

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

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

- 1) Meeting was called to order at 3:15 pm by Gordon Ramsey (The start was delayed due to technical difficulties related to HSD members being bumped from the teleconference room in SSOM and having to move to SON).
- 2) Approval of February Minutes. Lash moved; Miller seconded. Minutes approved unanimously.
- 3) Chair's Report:
 - a) Elections:
 - i) Election results are forthcoming any day. Ramsey will send out results as soon as they are received.
 - ii) We anticipate some empty seats, for which we will solicit volunteers.
 - b) Spring tasks: April
 - i) Executive committee elections will occur next meeting
 - ii) Welcome of new members next meeting
 - c) Result of discussion with Provost Pelissero
 - i) Finals schedule change was done without consultation with faculty. Ramsey recommended addition of a day for the "common exams". Provost will consider.
 - ii) Continued updates to the Faculty Handbook should be expected
 - iii) Dean search candidates are not to be ranked during search committee deliberations. A recommendation without any quantitative rankings is to be submitted.
 - iv) IDEA survey – Provost agreed that more flexibility might increase student participation. He suggested FC consider that next year.
 - v) FAS – The Provost also suggested FC consider ways to make the FAS simpler or easier to fill out.
 - d) FC Accomplishments for the last 5 years will be sent to Pelissero, Garanzini, Attoh and Brubaker by the end of the week.
 - e) FC Allocations: N. Lash
 - i) Size (37 seats) may need to be reduced. We have a lot of absences and we often have trouble filling seats for each unit/school.
 - ii) Comparing percentage of total faculty per school versus the percentage of representation on FC: CAS are nearly half of the LUC faculty, but on FC they are 33% of the representation. SSOM are about 12% of LUC faculty, but are 22% of the representation on FC. These numbers are based on Basic Science rep-

resentation and may need to be adjusted. HSD has a large number of faculty (about 700) and we need to clarify how we will revise the representation.

- f) Faculty Member of the Year – we need nominations

- 4) Report from University Senate: T. Classen
 - a) Diversity committee recommended adding a core course on diversity. No motion was passed. The committee was asked to come up with a more specific recommendation.
 - b) Climate action plan presentation. There is a goal to be carbon neutral, though a specific date for carbon neutrality was not recommended yet.

- 5) Report from HSD: G. Battaglia – nothing new this month.

- 6) Discussion of recommended Handbook revisions by AAUP: Ramsey has included a synopsis of the recommendations below. (see attached)

#1 Dismissal for Cause

Discussion about why language related to legal representation was removed. The process is internal and legal representation would/could be involved after this process. The Handbook does state that legal representation is prohibited in the grievance procedure, but this isn't the section we are replacing. If the appeal is lost, a faculty member would likely consult a lawyer as well.

Vote to approve: unanimous

#2 Establishment of a Faculty Hearing Committee

Vote to approve: unanimous

#3 Treatment of Librarians and Archivists

Vote to approve: unanimous

- 7) Visit by Tom Kelly, Senior Vice President of Administrative Services, and Natasha Mmeje, Assistant Director of the Wellness Center, on Title IX in the university procedures. (4 pm)
 - Kelly: The Attorney General of IL has additional requirements on top of the Federal requirements. We don't expect you to address the issues, but to have resources in order to have others address the issues.
 - Comment: There are concerns among faculty about the mandatory reporting requirement. We hope you will spend some time addressing that.
 - Question: Regarding the graph of "reporting" is that students reporting or faculty reporting?
 - Kelly: That is all reporting, regardless of student or faculty status.
 - Question: Regarding language on slide 1 on page 4 –
 - Kelly: You are a mandated reporter under IL law for minors.

The Faculty Handbook lists duties of faculty, including reporting crimes, academic integrity, etc. You are required to report any prohibited sexual relations between faculty members and students.

Comment: (back to the slide on page 4) The phrase “Just like any other concerning behavior or misconduct on campus” is ambiguous, as there are other behaviors that may be concerning that would not be reported.

Question: What about “safe spaces” in classroom discussions? What if a student reveals something as part of a classroom discussion? Are we obligated to report that?

Kelly: I would like a group of faculty to give us a list of classes that would qualify as “safe spaces” with some criteria. When students enroll, they can be informed of the reporting and resources that are available.

Comment: including LGBT issues, and in particular transgender issues regarding housing, name changes or pronoun selection, which are not addressed by the university in policy.

