

**Faculty Senate Ethics and Advisory Committee
Meeting Notes
October 5, 2015**

Members Present: Gail Houston, Teddy Warner, David Witherington, and Nicholas Schlereth

Members Absent: Luis Campos, Martha Faulkner, Ann Murphy, and David Cavazos

Guests Present: Marsha Baum, Academic Freedom and Tenure Committee Chair

Staff Present: Brianne Santos, Administrative Assistant 3

The meeting was called to order at 2:35 p.m.

Charge Discussion with Marsha Baum Chair of the Academic Freedom and Tenure Committee

Academic Freedom and Tenure Committee (AF&T) Chair Marsha Baum began by providing history on Faculty Handbook Policy C07: Faculty Disciplinary Policy. The Faculty Senate Ethics and Advisory Committee was included in the policy after AF&T reviewed it. The Board of Regents requested a faculty disciplinary policy; AF&T was the initial committee to draft it. Part of the process AF&T uses in terms of Faculty disciplinary procedures and related to faculty employment which was used in this policy. The rationale for utilizing the Ethics and Advisory Committee in this policy was developed by Nick Estes from University Counsel who was the primary drafter for the Faculty Senate during a revision of the Faculty Handbook. The intent was that anything suspension and above was to go to AF&T but the way it is written termination goes to AF&T directly. Other disciplinary actions were passed to the Ethics and Advisory Committee due to the link they have with AF&T. There is language in the Faculty Handbook that allows for AF&T to consult with Ethics and Advisory Committee. If an ethics misconduct question arises in a faculty member or graduate student case, the Ethics and Advisory committee could be asked to review and provide their feedback.

Chair Baum wanted to attend on behalf of AF&T to understand the procedures of the peer hearing process to determine if the hearing met the due process requirements for faculty discipline originally anticipated by AF&T. The Committee explained they had a panel of three faculty with University Counsel guiding the hearing similar to the staff disciplinary policy.

Chair Baum expressed a few concerns regarding the process. Because University Counsel represents management, this could be seen as a conflict of interest. Another concern is a staff process being utilized as opposed to a faculty process. Part 7 talks about the Ombuds dispute resolution services for faculty which is very different than the University's dispute resolution hearing procedures which are part of the staff process. The final concern was that this is to be a "peer" hearing and having counsel drive the process creates the question, is this then truly a peer hearing?

The Ethics and Advisory Committee members voiced concerns of their own regarding the process. Panel members being chairs of a department would not be peers as they could be seen as junior members of administration. Chair Baum stated that the intent would be to have non administrators on the panel but the Faculty Handbook is not specific on that language.

AF&T would like to have a conversation about the process with the Ethics and Advisory Committee, what of this policy needs to be revised to be clearer, what the process to be followed should entail, and what due process protections should be in place. Chair Baum asked if the panel members Gail Houston and Teddy Warner would like to come to an AF&T meeting to explain what occurred at the peer hearing. The Committee agreed.

Adjournment

Meeting adjourned at 3:35 p.m.