

APPENDIX A

FACULTY RELATIONS COMMITTEE

1. Creation, Composition, Authority

The Faculty Relations Committee will consist of a Chair, an Informal Procedure Subcommittee, and a Formal procedure Subcommittee. There will be 14 members on the Committee. All members will be full-time faculty members who hold no administrative positions at the College.

At the beginning of the academic year, the Executive Officer of the Faculty Senate shall distribute to all eligible voters (Full-Time **Academic** Faculty)³⁵ a ballot of candidates eligible for election to the Faculty Relations Committee. Voters are requested to nominate a number of eligible candidates equal to the number of vacancies to be filled. Nominations are to be returned to the Executive Officer. The ballots will be reviewed by the Executive Committee and candidates receiving a least two votes will be considered as nominated. If the number of nominees receiving two votes is less than the number of vacancies, all persons receiving a vote will be considered as nominated. The Executive Officer shall then distribute to all eligible voters a ballot of the candidates nominated for election to the Faculty Relations Committee. Voters are requested to vote for a number of candidates equal to the number of vacancies on the committee. The ballot will be returned to the Executive Officer. Ballots may be distributed by conventional mail or using electronic format.³⁶ The ballots will be counted by the Executive Committee and the results announced as is appropriate.

Committee members will be elected for three year terms. At the first election, five members will be elected for three years, five members will be elected for two years, and four members will be elected for one year. The term each member receives will be determined randomly after the first election. All subsequent elections will be held as terms expire, except that members will be elected to fill vacancies in unexpired terms when they occur.

After each regular election, the Committee will elect a Chair and then by whatever means it deems appropriate, will constitute itself into an Informal procedure Subcommittee of eight members. New members filling vacancies in unexpired terms will assume the assignment of the predecessor, but if a vacancy occurs in the Chair's position, the whole Committee shall elect another Chair from among the incumbent members, and then reorganize itself into subcommittees.

The Committee shall utilize the procedures and provisions outlined in this document. Where it is not inconsistent with this document, the Committee will use the standards and policies of the American Association of University Professors (AAUP), including the 1940 Statement of Principles on Academic Freedom and Tenure, the 1968 Recommended Institutional Regulations on Academic Freedom and Tenure (except paragraphs 5, 6, 15), the Standards for Notice of non-reappointment endorsed by the Fiftieth Annual Meeting, and 1872 Recommended Regulations on Procedures for Non-renewal.

³¹ Adopted by the Faculty Senate on April 1, 2020

³⁶ Adopted by the Faculty Senate on April 1, 2020

The Committee has the authority to investigate and mediate disputes between members of the faculty and administrative officers of the College, or between and among faculty members. The Committee may request training in mediation and/or conflict resolution.

The Chair has general administrative supervision over the operations of the Committee, in addition to the functions listed elsewhere in this document. The Chair will schedule and preside over all full Committee meetings.

Except for decisions of no jurisdiction, actions of the Committee may be appealed to the Chancellor within two weeks of the date of decision. The Committee's action will have the force of advice to the Chancellor, and thus may be approved or overruled. However, the Chancellor's review of each case will be based on the facts in the record developed by the Committee. A party may appeal an adverse decision by the Chancellor to the Board of Visitors which may, at its discretion, hear or refuse to hear the case.

A decision of no jurisdiction is conclusive with respect to the Faculty Relations Committee dispute settlement procedures.

2. Commencing Dispute Settlement

An aggrieved party (faculty or administration member) may submit a written request for mediation to the chair of the committee. The request must contain a statement of the conduct about which the faculty member is complaining, the persons involved, the relief requested, and the willingness of the aggrieved party to cooperate with the mediation effort.

The Faculty Relations Committee has jurisdiction over disputes and grievances between or among faculty members and members of the administration. It will not accept dispute settlement jurisdiction where the parties involved have not made meaningful attempts to resolve the dispute through private discussions, where the claims are patently frivolous, where the appropriate relief is not within the power of the College to grant, or where the dispute insufficiently relates to the concerns of the College. A decision that the dispute is not within the Committee's jurisdiction must be made by the whole Committee and requires the support of at least nine Committee members. A decision of "no jurisdiction" must include a written statement of the reasons for the Committee's decision. A copy of this statement will be delivered to the Chancellor and the parties involved.

