4 through 6 should come in at the Appeals committee level. The right to legal counsel would only be appropriate at the appeals committee level. FC supports the AAUP recommendation of the establishment of a hearing committee and recommends adding this duty to the current Rank and Tenure committee.

A straw vote was taken for each recommendation.

#1 – Dismissal for Cause - Unanimous, 18-0-0

#2 – Establishment of Faculty Hearing Committee - Unanimous, 18-0-0

#3 – Librarians and Archivists having the same rights to appeal as other NTT faculty - Unanimous, 18-0-0

Ramsey, Classen and Ruppman will work on specific wording (regarding placement in the Handbook) and send the revised version to the Extraordinary Committee, so they can discuss it. Revised version will be sent to the full Council, with email vote approval.

7) Other business

8) Motion to adjourn: Moved: Lash; Seconded: Classen. Meeting adjourned at 4:44 pm.

Respectfully submitted by
Tracy Ruppman, MSLIS, Secretary

Discussion of AAUP Chapter Proposed Changes to the Faculty Handbook

Faculty Council – 25 Feb 2015

The following is a summary of key points recommended to the Council by the Chicago Chapter of AAUP.

1. Dismissal for Cause:

“As a result, the rights of Loyola faculty with regard to grievance, appeal, and dismissal for cause procedures are demonstrably inferior to those of faculty at our peer institutions.” “...procedures fall well short of AAUP best practices as outlined in its “Statement on Procedural Standards in Faculty Dismissal Proceedings,” and its statement on “Institutional Regulations on Academic Freedom and Tenure”

The essential elements of a dismissal proceeding, as set forth in these documents, are (1) an adequate statement of charges, (2) the opportunity for a pre-termination hearing before an elected body of peers, (3) the burden of proving the charges resting on the administration, based on clear and convincing evidence in the record considered as a whole, (4) the right to present evidence and cross examine witnesses, (5) a decision based on the record of the hearing, and (6) the right to appeal to the governing board.

“By contrast, Loyola’s procedures treat a dismissal as a grievable matter subject to the same due process procedures as a nonreappointment or a tenure denial. In other words, the procedures as written require the faculty member to assume the burden of proof in order to refute the cause for dismissal and resultant recommendations, rather than the administration to prove adequate cause for dismissal.”

This turns the burden of proof of an allegation on the Administration. It provides an opportunity for the faculty member to have an informal discussion with an academic officer prior to formal charges. Detailed written charges must be given to the faculty involved. A Faculty Hearing Committee (see item two) then hears the case. Further, the faculty has a right to legal counsel, which is not specified in the present Handbook. Finally, the Board of Trustees must review the President’s decision. All of these are additions to the present Handbook that are not available to the faculty.

See the details in pages 2 and 4 through 7 of the complete AAUP recommendations.

2. Establishment of a Faculty Hearing Committee

The AAUP recommends the establishment of a Faculty Hearing Committee to provide faculty a chance to hear the case for dismissal. Presently, all hearings and deliberations are done by the Administration, leaving no opportunity for faculty to deliberate on a case against a faculty member. This layer has been eliminated during Fr. Garanzi-

ni's tenure as President. The following suggests a charge for the Faculty Hearing Committee:

"The Faculty Hearing Committee has the authority and responsibility to conduct hearings with regard to the university's proposal to discipline or terminate for cause a tenured faculty member, an untenured faculty member on the tenure-track, or a non-tenure-track faculty member whose contract or letter of appointment has not expired. After conducting its hearing the committee makes a recommendation to the President, and the President communicates the committee's recommendation to the Board of Trustees for a final decision. Additional information regarding the role of the Faculty Hearing Committee is available in Chapter 7"

3. Librarians and Archivists having the same appeals rights as other faculty lines. If an issue becomes an appeal, presently librarians and archivists do not have the same rights to appeal as other faculty. These individuals are often tasked to teach workshops as part of their duties. They are also full-time employees of Loyola. The following AAUP recommendation incorporates them as other faculty with regards to the appeals rights.

"In specific instances, a faculty member (including all tenured, tenure track, full-time non-tenure track faculty, librarians, and archivists) ~~may~~ must have recourse to the Faculty Appeals Procedure. The Faculty Appeals Committee (hereinafter referred to as "the Committee") has the authority and the responsibility to review certain decisions of the Senior Academic Officer which have been appealed in writing to the President by the faculty member involved and which have not gone through the Faculty Grievance Procedure."