

Faculty Senate Meeting
Tuesday, January 19, 2010
3:30-5:30 p.m. – Adelbert Hall, Toepfer Room

AGENDA

3:30pm	Approval of Minutes from the December 21, 2009 Faculty Senate meeting, <i>attachment</i>	C. Musil
3:35pm	President's Announcements	B. Snyder
3:40pm	Provost's Announcements	B. Baeslack
3:45pm	Chair's Announcements	C. Musil
3:45pm	Report from the Executive Committee	A. Levine
4:05pm	Report on Faculty Senate Budget Priorities	B. Baeslack
4:15pm	Report on Funding for Strategic Alliance Proposals	B. Baeslack
4:30pm	Edits to Handbook on Grievance Process <i>attachment</i>	C. Cano
4:50pm	Update on New Conciliation/Mediation Program	W. Gingerich
	New Business	

Faculty Senate Meeting

Tuesday, January 19, 2010

3:30-5:30 p.m. – Adelbert Hall, Toepfer Room

Members Present

Keith Armitage
W. A. “Bud” Baeslack II
Cynthia Beall
Christine Cano
Mark Chance
Mary Davis
Mark DeGuire
Faye Gary
Julia Grant
Susan Hinze
David Hutter
Elizabeth Kaufman

Cheryl Killion
Kenneth Ledford
Alan Levine
Ken Loparo
Leonard Lynn
Frank Merat
Shirley Moore
Diana Morris
Carol Musil
G. Regina Nixon
John Orlock

Daniel Ornt
Cassandra Robertson
Benjamin Schechter
Mark Smith
Barbara Snyder
Glenn Starkman
Susan Tullai-McGuinness
Michele Walsh
David Wilson
Liz Woyczynski
Nicholas Ziats

Members Absent

Kathryn Adams
Bruce Averbook
Timothy Beal
Jessica Berg
Nabil Bissada
Robert Bonomo
Daniela Calvetti
Susan Case
Martha Cathcart
Gary Chottiner

Angela Graves
Peter Haas
Christine Hudak
Jim Kazura
Kalle Lyytinen
Kathryn Mercer
Joseph Prah
Rodney Pratt
Faisal Quereshy
Roy Ritzmann

Jonathan Sadowsky
Samantha Schartman
Scott Shane
Sorin Teich
Betsy Tracy
Shengbo Wang
Georgia Wiesner
Gary Wnek
Terry Wolpaw

Others Present

Christine Ash
Richard Bischoff
John Clochesy
Donald Feke

Ginny Leitch
Glenn Nicholls
Kathy O’Linn
Timothy Robson

Chuck Rozek
Donald Stewart
Jeff Wolcowitz

Call to Order

Professor Carol Musil, chair, Faculty Senate, called the meeting to order at 3:30 p.m.

Approval of minutes

Upon motion, duly seconded, the minutes of the Faculty Senate meeting of December 21, 2009 were approved as submitted.

President's announcements

President Barbara Snyder announced that the Office of Undergraduate Admission received a record number of over 9,000 applications. She thanked the faculty for their recruiting efforts. The university is looking to improve its yield rate of admitted students to enrolled students. The President will write a letter to each of the admitted students; she and Provost Bud Baeslack will attend many of the open houses for admitted students. President Snyder reported that over three dozen families had contacted the new emergency childcare service, and about a dozen families had used the service since it was implemented earlier this year. The service has received positive reports. The university's annual report will be issued shortly; its online capabilities are enhanced with more video clips and the ability to accept ongoing, updated reports. President Snyder commented on the week's Martin Luther King Day celebrations. She encouraged people to attend Donna Brazile's lecture in Amasa Stone Chapel. There was an inquiry about whether the applicant pool met the demographic or academic goals of the university. Mr. Rick Bischoff commented that it is still too soon to tell. President Snyder commented on the importance of recruiting efforts by current students, particularly students of color, in order for the university to successfully recruit a diverse student body.

Chair's announcements

Prof. Carol Musil, chair, Faculty Senate said that she will represent the Faculty Senate at the February 19 meeting of the Board of Trustees. She recently attended a meeting of the Academic Affairs and Student Life Committee of the Board of Trustees. The committee discussed with Vice Provost Donald Feke the creation of the new Faculty Senate Committee on Undergraduate Education (FSCUE). There was some concern that the Faculty Senate would be unable to efficiently review all of the changes in academic policies approved by the FSCUE. Prof. Musil will represent the Faculty Senate at an upcoming meeting called by Prof. Faye Gary, chair, Faculty Senate Committee on Minority Affairs with several other committees that support diversity efforts on campus.

