

April 16, 2012

From: Faculty Review Committee by Kathleen Ohman, current chair

To: Faculty Senate

Cc: Gregg Kvistad, Provost

This report is submitted in accord with the charge set forth in the Senate Constitution that the FRC report at the close of the academic year “on the process of its deliberations and . . . on any significant general findings to the Personnel Committee of the Senate.”

During the current academic year, the FRC heard only one case, a grievance filed under the Employee Grievance Process. That grievance and the FRC response to it have been well-publicized and will not be addressed specifically in this report.

#### The responsibility of the Faculty Review Committee (FRC)

The FRC is referenced in three University documents: the Senate Constitution; the APT; and the Employee Grievance Process.

1. According to the Constitution, the FRC “shall consider for review, investigation, evaluation and report, three kinds of complaints by faculty members:
  - a) Grievances respecting faculty status, working conditions, and appointments;
  - b) Grievances respecting salary allocations, providing that a pattern of inequity extending over at least a two-year period is alleged; and
  - c) Grievances respecting reappointment, promotion, tenure or dismissal, if the Provost has recommended in the negative and the appellant alleges lack of adequate consideration or violation of academic freedom.”

Some of the points listed below relate to inconsistencies between these documents, and we urge attention be directed to these inconsistencies.

### General findings

The consideration of the one case referenced above and discussion related to it as well as cases which some members of the FRC addressed in past years resulted in the points presented below. The current members of the FRC have not reached consensus on all points, and this has been noted.

The Constitution does not charge the FRC with making recommendations, and thus this report offers none. Some recommendations, however, are implicit in the points that follow.

4. (Point of some disagreement). Questions were raised among FRC members in terms of the scope of its inquiry in the case it addressed this year. In this case, the majority of the FRC chose to rest on questions of fair procedures and not to then address questions of academic freedom. One member – and there may be more who believe this – argued the FRC should have completed

c.) The Employee Grievance Process requires report to the grievant and the respondent but no one else.

Note: The following two items have been raised by one or more current members of the FRC, but they have not been discussed by the membership. They thus include no implicit recommendations and remain for further discussion.

7. (Point for discussion). This matter relates to the internal process of the FRC. The custom of the FRC in at least the past six years in individual cases has been for the chair to draft a report and circulate it to all members for review and suggested revisions. Suggestions are then incorporated and a final draft is circulated to the FRC membership before it is filed according to the requirements stated above. The final report notes the number of members who have endorsed it, dissented from it, or abstained. At least one member of the FRC has argued that FRC practices should make it clear that members may file, along with the majority report, a dissenting or supplementary report that is also circulated to the FRC membership before the final report is submitted, giving members the opportunity to endorse it. There is nothing to preclude this, but the time frames within which the FRC is required to review a case and submit a report make such dialog, while desired, problematic.

8. (Point for discussion). The APT states in section 7.4.2 that the FRC, in its report on a specific case, "shall not recommend for or against reappointment/promotion/tenure, but shall limit itself to questions of "adequate consideraec2 (nt) 0.2 (d ).2 (t) 0.2 (e)0.2 ( c) 0.2 (ons) -0.2 (i) 0.26523 708.96cm B :