All parties who use the dispute settlement procedures must honestly and fairly present their cases, and they must conscientiously attempt to resolve the dispute. If the Committee, with concurrence of at least nine members, decides that a party's conduct does not meet this standard, it will issue a written notice to that party, specifying what conduct is believed to violate the standard. The party will then be given the opportunity to appear before the Committee to defend or explain such conduct. If this conduct continues and is insufficiently justified, the Committee, with the concurrence of nine members, may decide to terminate the proceedings. When such termination occurs, the Committee will regard the party provoking termination as having waived its position. The Committee will then prepare a written report, stating the facts and its reasoning. Copies of this report will be given to the parties and the Chancellor.

If the conduct of the parties meets the required standard, and the dispute is within the Committee's jurisdiction, the Committee shall commence informal dispute settlement as described in Part 1: Creation, Composition and Authority. If informal procedures do not resolve the dispute and the dispute qualifies under Paragraph 4, Formal Procedures, the committee will initiate formal procedures.

3. Informal Procedures

After the aggrieved party delivers a written request for dispute settlement to the Chair, the Chair will appoint a panel of three from the Subcommittee for Informal Procedure to hear the case. Members appointed to the panel may not have any interest in the dispute. The panel will choose a member to preside and will be the exclusive informal mediators of the dispute for the Committee.

The panel and the parties will make every attempt to settle disputes informally. In this context, informal procedures require fair written notice of the date and time of the hearing, of the issues involved, and of the procedures described in this document. At the hearing, each side will be allowed to present its position and evidence, but without the aid of counsel or cross-examination. The panel will have sole discretion to deal with the dispute, including discussing the issues and alternative solutions with the parties in an attempt to negotiate a settlement. If such an agreement occurs, the panel will prepare a written statement. This statement will be signed by all parties and delivered to the Chair, who will provide copies to the parties and the Chancellor. Subject to the Chancellor's approval, this agreement will bind the parties and terminate the case unless new material information is introduced.

If the parties cannot reach an agreement after a good faith effort, the panel will conclude its proceedings and make its recommendations. All recommendations must identify the crucial issues and must be supported by findings of fact. The panel will prepare a written report, submitting its recommendation to the Chair. The Chair will provide each party with a copy. If the dispute qualifies for formal procedures, the Chair shall proceed under Paragraph 4, Formal Procedures. If the dispute does not warrant formal procedures, the Chair will forward the panel's report to the Chancellor, who may then endorse or overrule the recommendations.

4. Formal Procedures

The Committee may use formal procedures under the following circumstances:

- a. Unilateral dismissals in violation of indefinite tenure or prior to the expiration of a contracted term;
- b. Violations of AAUP standards for dismissal, academic freedom, or non-renewal; and
- c. Issues of extreme and vital importance to the College as determined by a unanimous vote of the Committee on the basis of the Informal Subcommittee record.

When a dispute qualifies for formal procedures, the Chair appoints a panel of five members from the Formal Procedure Subcommittee who have no interest in the dispute. Each party has one pre-emptive challenge of a panel member. When exercised, this challenge causes the Chair to appoint another subcommittee member to fill the vacancy.

After the formal panel is final, it will choose a presiding member. The panel will then hear evidence, witnesses and arguments, and rule by majority vote on admissibility when the parties contest what should be entered into the record. The panel's decisions are not binding in a court of law, but the panel will conduct the formal proceeding with concern for procedural fairness. The Committee may retain legal counsel for advice.

Each of the parties before the panel will be provided with a complete copy of the record made by the Informal Subcommittee. The issues before the formal panel will be confined to those introduced under the informal proceedings. The panel will provide all parties with reasonable notice of the time and place of the hearing and the procedures contained in this document. Each party will provide the other party and the panel with a complete list of witnesses who will be called so as to allow reasonable time for examination before the hearing.

(Each party has the right to retain counsel at his or her own expense. Each party has the right of reasonable cross-examination of witnesses. The panel has the discretion to determine what is reasonable cross-examination. A verbatim record of the proceedings will be kept. (Who will pay for this record should be decided in advance of the proceeding.)

If one party fails to meet the required standard of conduct or fails to complete the hearing procedures with no reasonable excuse for doing so, the hearing will be terminated in favor of the non- defaulting party.

The Committee will make its decision on the dispute by majority vote. This decision, as well as any dissents, must be written and must be based solely on the hearing record. The opinions must show the supporting findings of fact. The panel will present the entire record and the opinions to the Chair at the termination of the case. The Chair then forwards copies of the record and opinions to the parties and the Chancellor, who may approve or overrule the decision as provided in Part 1: Creation, Composition and Authority.

5. Policy Recommendations

The Committee is authorized to consider issues, exclusive of the dispute settlement, presented by its members or any member of the faculty or administration regarding faculty relations. Recommendations passed by the Committee must be presented to the Faculty Senate for approval. Appeal of the Committee's decision should proceed according to the guidelines presented in this document