Chair-elect's announcements

Prof. Alan Levine, chair-elect, Faculty Senate said that the Executive Committee reviewed the edits to the Faculty Handbook proposed by the Faculty Senate *ad hoc* Committee on Grievance Process Reform. The Executive Committee made some minor edits. Prof. Wally Gingerich met with the Executive Committee to introduce the new conciliation and mediation program. Prof. Gary Wnek, chair, Faculty Senate Committee on Graduate Studies, introduced the dual degree program between the School of Dental Medicine and Peking University. As no academic processes or policies were changed, the dual degree program was not brought forward to the Faculty Senate. Carolyn Gregory, vice president, Human Resources presented the finalized interpretive guide for the Faculty Parental Leave policy which will be posted on the websites for the Faculty Senate, the Provost's Office and Human Resources.

Report on Faculty Senate Budget Priorities

Provost Bud Baeslack commented on funding the 2009-2010 Faculty Senate budget priorities. The Senate's number one priority was to seed good undergraduate academic advising practices; this will cost \$50,000 per year for two years. The second priority was to redesign the websites of the Faculty Senate, the Faculty Handbook, and the Senate By-laws; this will cost at least \$5,000. The third budget priority was a study to determine if the university could reasonably provide eldercare benefits to faculty and staff; this will cost at least \$5,000. Provost Baeslack confirmed that funding has been provided for all three endeavors. He said that the Espresso Book Machine was still being evaluated. The other top priorities, outcome assessment and support for international students are priorities of the Provost's Office; planning on these matters continues and funding will be available in subsequent years. For the

2009-2010 year the Provost's Office will provide \$30,000 for an improved international undergraduate student orientation.

Report on Funding for Strategic Alliance Proposals

Provost Bud Baeslack presented the list of funded proposals from the strategic alliances. Twenty four proposals were submitted by November 9. Twelve proposals were selected and total of 3.935M was distributed. Most proposals received \$200,000 to \$700,000; three proposals received \$35,000 to \$65,000. One of the senators inquired about the future solicitation of proposals. Provost Baeslack commented that the strategic alliances will have varying life spans. Also, some funded projects address just one aspect of the strategic alliance; so alliances may qualify for new funding for different projects in future years. A senator commented that some of the strategic alliances may create new education programs, in addition to pursuing research projects. One of the senators inquired about future funding for alliance proposals. Provost Baeslack remarked that the development office generally doesn't solicit funding for seed proposals. Current funding comes through the Office of Tech Transfer. It is hoped that these alliances will perform well and be in a stronger position in a few years to attract outside funding from federal sources or from the fundraising efforts by the university's development office. Provost Baeslack said that hopefully the efforts to support the strategic alliances will allow Case Western Reserve to create more institutes. Provost Baeslack thanked Prof. Bob Miller and Vice President Chris Ash for their work to support the funding efforts of the strategic alliances.

Edits to Handbook on Grievance Process

Prof. Christine Cano, chair, Faculty Senate Committee on By-laws, presented the edits to the Faculty Handbook which were drafted by the Faculty Senate *ad hoc* Committee on Grievance Process Reform and approved by the Faculty Senate Executive Committee. She thanked Prof. Bill Leatherberry who chaired the *ad hoc* committee for his efforts. "Inter-collegial" conflicts will no longer be eligible for grievance hearings. The Nominating Committee will select faculty who will be eligible to serve on the hearing committees. The hearing committees will be reduced in size from seven to five faculty members to make scheduling the hearings easier. The chair of the hearing committee will have the ability to focus the documentation and witnesses put forth by the grievant. A senator questioned whether the new conciliation and mediation program could be a mandatory pre-cursor for "inter-collegial" conflicts, rather than disallowing "inter-collegial" conflicts from the grievance process. Prof. Leatherberry responded that the *ad hoc* committee felt that the grievance process, which was adversarial by nature, did more harm than good when conflicts were "inter-collegial." Moreover, mediation must be voluntary; it can never be mandated. A senator proposed an edit for gender-neutral language. Upon motion duly seconded, the changes to the Faculty Handbook were approved as amended.

Update on New Conciliation/Mediation Program

Prof. Wally Gingerich, the faculty member who will serve as the conciliation counselor during the 18 month pilot program, gave a presentation about the new conciliation and mediation program. The program begins immediately. Prof. Gingerich has met with the Deans Council where the deans expressed widespread support. The conciliation and mediation program will be very confidential; the substance of the discussions will go unrecorded. Resolution occurs only by voluntary consent. The mediator serves a completely neutral role. When a conflict cannot be handled without bias on campus, or when a conflict has escalated, outside mediators can be hired to mediate the conflict. Prof. Gingerich thanked Prof. Bill Leatherberry, chair, Faculty Senate *ad hoc* Committee on Grievance Process Reform and the committee for their work in proposing the new conciliation/mediation program. Prof. Gingerich also thanked President Barbara Snyder and Provost Bud Baeslack for their support and their willingness to hire outside mediators when necessary.

