

Faculty Handbook Revisions Committee
June 24, 2015

Members Present: Cynthia Waskowiak, Matt Arterburn, Marc Fried, Laura Stephenson, Nancy Tate, Jalen Lowry

Guest: Jared Denton, Law Student Extern

Discussion:

We began discussing the examples of termination procedures that Matt pulled from other schools. At other schools, a committee holds a hearing then writes a report and submits a recommendation to the president. If the committee and president differ, the decision automatically goes to the board, which implies the president's decision doesn't count. We discussed how here at Washburn, the President is ultimately responsible to the Board so he should make the ultimate decision. It makes more sense for the committee to make a recommendation to the President who decides whether to terminate a faculty member, then give the faculty the opportunity to appeal that decision to the Board of Regents. Since this is a removal of tenure, it should be similar to the tenure process. The Committee likes this better, as symmetry is good and we like the opportunity to appeal to the Board. If appealed, the Board gets all information (faculty statement, committee report, president report, etc.) and makes a decision based on all written documents.

The Committee then discussed the process for selecting the tenure termination committee. We agreed that those who serve must be tenured and selected at random from a list of all tenured. The Faculty Senate executive committee will handle the selection. Faculty can exclude themselves for a conflict, but we wondered if faculty could opt out if they're uncomfortable. Someone wondered if you would get a biased pool if you let people easily back out. We thought it would be okay if someone had a conflict to present to the Senate executive committee and they can decide based upon set criteria.

The current draft of termination that Matt, Randy, and Marc are working on has a committee of nine with five voting members so individual faculty can't be identified as to how they voted. The theory is that faculty on the committee have some fear of their colleagues who learn they voted to terminate a friend or have fear about publicly siding against the president. As we discussed earlier, the committee decision will be a recommendation to the President, not a decision so that would alleviate some fears. We talked about who would actually see the document (the committee's written decision), when, and if the faculty member being terminated needs to know the vote or just the written majority and dissenting opinion.

We decided that a committee of nine is too large but we could start with nine people and give each side (faculty member and VPAA) the chance to strike two, leaving a committee of five voting members. Only the committee will know the names associated with each vote; the report making a recommendation to the President will just be written opinions and not a vote

count. The faculty member, the VPAA, the President and the Board are the only ones that will see the report. We discussed how the faculty should know the committee's rationale to understand if he/she wants to appeal and that the VPAA needs to know in order to understand if the faculty remains working or has some sort of remediation recommendation/performance improvement plan from the President.

As to whether faculty feel comfortable serving on a termination committee and judging their colleagues, Laura thinks tenured faculty have already been in the position of judging their colleagues on tenure and promotion committees, so they will approach it professionally since they know it is not entered lightly. Denying tenure is kind of the same as this, so it shouldn't be too much of an issue. They feel it's an obligation to faculty governance, to welcome in fellow tenured members, as well as protect the standard of tenured faculty at WU by getting rid of those who screw up and serving as a check on administration.

One member wondered if the termination committee would need an attorney to advise about the process since Marc would advise the VPAA. There is also the potential for the VPAA to need an attorney at the hearing because it could be a conflict to advise him then the Board if appealed. Marc will look at other schools who have their own boards to see how they handle logistics. Marc will also review the timelines in the proposed draft; the committee suggested 30-45 days between the notice to the faculty member and the hearing held by the termination committee. In the draft, Matt clarified the documents referenced: "grounds for dismissal" comes from the Dean, a "termination appeal" is the faculty member's statement, the "appeals report" is written by the termination committee, and the "termination decision" is the President's decision.

The legal department's law student extern, Jared, presented examples from actual cases where termination was upheld and just cause was found. Based on his research, he also said courts like to see remediation as much as possible. Someone commented that we need to make sure chairs are trained to do good reviews, which plays a role in these situations. Jared also briefly mentioned that during termination, some faculty were removed to other paid duties, and courts looked at the faculty member to see how they improved themselves when removed.

The Committee decided that we should discuss reasons "for cause" as right now they are pretty broad. We don't want to make them too specific, but they should be efficient and understandable to read. We will review ours to make sure we have the proper categories that cover the types of behavior we wish to cover. Right now, we don't have anything with severity or patterns, or policy violations or safety.

Decisions:

- The process will be that the dean meets with the VPAA about a possible tenure, then the VPAA and tenure termination committee make a recommendation to the president,

who decides whether a faculty member will be terminated. The faculty can appeal to the Board of Regents.

- The Board's review will be on written documents only.
- The Faculty Senate executive committee will randomly select nine tenured faculty members for the tenure termination committee. The Senate executive committee will also handle any conflicts of interest.
- We can move forward with this revision since the budget is set.
- Matt will make changes we agreed upon and update the proposed draft.
- Marc will review the timelines and logistics of the procedure.
- We will review the list of reasons "for cause."

Next Meeting: Wednesday, July 15 at noon, BAKER Room, BTAC