

Minutes of the meeting of Faculty Handbook Committee on February 16, 2018, at 1:30 p.m. in the Slovak Room of Grasselli Library.

Present: Ruth Connell, Matt Berg, Mark Waner, Jeff Johansen. Sheri Young.

We discussed minutes for the past several meetings held this year, and made a number of corrections. The committee members then voted on each set of minutes. Five sets of minutes were unanimously approved, and will be forwarded to Dr. Mark Waner for posting.

We reviewed a number of proposals that deal with issues of compliance with the Faculty Medical Leave Act and other current federal requirements. Proposals considered included removal of the language regarding leaves and/or termination "for medical reasons" and "retirement for age" (i.e. forced retirement because of reaching a specified age).

The first set of amendments considered by the committee referred to retirement for age, a past practice in which retirement became mandatory when faculty reached a certain age. This is now considered age discrimination, and the language must be removed. These amendments also address the language of "for medical reasons", which must also be removed. This latter issue concerns leaves for serious health conditions following a FMLA leave of absence and/or any leave made as a disability accommodation.

These two issues impact several places in the Handbook:

Amendment 1. Page 15, Part Three, Section III on academic freedom. Remove reference to "retirement for age".

Amendment 2. Page 26, Part Four, Section V. A. Termination of Contract by retirement. Several references to "retirement for age". "Retirement for infirmity also needs to be removed. Other changes are recommended by University Counsel in this paragraph, which is essentially rewritten.

Amendment 3. Page 18. Part Three, Section IV, G. Remove "for medical reasons" and replace with appropriate language.

Amendment 4. Page 26, Part Four, Section V. On termination of contract by retirement. Remove reference to retirement "for medical reasons". Replace with appropriate language.

Amendment 5. Page 26, Part Four, Section V. On termination of contract by retirement. Remove language for both "for medical reasons" and "for infirmity".

Amendment 6. Page 30, Part Four, Section V, G. Termination of Contract for medical reasons and/or 3-year period of disability. Specific time frames are not permitted by law. G needs to be rewritten.

The committee concluded that Amendments 2, 4 and 5 could be combined into a single amendment.

Amendment 7. Pages 33-34, Part Four, Section VI. Leave for temporary disability. Sections A and C need to be changed to comply with federal law.

Amendment 8. Page 19, Part Four, Section I. A. EEO Statement. There were a number of problems in this section that need to be cleaned up. Reference to "Vietnam Veterans" needs removal, and sexual orientation and genetic information need to be added to the list of protected classes of employees or applicants for employment.

Amendment 9. Page 23, Part Four, Section III. Discrimination Grievance Procedures. There were numerous changes to this section recommended by University Counsel. The Faculty handbook Committee felt that this had some difficult issues in it, and we need more extensive discussion of this amendment before bringing it forward to the faculty.

Amendment 10. Page 37, Part Four, Section XI, Policy on Conflict of Interest in Research. This section needs to be brought into compliance with federal law on COI in research. The committee felt there was nothing controversial in this proposal, and will bring it forward soon.

Amendment 11. Page 37, Part Four, Section XI. Patent and Copyright Policy. While the committee agreed that this section needs to be updated, we were not in full agreement with the proposal put forward by Colleen Treml. This amendment is tabled until such time as we can meet and discuss it with Ms. Treml and resolve issues we see in the present wording.

We then discussed three proposals regarding the process to amend the Faculty Handbook. The first proposal was to change the vote required for passage from a simple majority of those faculty eligible to vote to a 60% majority of those voting, with a requirement of a 60% quorum voting in order for the vote to be counted. Committee members wanted more detail in the justification (the actual percentage of eligible faculty voting for each amendment in the excel chart). Some minor changes to language were also made. While this proposal is close (we will add the numbers of faculty voting), the committee felt it was better to wait until some amendments had been brought forward and passed before bringing this amendment to the faculty. The plan is to put it forward late this semester.

The second amendment was to change the voting status of faculty on leave. Given the ease of electronic voting and ability to stay abreast of campus developments and discussions, we felt it would be good to have the default be that faculty would retain voting rights while on leave, not lose them and retain only some voting rights by permission. This amendment has unanimous support by the committee, and no changes were required in the proposal. It will come to the faculty soon.

The third amendment changes the process of bringing an amendment to the handbook forward. An extra review period is being requested that will allow feedback from a broader group of faculty before the proposal is formally submitted to the Faculty Handbook Committee for final review and recommendation. The committee members felt this was also ready to come forward after making some minor changes.

The FHC would like to make a report to the faculty on Wednesday. Jeff Johansen agreed to convert the materials at hand into a more formal proposal for the faculty. Proposals will be presented at Wednesday's meeting.

The meeting was adjourned at 2:50 p.m.