A senator inquired about the frequency of the grievance hearings. Prof. Gingerich responded that there are no more than one or two grievance hearings per year, but the conciliation and mediation process has the potential to create broader interest. While there may be only a few mediation cases at the start, hopefully the response to those cases will be positive and the demand will grow. Another senator inquired about a training program for on campus mediators. Prof. Gingerich responded that when the 18 moth pilot is finished, and it is decided whether or not to implement the program permanently, the university may want to consider training more on campus mediators instead of, or in addition to, using outside mediators.

New Business

Prof. Musil, chair, Faculty Senate called for new business. Prof. Michele Walsh, the faculty senate representative to the Outside Interests Committee (OIC), said that the OIC conducts business by quorum and that a minimum number of faculty members must be present to approve decisions. All faculty members on the OIC have been asked to find an alternate. Prof. Christine Cano volunteered to serve as the alternate faculty senate representative to the OIC to attend meetings when Prof. Walsh was unavailable.

Adjournment

Upon motion, duly seconded, the meeting was adjourned at 5:15 p.m.

APPROVED
by the
FACULTY SENATE



ELIZABETH H. WOYCZYNSKI
SECRETARY OF UNIVERSITY FACULTY

**APPENDIX TO
FINAL REPORT OF THE
FACULTY SENATE *ad hoc* COMMITTEE
ON GRIEVANCE PROCESS REFORM**

These proposed amendments to the Section V of Chapter 3 of the Faculty Handbook are intended to implement the recommendations of the Faculty Senate *ad hoc* Committee on Grievance Process Reform. Existing provisions are shown in regular type. Provisions that would be deleted are shown by ~~strikethrough~~ and new text is in *bold italic*. Explanatory comments with respect to the changes are at the end of the section in italics inside brackets [*brackets*].

V. GRIEVANCE PROCEDURES

A. Introduction

The purpose of this Section V is (1) to provide a source of informal confidential advice on faculty personnel matters to members of the faculty, which source can serve the function of informal conciliation where appropriate; and (2) where the informal mechanisms are not successful in resolving the dispute, to provide a mechanism for the formal adjudication of disputes about personnel practice. This adjudication mechanism, described in Section C below, is substantially similar to the procedures described in Section IV, D of the Policies and Procedures. The difference is that procedures under IV, D are the result of a complaint by the faculty or by the administration against an individual faculty member, while procedures under V, C are the result of a complaint by an individual faculty member against the administration, or officer thereof, or against a faculty member or group. Allegations of research misconduct and sexual harassment shall be sent to the appropriate committee or administrative offices as outlined in Section IV, D, 1. The chair of the Faculty Senate shall represent the University Faculty in overseeing the grievance process. [*No changes.*]

B. Informal Advice, Investigation, and Conciliation

In most cases, a faculty member who desires information about and assistance with personnel decisions which may affect him or her will consult with his or her own colleagues or his or her own dean or department chair. However, there may be cases in which the faculty member needs such advice from a knowledgeable source outside of his or her own faculty. An example of this would be where an adverse recommendation on promotion, tenure, or retention has been made at the departmental level, and the individual believes that the proper procedures were not followed in making the decision. For such cases, the Committee on Faculty Personnel is available for informal advice, investigation, and conciliation on the informal request of any faculty member. In such a case, the chair of the committee shall maintain as confidential the source and nature of the request and shall not reveal it to the Faculty Senate, to the administration, or to any other group or person without the express consent of the faculty member. The chair and other committee members will provide information and counsel to the faculty member, investigate the facts, and where appropriate, offer its services as a mediator. The members of the Personnel Committee will continue in their role as mediators of disputes and may be provided formal

training in the process of mediation. However, the functions of investigation and mediation shall be performed only to the extent they can be without a breach of the obligation of confidentiality.

[No changes to this section are proposed at this time. The Committee and the Administration have agreed to the Mediation Pilot Program described at pp. 5-7. Implementation of the pilot program is intended to supplement the procedures described in this section. It is expected that complainants and respondents would, during the period of the Pilot Program, choose to use the services provided in the Pilot Program rather than the procedures in this section. They will be required, as a condition of the service, to waive their rights to use this existing process. If the pilot program is successful, by-laws amendments to make it permanent, with whatever changes and adjustments are needed, will be proposed at a later time.]

