

Committee on Governance: Minutes

Meeting #13: December 13, 2018

Faculty Governance Conference Room (SL 225)

Present: Len Albano (CEE); Kris Boudreau (HUA); Tanja Dominko (Secretary of the Faculty, BBT); Mike Elmes (FBS); Mark Richman (Secretary, ME); David Spanagel (Chair, HUA).

1. Prof. Spanagel called the meeting to order at 12:35pm; the agenda was approved as distributed.
2. The minutes from meeting #12 were approved as amended.
3. Faculty Conduct Policy: The committee continued its review of a draft of a new Faculty Conduct Policy that Profs. Boudreau, Dominko, and Richman have been working on since late August with General Counsel Bunis. Work on the document has resumed after a suspension to address matters related to the Board's new by-laws and concerns about shared governance. The latest draft incorporates several suggestions made by COG based on its initial review at last week's meeting (#12). To expedite the review and iteration process, the latest draft also includes several changes that have been discussed with COG members informally, as well.

Beyond the concerns raised last week (which have been addressed in the latest draft), COG members made the following additional observations:

- i. The Respondent should receive a copy of the report filed by the committee of three faculty members recommending to the Dean whether or not a case should proceed to the full investigation phase; the report should include clear rationale for the recommendation.
- ii. The Dean's notice to the Respondent indicating whether or not the case will proceed to a full investigation should include a clear rationale.
- iii. To the extent applicable, the investigation phase in the Faculty Conduct Policy should resemble the investigation phase of the Sexual Misconduct Policy. In particular, the investigation should be carried out by an *impartial* Investigator whose role is not to prosecute the case but rather (as in the Sexual Misconduct Policy) to present all the facts regardless of whether they are incriminatory or exculpatory. To the maximum extent possible, the Investigator must limit the investigation only to matters directly relevant to the alleged violation.
- iv. The Judicial Committee (consisting of three faculty members and three administrators) should serve as the officiating body in reviewing the evidence of the investigation and in conducting the hearing that may follow.
- v. The Provost and the Secretary of the Faculty should share equally the responsibility to appoint the Investigator and the six members of the Judicial Committee; the pool of eligible faculty members on the Judicial committee should come from the elected members of Faculty Review Committee and the Campus Hearing Board; the pool of eligible administrators should come from senior academic administrators; the Chair of the Judicial Committee should be a faculty member.
- vi. To share final decision-making responsibility equally between the faculty members and the administrators on the Judicial Committee and to avoid awkward tie breaking mechanisms that otherwise will rely on an additional administrative vote, COG members felt strongly that at least four (out of six) votes should be required for a finding of responsibility on the part of the Respondent.

These suggestions, along with those made at last week's COG meeting, have either already been incorporated or will be incorporated into the next draft of the policy to be shared with General Counsel Bunis. With that understanding, COG gave its approval to send that revised draft to the faculty for two-weeks' notice of a first faculty discussion at the Jan. 10, 2019 faculty meeting.

4. The meeting adjourned at 1:55pm.

Respectfully submitted,

Mark Richman
Secretary, COG