

*Faculty Caucus Minutes*

*April 12, 2006*

*(Approved)*

***Call to Order***

The Senate Chairperson called the Faculty Caucus to order immediately following the Senate meeting.

***Approval of Faculty Caucus Minutes of March 29, 2006***

**Motion:** By Senator Borg, seconded by Senator Winter, to approve the Faculty Caucus Minutes of March 29, 2006. The minutes were unanimously approved.

***04.04.06.03 Academic Freedom, Ethics and Grievance Committee Policies and Procedures – Revised  
(Senator Crothers, Provost Presley)***

**Senator Crothers:** When we discussed the revisions to the AFEGC Policy on March 29, there were concerns about having only the ombudsperson as the individual to go to for the conciliatory process. In this revised document, on page 5, Section VII, we have created a position within the AFEGC called the Voluntary Conciliation Facilitator. This is an AFEGC member, other than the chairperson, who would agree to serve in a conciliation role if, for some reason, someone was uncomfortable going to the ombudsperson. It is our expectation that this position will be rarely, if ever, used, but, hopefully, that resolves whatever concerns there were. That person would not be able to serve on any of the subsequent committees, which is why we have indicated that the chairperson should not serve in that position. We want to keep the chairperson as a neutral arbitrator.

The other changes are for clarification. There were a couple of places in the document where it was not clear whether a referral case, either from FRC or a CFSC, first went to a hearing committee and then an appeal committee or directly to an appeal committee. The intent of process was for it to go directly to an appeal committee. You get your first hearing at FRC or a CFSC and then an appeal through the AFEGC.

You also have a handout of a process flowchart; this process is much more coherent than the old process. First, you have the option to go through conciliation or directly to the Chairperson of the AFEGC. It clarifies that the ombudsperson is the preferred conciliator, but it makes it clear that you have the option of the AFEGC Voluntary Conciliation Facilitator. If you are satisfied with the outcome, the case would come to an end. If it is not resolved, it would then go to the AFEGC to begin a formal process in which there would be hearing, which might lead to a resolution, or it can go on to an appeal.

The final piece of the process is taking the three types of cases that AFEGC deals with and explaining their conclusions. If it is a referral case, the case is automatically referred back to the referring body, which has been the tradition. If it is a grievance case, prior and current practice sends any grievances directly to the Provost. In ethics cases, however, and none of this has been changed from the current policy, it first comes to the Senate Chair. It then goes to the Senate Executive Committee, which then reviews the case to decide if a full hearing before the Faculty Caucus is appropriate. If the Executive Committee decides that it does not merit a full hearing before the Faculty Caucus, the committee would refer any recommendations to the Provost directly. In the case of sufficient breadth or importance, it would come to the Faculty Caucus for discussion. The Faculty Caucus then makes its recommendations to the Provost regarding appropriate sanctions.

There is one other item; in the initial paragraph, “Malicious Charges” are now specifically defined by

copying language directly from the Code of Ethics.

**Senator Alferink:** Under Section II.A.2., it refers to “Faculty Code of Ethics”. The Code that we approved at the last Senate meeting is just entitled the “Code of Ethics”.

**Senator Crothers:** We will strike the word “Faculty”. Additionally, if you go back to Section VII., page 5, in that first bolded paragraph, you will see that there is a web address for the ombudsperson. You will note that it reads, “ombudsman”. At the request of a member of the Executive Committee, that address has been changed to ombudsperson, as well as all of the appropriate links.

**Senator Borg:** Should we not only adopt the word “Faculty” before “Code of Ethics” in this document, but also retrofit it to the Code of Ethics to clarify that we do have a Student Code of Conduct?

**Senator Holland:** The ethics code that we just passed refers to anyone acting on behalf of the university, so it is not specific to faculty. I would like to point out also that in the flowchart there are two lines from the “Ombudsperson” to the “Not Resolved” indicator.

**Senator Crothers:** Thank you. It was not our intent to actually attach the flowchart to the policy.

**Senator Holland:** I would love to see it in the policy. It really makes it clear as to what is happening.

**Senator Crothers:** We will have to talk to the web people about adding it.

**Senator Borg:** We could ask one of our graphic designers to deal with this.

**Senator Fazel:** On page 1, under “Malicious Charges”, you stated that we have added statements to correspond with language in the Code of Ethics. Is it too difficult to amend the Code of Ethics and just add the word malice there instead of copying this language from the Code? The additional language copied is not really relevant to this section of the policy.

**Senator Crothers:** I do think it is relevant and I would recommend keeping the language in. We might want to revise the Code of Ethics and add the word “malice”, but we won’t get to that until next year.

**Senator Fazel:** We are bringing back a couple of polices attached to the ethics code to the Senate; perhaps we could amend the Code at that time by adding the word, “malice”.

**Senator Crothers:** You certainly can, but I don’t see any reason not to have both pieces here. It seems to me that they reinforce one another. In ethics cases, it is very important to make reference to malicious charges up front, because that is arguably the most consequential version of faculty malfeasance.

**Senator Borg:** Senator Fazel, are you asking that we not adopt the bold type under “Malicious Charges” or are you asking that we add the word malice to the Code?

**Senator Fazel:** Both. If we add the word malice to the Code, then we don’t have to repeat that statement in this policy.

**Senator Borg:** I would prefer that the bold language stay in this policy.

**Senator Fazel:** But is it really relevant to malice?

**Senator Borg:** Yes.

**Senator Crothers:** I agree with Senator Borg, but also I think that we can work out any kinks later starting from a better place.

**Senator Fazel:** Malice means that you are bringing charges against people for no legitimate reason. That is different from the language in bold, which talks about being respectful or discriminating.

**Senator Crothers:** There is no question that this is a wedged-in way of dealing with a problem. I am just saying that we can get this done now. But you are right and we can clarify that later. I am happy to have that as an available option for future revisions.

There was no further discussion concerning revisions to the policy and the Faculty Caucus, with the minor revisions made by the caucus, approved the AFEGC Policy unanimously.

*Adjournment*