C. Formal Grievance Procedures.

1. Scope of Procedures.

a. A formal grievance complaint may be filed by any person (hereafter referred to as the complainant) who is a full-time member of the University Faculty, as defined in the “Constitution of the University Faculty.” *[No changes.]*

b. A grievance complaint may be filed and this procedure invoked only if the complaint alleges a dispute about “personnel practice,” which means a conflict between a faculty member and a person with administrative or supervisory authority over that faculty member (e.g., a dean, a department chair, or a member of a promotion and tenure committee) with respect to some employment-related adverse action against the faculty member. An “inter-collegial conflict” is a conflict between faculty colleagues about academic matters, other than a decision to take employment-related adverse action, when such a conflict seriously impairs the effective functioning of the academic unit. Examples include disrespectful behavior, refusal to participate or to include others in the decision making process within the unit, and airing conflict to outsiders, thereby causing damage to the grievant, the unit, or the University. An “inter-collegial conflict” may not be the subject of a grievance complaint. This formal grievance procedure does not apply to such conflicts. [This new subsection differentiates personnel practice disputes from inter-collegial conflicts. Inter-collegial conflicts will, during the Pilot Program be directed to the Conciliation Counselor and may be sent to the outside Mediator. The ad hoc Committee believes that the existing grievance procedure does not apply to such conflicts but that a mediation process, with either the Conciliation Counselor or a Mediator, should be available to facilitate resolution. The ad hoc Committee believes that an adjudication process like the grievance procedure is not appropriate for such conflicts.]

~~b~~-c. Such a grievance complaint may be filed against any person (hereafter referred to as the respondent) who is a member of the University Faculty or ~~an officer of the~~ member of the university administration, except the president. A grievance complaint may not be filed against the University Faculty, the Faculty Senate, or the Board of Trustees. *[This subsection becomes subsection c.]*

ed. Formal grievances shall be heard in any case in which it is charged that the respondent has taken action which adversely affects the complainant and which action is a violation of the “Constitution of the University Faculty,” **Chapter 3 of the Faculty Handbook**, the by-laws of the Faculty Senate, the by-laws of a constituent faculty or of a department, these policies and procedures, or of accepted norms of university academic personnel practice. Action on promotion and tenure matters is subject to these procedures only if it is charged that the respondent(s) failed to follow prescribed procedures or used an impermissible standard (see Section 1 above). A hearing committee which considers a grievance involving a promotion or tenure matter may not in its recommendations substitute its judgment with respect to the merits of the action for the judgment of any other committee, department, or faculty which is part of the normal review process (see Section 1 above). *[This subsection becomes subsection d.]*

de. Only the chair of the Faculty Senate and the secretary of the Faculty Senate may communicate with the hearing committee regarding interpretation of the formal grievance procedure as stated in the Faculty Handbook. *[This subsection becomes subsection e. No other changes at this time.]*

2. Complaint.

a. Formal procedures are initiated by filing with the secretary of the Faculty Senate a written grievance complaint addressed to the chair of the Faculty Senate. The complaint shall identify by name the complainant and all respondents, and shall state ~~in detail the action complained of, the norm or rule alleged to have been violated, and the resolution sought.~~ ***the grievance briefly and clearly. The complaint shall refer specifically to the “Constitution of the University Faculty,” Chapter 3 of the Faculty Handbook, the by-laws of the Faculty Senate, the by-laws of a constituent faculty or of a department, these policies and procedures, or other accepted norms of university personnel practice that were allegedly violated. The complaint shall state the remedy requested.*** If the complainant does not have the names of the respondents, he or she may identify the faculty, committee, or other group, and the chair of the Faculty Senate shall identify the appropriate individuals and designate them by name as respondents. Additional respondents may be added to the grievance proceedings at any stage subject, however, to such requirements of notice as the hearing committee may impose in the interest of fair and expeditious process. Upon receipt of the complaint, the secretary shall send copies thereof to the respondent and the chair of the Faculty Senate. The respondent shall submit a written answer to the complaint and supporting documents within two weeks after delivery of the complaint, unless for good reason the chair of the Faculty Senate grants an extension. Upon receipt of the answer, a copy thereof shall be forwarded by the secretary to the complainant and to the chair of the Faculty Senate. *[The changes are meant to help the complainant focus the grievance complaint.]*

3. Selection of the Hearing Committee

~~a. The panel members provided for in Section IV, D, 3 shall constitute the members for a hearing committee under this section.~~ ***a. Creation of Grievance Panel. In the spring semester of each academic year, the secretary of the Faculty Senate shall solicit faculty members interested in serving on hearing committees during the following academic year and shall make a list of those faculty members who respond. At the same time, the secretary shall make a list of those faculty members who have served as members of recent grievance committees or***