Question: What are the ramifications of a faculty member who does not report, as mandated, even if asked by the student involved not to report it?

Kelly: There would be ramifications because that is a duty laid out in the Faculty Handbook.

Mmeje: As early as possible in the conversation, you should say that under these circumstances, I have to report this. Students are told during orientation, the information is listed on the CCRT website.

Kelly: It’s also included in the UNIV course that all freshman have to take.

Question: Was this information sent out to HSD? I don’t recall getting this and no one here got it.

Kelly: Yes, it was distributed through Faculty Administration. We’d be happy to come out and do meetings or workshops.

Comment: Several faculty present commented that they had not received this information.

Question: Is there a confidential resource at HSD?

Kelly: There is a psychologist out there and Perspectives will recommend resources.

Mmeje: You can also contact the sexual assault advocates.

Question: What protection does a person reporting have, particularly if the person being reported about is senior to you?

Kelly: It’s not unique to this. You may report someone senior to you regarding financial issues, or research ethics, etc.

The reporting doesn’t go through your chain of command, and if it involves a member of senior administration, they would not get that report. There are general whistleblower protections, not in the Faculty Handbook, but in the University policies, that would protect the faculty member in that case. I’ll find that policy and forward that on to Gordon.

Mmeje: Outreach and Education – We have a Department of Justice grant which allowed us to organize a Community Response Team. Students have an online education module which they take before they come to campus. Title IX investigators come in to do training for students. There’s a 24-hour advocacy line for students. YWCA support groups. “I’m Here for You” Training, 2-hour training. We will come to any department to do this training. If your department or dean is interested

in this, please contact us. There is an app for that! The movie “The Hunting Ground” will be shown on April 20th and 21st.

8) Other business

- a) Dean Search – At the bottom of a recent memo to CAS Deans, the Provost has requested suggestions for new dean of CAS and an evaluation of Fr. Tom Regan who is acting dean. In the memo, the Provost indicated that Fr. Regan has agreed to take the position if appointed. This suggests that there will not be a national search for a new full-time, permanent CAS dean. This discussion is not a reflection on Fr. Regan or his time as interim dean; it is a comment on the process and our inclusion in it.

Miller: Would FC consider a motion supporting a national search?

Shanahan added that the Provost suggested that the memo be widely distributed.

Discussion: Some CAS faculty have been sent the memo, but not all.

Miller added that the AAUP have sent a motion recommending a full, national search be undertaken.

Lash suggests a poll of the faculty would be an indicator of whether a national search needs to be undertaken. Miller pointed out that is exactly what this memo was intended to do.

Miller will provide language for a motion and a vote will be taken by email.

- 9) Motion to adjourn: Moved: Lash; Seconded: Shanahan. Meeting adjourned at 5:00 pm.

Respectfully submitted by
Tracy Ruppman, MSLIS, Secretary

Discussion of AAUP Chapter Proposed Changes to the Faculty Handbook

Faculty Council – 25 Mar 2015

The following is a recommendation of the Executive Committee for proposed changes to the Faculty Handbook. Numbers 1 and 2 refer to Chapter 7, Section B of the Faculty Handbook. These would replace the last three sentences of this section.

1. Dismissal for Cause:

The essential elements of a dismissal proceeding are (1) an adequate statement of charges, (2) the opportunity for a pre-termination hearing before an elected body of peers, (3) the charges presented by the administration should be based on clear evidence in the existing employee record, (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 Faculty Appeals Committee.

Explanation: Loyola's present procedures treat a dismissal as a grievable matter subject to the same due process procedures as a non-reappointment 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. This proposed change puts the burden of proof of an allegation on the Administration. Detailed written charges must be given to the faculty involved. It provides an opportunity for the faculty member to have a peer reviewed hearing by the Faculty Hearing Committee prior to formal charges considered by the senior academic officer. 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

There will be a Faculty Hearing Committee whose majority members are selected from the Faculty Council with the following charges:

“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.”

Explanation: This addition 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 was eliminated during Fr. Garanzini's tenure as President.

3. Treatment of Librarians and Archivists in appeals: Italics to be inserted in Chapter 7, Section E1.

“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.”

Explanation: This addition allows Librarians and Archivists to have 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. Since these individuals are often tasked to teach workshops as part of their duties, they should have the same appeals rights as other faculty. They are also full-time employees of Loyola.