as advisors to either complainants or respondents. The secretary shall provide the lists to the Faculty Senate Nominating Committee. The Nominating Committee shall nominate twenty-five member of the University Faculty to serve on the Grievance Panel from which members of hearing committees are to be chosen during the following academic year. The Nominating Committee shall designate up to eight of the panelists nominated as eligible to serve as chair of a hearing committee. The panelists so designated shall have had multiple experiences with the grievance process as members of hearing committees or as advisors to complainants or respondents or shall have other relevant training or experience. [The panel is enlarged and experienced panelists are to be designated as potential chairs for hearing committees. Section IV, D, 3, a currently provides for three faculty members to serve on each seven-member committee. Two must be Faculty Senators and one must be a member of the Personnel Committee. The changes are to expedite scheduling of hearings and to provide chairs who can manage the hearing procedures efficiently. The hearing committees are reduced to five members and the requirement that three individuals designated under Section IV, D, 3, a serve on all hearing committees is eliminated. This provision substitutes for the existing Section IV, D, 3 only with respect to grievance hearings. It leaves that section unchanged with respect to disciplinary hearings (meaning hearings with respect to allegations of conduct violating professional standards or university standards or regulations on the part of a faculty member which may lead to disciplinary action by the University against a faculty member). Unless or until Section IV, D, 3 is changed to require the process described here to select the group of faculty members available to serve on disciplinary hearings it will be necessary to appoint two groups—one for Section IV matters and this one for Section V matters. Some faculty members could, of course, be appointed to both groups simultaneously.]

b. The hearing committee shall consist of five members. The selection of members of the hearing committee will proceed in the following manner. From the panel the respondent shall first appoint ~~two~~ **one** members and the complainant shall then appoint ~~two~~ **one** members. **The chair of the Faculty Senate shall then appoint three members of the panel, at least one of whom shall be a person eligible to chair a hearing committee. The chair of the Faculty Senate shall designate the chair of the hearing committee.** If either the complainant or the respondent fails to take advantage of his or her privilege **of appointing a committee member** or if a group of respondents cannot agree among themselves upon such selection, then the remaining members of the hearing committee shall be appointed from the **Grievance Panel** by the chair of the Faculty Senate. ~~The chair of the Faculty Senate may replace hearing committee members if the chair determines that these members are~~ **If the chair of the hearing committee is unable to serve or has a conflict of interest, the chair of the Faculty Senate may remove him and designate a replacement from the Grievance Panel to serve as chair for the hearing committee. If a member of the hearing committee is unable to serve or is removed because of conflict of interest, the chair of the Faculty Senate shall designate a replacement from the Grievance Panel.** Timeliness of the grievance process is important, and the committee should consider evening and weekend meetings. *[The size of the hearing committee is reduced and the composition revised to expedite scheduling of hearings.]*

c. When a party claims, or it appears to the chair of the hearing committee, that a conflict of interest exists between the party and a member of the hearing committee, the chair of the

hearing committee shall consider and decide whether to remove the member from the committee.

When a party claims, or it appears to the chair of the Faculty Senate, that a conflict of interest exists between the party and the chair of the hearing committee, the chair of the Faculty Senate shall consider and decide whether to remove the chair of the hearing committee.

Only the following grounds justify removal of the chair or a member of the hearing committee: 1) The chair or member is a witness or is otherwise directly involved in the dispute. 2) The chair or member has a history of conflict with the complainant or respondent. 3) An actual or apparent serious power disparity exists in the personal relationship between the chair or member and the complainant or respondent. 4) The chair or member is unable to approach the issues in a fair and neutral way.

~~e. Prior to each hearing, the hearing committee will meet to select a chair and review Section 4, "Conduct of the Hearing." [This section is eliminated because of the decision to select an experienced chair and have that person work with the parties before the hearing to focus the matters to be heard as provided in V, C, 4.]~~

d. No persons involved in the grievance procedure shall discuss the grievance except as provided herein. *[This subsection becomes subsection c. No other changes.]*

4. Conduct of the Hearing.

a. Copies of the complaint, supporting documents, the respondent's answer, and all other material shall be made available to both parties and the hearing committee by the Office of Secretary of the Faculty Senate. The secretary shall work with the parties and the committee to schedule a hearing at the earliest possible date. Notice of the time and place of the hearing shall be sent to all parties. The procedure shall be implemented as expeditiously as possible. ~~Either party may offer additional documentary material during the pendency of the hearing, and such additional material shall be accepted. All additional material to be considered must be submitted through the Office of the Faculty Senate.~~ *Not less than ten calendar days before the hearing, the parties shall submit to the chair of the hearing committee their lists of witnesses and any documents they plan to offer as evidence at the hearing. The chair of the hearing committee shall meet with the parties in person or by conference call to discuss the witness lists, the documentary evidence to be introduced, and possible stipulations of fact. The chair of the hearing committee shall work with the parties to assist them in focusing the issues to be decided and to minimize or eliminate the offering of irrelevant or repetitive testimony or documents. If either party demands to present a witness or a document that the chair believes to be irrelevant or repetitive, the chair of the hearing committee may rule the testimony or document inadmissible. The inadmissibility ruling shall be communicated to the other members of the hearing committee and the committee may overrule the chair by a vote of three of the five committee members.* The chair of the hearing committee may also request that additional documentary material be furnished by either party. ~~In either case~~ *The additional material so provided by a party shall be made available to the parties other party and to the committee members unless it is ruled inadmissible by the chair of the hearing committee.* The availability of documents is subject to the rule that the confidentiality of any documents accepted

by the University in confidence shall be maintained. Thus, for example, letters written by external referees or reviewers submitted in connection with a promotion and/or tenure action shall not be disclosed to a complainant if they were received in confidence. *[Changes are meant to expedite the hearing process by having the chair work with the parties before the hearing to focus the dispute and the evidence to be presented.]*

b. The complainant and respondent shall have the right to be present during the hearing, except for the deliberations of the committee and for the examination of witnesses concerning confidential material. *[No changes.]*

c. Unless specifically requested to be absent by the chair of the hearing committee, the secretary of the Faculty Senate shall be present at the hearing to advise the hearing committee on procedure and to make the audio tape recording. Otherwise, the hearing shall be closed to all except the hearing committee, complainant, respondent, witnesses and advisors. The hearing committee shall maintain the confidentiality of closed proceedings. *[No changes.]*

d. The burden of proof (by preponderance of the evidence) shall be borne by the complainant. The hearing committee shall not be bound by the rules of evidence applicable to legal proceedings but may consider any relevant evidence with due regard for its probative value. If witnesses are presented by either party, the other party and the committee shall have the right to cross-question any witness. The hearing committee may call its own witnesses, in which case the parties shall also have the right to cross-question such witnesses. Witnesses shall be present at the hearing only while presenting their testimony. The hearing committee may examine the complainant, the respondent, and all witnesses. However, any member of the Committee on Faculty Personnel who was involved in informal counseling, investigation, or conciliation, pursuant to Section B above, shall not testify as to anything said or done during such informal proceedings without the express consent of the complainant. *[No change to this section at this time. Parties using the services of the Conciliation Counselor or an outside Mediator under the Pilot Program should be required, as a condition of the service, to agree that the service is confidential. They should be required to agree that the Conciliation Counselor and the Mediator shall not be called to testify or otherwise report on the counseling or mediation process in a subsequent grievance proceeding without the consent of the Conciliation Counselor or Mediator and all parties involved in the counseling or mediation.]*

e. During the pendency of the grievance process and at any stage thereof prior to final resolution, the complainant may withdraw the complaint and terminate the grievance proceeding, provided, however, that the respondent shall be given notice of the withdrawal and shall consent in writing to the termination. If the respondent does not consent to the termination, then the proceeding shall continue to its final conclusion. *[No changes.]*

f. An audio tape recording of each hearing session shall be made by the hearing committee and preserved in the university archives. Access to the recording shall be limited to the complainant, respondent, and members of the hearing committee. Requests shall be addressed to the chair of the Faculty Senate. Upon approval, the tape shall be made available for review in the Office of the Secretary of the Faculty Senate. To preserve confidentiality, no other taping or copies of these tapes will be permitted. *[No changes.]*

g. The complainant and respondent each shall have the right to an advisor of his or her choice, chosen from the faculty or administration. Such advisor shall have no right to participate in the proceedings except to advise his or her principal. *[No changes.]*

h. The order of the hearing, unless the chair *of the hearing committee* rules otherwise, shall be as follows:

1. Complainant's opening presentation of his or her case, followed by questions by the hearing committee, if any;
2. Respondent's presentation of his or her defense, followed by questions by the hearing committee, if any;
3. Complainant's witnesses;
4. Respondent's witnesses;
5. Rebuttal by complainant;
6. Surrebuttal by respondent.

Normally, witnesses, other than the complainant and respondent shall be present at the hearing only when testifying. *[No changes.]*

i. As soon as possible following the hearing, the hearing committee shall make its findings of fact, conclusions and recommendations by majority vote. The findings of fact shall be based solely on the record adduced at the hearing, and no evidence extrinsic to the record shall be considered. *[No changes.]*

j. The chair of the hearing committee shall preside at all sessions and shall make all procedural decisions, subject to being overruled by a ~~majority vote of the committee.~~ *vote of three of the five committee members.*

5. Failure to respond to complaint

It is expected that all respondents in grievances cooperate and appear for the hearing. The deliberate failure or refusal of a respondent to file an answer or the deliberate failure or refusal of the respondent to appear at the hearing after the filing of an answer, shall not prevent the hearing committee panel from proceeding with the hearing. In case of such default or partial response on the part of the respondent, the hearing committee shall hear the complainant's oral presentation and shall make findings and recommendations based upon the oral and written material presented by the complainant and any oral or written presentation by the respondent. *[No changes.]*

6. Commencement or pendency of litigation or external administrative proceeding

If either before or after the complainant files a grievance complaint he or she commences litigation or files a complaint with a local, state, or federal agency concerning the matters set forth in the grievance complaint, the pendency of such litigation or administrative proceeding shall not prevent the hearing committee from proceeding with the hearing in due course. The complainant shall not be deprived of the internal grievance process by virtue of such litigation or administrative proceeding. *[No changes.]*

7. Report of the Hearing Committee

Within two weeks of the end of deliberations, the chair of the hearing committee shall present a written report of its findings of fact, conclusions, and recommendations. If the vote of the committee is not unanimous, the minority may prepare a minority report to be appended to the majority report. ***The secretary of the Faculty Senate shall forward the report forthwith*** to the president, the chair of the Faculty Senate, and to the parties, copied to the chair and members of the hearing committee. If the majority finds in favor of the complainant, the report should be considered an interim report. It should require the respondent to reconsider the matter complained of and to report the result of such reconsideration to ~~the chair~~ ***the secretary of the Faculty Senate*** of the hearing committee within ten *calendar* days from the date of receipt of the committee's interim report. Upon receipt of the respondent's report of reconsideration of the matter, the committee shall ***may revise its interim report.*** ~~to incorporate the result of such respondent's report~~ The respondent's report of reconsideration shall be added as an addendum to its ***the hearing committee's*** report. The report and addendum shall constitute the final report of the hearing committee. When the committee has completed its report and recommendations, the committee may request a meeting with the president to present its report. It is understood that this meeting is intended to provide the president with an opportunity to hear directly from the committee and for the president to ask questions about the report. The president's response to the report will not be made at this meeting. The final report shall forthwith be transmitted by the secretary of the Faculty Senate to the president, the chair of the Faculty Senate, and to the parties, ***copied to the chair and members of the hearing committee***, with the committee's recommendations. If the majority finds in favor of the respondent, the hearing committee's report shall be considered its final report.

8. Decision by the President

The final resolution of the complaint shall be made by the president, normally within a period of two weeks after receipt of the committee's final report. If the president agrees with the majority report, he or she shall so notify the secretary of the Faculty Senate in writing. The secretary of the Faculty Senate shall transmit the written notification to the chair and members of the hearing committee, the chair of the Faculty Senate, and to the parties. If the president disagrees with the final report and its recommendations, he or she shall so notify the secretary of the Faculty Senate in writing, setting forth the reasons for disagreement and final resolution of the matter. The secretary of the Faculty Senate shall transmit the written notification to the chair and members of the hearing committee, the chair of the Faculty Senate, and to the parties. In the alternative, the president may ask the secretary of the Faculty Senate to reconvene the hearing committee to reconsider its final report and recommendations in the light of his or her stated objection thereto. In such case, the hearing committee shall reconvene to reconsider the matter, taking new evidence, if necessary, and report the results of its reconsideration to the secretary of the Faculty Senate ~~and shall then transmit to the~~ ***The secretary of the Faculty Senate shall transmit the written notification to the*** president, the parties, and the chair of the Faculty Senate, ***copied to the chair and members of the hearing committee*** the results ***written report*** of its reconsideration. After review of the hearing committee's reconsidered report and recommendations, the president shall transmit to the secretary of the Faculty Senate a final ~~proposed~~ resolution of the matter; and the secretary shall transmit the same to the parties, the ***chair and*** members of the hearing committee, and the chair of the Faculty Senate. At the end of

the academic year, ~~members of the Grievance Committee Panels~~ **faculty members who served on hearing committees** may request a meeting with the president to discuss the grievance process in general terms without reference to the specific cases that have been heard. *[These changes acknowledge that most communications will be transmitted online rather than by paper. Experience shows that posting documents to a secure website, created by the secretary of the Faculty Senate is preferable to e-mail, as e-mail between aggravated parties can create a litany of additional angry correspondence. Having correspondence routed through the secretary of the Faculty Senate ensures that communications are transmitted correctly, confidentially, and most productively.]*



CASE WESTERN RESERVE
UNIVERSITY EST. 1826

INTERDISCIPLINARY ALLIANCE INVESTMENT GRANTS (IAIG's)

Faculty Senate
January 19, 2010

Competition

- 24 Proposals Received November 9th
- Total Funding Requested - \$12.8M (Plus Match)
- 12 Member Review Committee
 - Criteria – Scores & Comments
 - ✓ Overall Evaluation
 - ✓ Interdisciplinary
 - ✓ Impact
 - ✓ Builds on Existing Strengths
 - ✓ Alignment with Mission/Vision/Values
 - ✓ Feasibility
 - ✓ Sustainability
- 12 Awards
- \$3.935M Awarded

Awards

<u>Proposal Title</u>	<u>Lead School(s)</u>	<u>Award</u>
Ctr. for Stem Cell Ethics	SOM	\$200K
IDEA Inst.	CSE/CAS	\$35K
Inst. For Social Justice	CAS/MSASS	\$400K
Inst. for Personalized Med.	SOM	\$700K
Popular Music Inst.	CAS	\$400K
Ctr. for Human Origins	CAS	\$300K
Ctr. for Art Museum Studies	CAS	\$35K
Inst. for Advanced Materials	CSECAS	\$700K
Energy Alliance	CSE/CAS	\$500K
Ctr. for Immunobiology	DEN/SOM	\$400K
Alliance for Global Health	SOM/NUR	\$200K
IP Mgt. & Commercialization	LAW/WSOM	\$65K

Next Steps

- Proposal work plans and budgets being re-scoped and finalized
- Debriefing meetings with Alliance leaders/members
- Continued support \$ for Alliances for strategic planning, external proposal development
- Assessment of IAIG Process
- Optimization of IAIG Process for AY10/11

Report from executive committee

Alan Levine

Items to be addressed with Senate today

- Edits to Handbook on Grievance Process – the penultimate draft of these edits were presented by Prof. Leatherberry. With slight modifications, the draft will be brought forward to the FS
- The nascent activity of the new Conciliation/Mediation Program was described by Prof. Gingerich, and will be presented today.

Executive actions

- FSC Graduate Studies – Prof. Wnek described the dual degree program between the School of Dental Medicine and Peking University. As no academic processes or policies were changed, the update was not brought forward to the FS.
- The finalized interpretive guide for Faculty Parental Leave Policy was presented by HR VP C. Gregory and will be posted on the FS, Provost's office and HR's websites.

Semi Annual reports from the FS Standing Committees on ...

- Research – M. Chance
- Budget – J. Grant
- Faculty Compensation – M. Smith

Pilot Program for Conciliation and Mediation

Basis:

1. Recommendation from Faculty Senate Ad Hoc Study Committee on Grievance Process Reform
 - Faster, less formal process for resolving inter-collegian disputes
 - Some grievances would be better managed through a conciliation/mediation approach
2. Faculty Senate approval (11/17/2009) of Pilot Program for Conciliation and Mediation

Purpose:

1. Provide alternative to the grievance process for faculty members to resolve academic and personnel practice conflicts.
2. Supplement the advising and conciliation functions of the Faculty Personnel committee.

Scope:

1. Any inter-collegial or personnel practice conflict
2. Exclusions: sexual harassment; discrimination; faculty misconduct (Chap. 3. IV Faculty Handbook)

Services to be provided:

1. Problem identification & formulation
2. Provide information about avenues available for resolution – including grievance process
3. Individual consultation
4. Conciliation (internal)
5. Referral to outside mediation

What is Mediation?

1. Interests based process (contrasts with rights based grievance process) – what are the respective interests/needs of the parties, and how can they be addressed in a mutually acceptable way
2. Participation of both parties is voluntary
3. The mediator is neutral – has no power to make or enforce a resolution
4. A confidential process (protected by Ohio Revised Code 2710.01). The substance of the process may not be disclosed to others. Participants may not be required to testify about the process in subsequent legal proceedings. Only the names of participants, dates of mediation, and whether a conflict was resolved may be disclosed. Any voluntary, signed agreement arising out of mediation may be used in subsequent proceedings, and only for purposes of showing that a party failed to live up to the terms.

Staffing

1. Part-time faculty conciliation counselor appointed by the Provost
2. Several outside professional mediators available on as-needed basis
3. Limited staff assistance (primarily to answer the phone and arrange appointments)
4. Advisory committee to advise on procedures and long range planning

Implementation in Early February

W. Gingerich
1/19/2010

Grievance Process	Conciliation/Mediation
An alleged violation of policies and procedures	Broad range of conflicts and disputes
Is an entitlement. The complainant grieves and the university is obligated to respond	A mutually voluntary process – either party may request it, and accept or decline
A rights-based process	An interests-based process
Reviews two opposing views and decides for or against the complainant	Seeks common understanding and mutual agreement
Results in redress for the complainant	Searches for a mutually acceptable solution- may or may not find one
Is a matter of record	Is confidential, protected by law
A third party makes the final determination	Parties decide on acceptable solution within their authority
An adversarial process	A conciliatory process
A formal and quasi-legal proceeding	An informal and facilitated process

*Based in part on material from the University of Michigan Consultation and Conciliation Service.

Undergraduate advising: a pool of funds to seed good undergraduate advising practices.	\$50,000/year for 2 years, 5-10 project grants FUNDED
Improve the websites for the Faculty Senate/Faculty Handbook/Faculty Senate By-laws.	\$5,000 FUNDED
That \$5-10k be used to investigate whether "Elder Care" could be added as a benefits option that faculty/staff could obtain.	\$5,000 FUNDED
Espresso Book Machine®, a print-on-demand device that produces library quality paperbacks at low cost	\$100,000 Still being considered and evaluated
Outcome assessment: a two-year outcome assessment stimulus project is proposed.	\$100,00 Ongoing commitment to this project
A study of increases in international undergraduate students to determine the most effective means for successfully affecting such increases.	\$50,000 Ongoing commitment to this project