

Minutes of the  
Sixth Regular Meeting of the Thirtieth Senate  
Indiana University-Purdue University Fort Wayne  
February 14, 2011  
12:00 P.M., Kettler G46

Agenda

1. Call to order
2. Approval of the minutes of January 10, 2011
3. Acceptance of the agenda – K. Pollock
4. Reports of the Speakers of the Faculties
  - a. Indiana University – S. Davis
  - b. Purdue University – R. Barrett
5. Report of the Presiding Officer – M. Nusbaumer
6. Special business of the day – Memorial Resolution (Senate Reference No. 10-10) – J. Toole
7. Committee reports requiring action
  - Purdue University Committee on Institutional Affairs (Senate Document SD 10-12) – R. Barrett
8. New business
  - Executive Committee (Senate Document SD 10-13) – K. Pollock
9. a. Question Time (Senate Reference No. 10-11)  
b. Question Time (Senate Reference No. 10-12)
10. Committee reports “for information only”
11. The general good and welfare of the University
12. Adjournment\*

\*The meeting will recess or adjourn by 1:15 p.m.

Presiding Officer: M. Nusbaumer  
Parliamentarian: A. Downs  
Sergeant-at-Arms: G. Steffen  
Secretary: J. Petersen

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Attachments:

“Amendment to the Grievance Procedures for Purdue Academic Personnel at IPFW” (SD 10-12)  
“Grievance Procedures for Purdue Academic Personnel at IPFW” (SD 98-14)  
“Approval of replacement members of the Faculty Affairs Committee and the General Education Subcommittee” (SD 10-13)  
“Administrator Teaching Report – February 2011” (Attachment A)

Senate Members Present:

B. Abbott, A. Argast, S. Ashur, R. Barrett, S. Batagiannis, S. Beckman, A. Benito,  
C. Bradley, W. Branson, J. Casazza, J. Dalby, S. Davis, S. Ding, M. Dixon, P. Dragnev,  
C. Drummond, E. Foley, J. Garrison, L. Hite, D. Huffman, Z. Isik-Ercan, R. Jensen,  
M. Kim, S. LaVere, D. Liu, A. Livschiz, M. Masters, G. McClellan, W. McKinney,  
A. Merz, D. Miller, G. Miller, D. Moore, G. Mourad, D. Mueller, P. Ng, C. Nicholson,  
J. Niser, K. Pollock, Z. Todorovic, J. Toole, M. Wolf, M. Yen

**(Correction from Senate minutes from January 10, 2011: M. Kim – present)**

Senate Members Absent:

C. Crisler, Y. Deng, S. Dhawale (sabbatical), H. Luo, R. Murray, K. Otani, M. Qasim, D. Redett, L. Roberts, A. Ushenko (sabbatical), G. Wang [ENGR] (sabbatical), M. Wartell, R. Weiner (sabbatical)

Faculty Members Present: L. Finke, C. Hill

Visitors Present: J. Dahl, M. Franke, D. Haynie (*Journal Gazette*)

### Acta

1. Call to order: M. Nusbaumer called the meeting to order at 12:00 noon.
2. Approval of the minutes of January 10, 2011: The minutes were approved as distributed.
3. Acceptance of the agenda:

K. Pollock moved to approve the agenda as distributed.

The agenda was approved as distributed.

4. Reports of the Speakers of the Faculties:

- a. Indiana University:

S. Davis: Happy Valentine's Day, everyone. I was told I could not give an exam tonight because Valentine's Day is a legal holiday, but I went ahead and scheduled it anyway ;-)

1) There is a motion coming through which might interest us, at least the Indiana University mission faculty. Coming before the IU faculty senate is a motion calling for a Professor of Practice. This is a non tenure-track position. It basically has the rights and privileges of a continuing lecturer but is being assigned a more prestigious title. They want someone who is nationally known, internationally known, or regionally well known to come in and teach and be available to students and faculty. Again, it is not tenure-track. Let me just read a couple of things from the Senate. I am personally going to vote for it unless there are any great objections.

“This classification is appropriate for individuals who have achieved excellence in the field of practice and who have attained a position of regional, national, and even international prominence. The title will be Professor of Practice. The primary responsibility is teaching. Appointments may be assigned to research and service, but these activities must be in support of teaching. Appointments of Professor of Practice are restricted to those who achieved distinction in their chosen field of practice and would bring the university unique practical experiences and talents that will benefit our students. Appointments shall hold the terminal professional degree in the field or given evidence of capabilities by virtue of experience.”

The assignment will be by the chancellor at whatever campus it is being awarded rather than by the department or school. It is a way to acknowledge those in practice with a little

more than just a continuing lecturer title. I know Penn State, Michigan State, and other major schools have this Professor of Practice.

2) On a more somber note, I was in a video conference with eight representatives and President McRobbie the other day, and he used the words “bleak perspective” three or four times. He said it is going to be hard to continue doing this “more with less” type approach to everything. Our less is down to about our minimum. He said that one of the problems we are going to have these next couple of years is that we have an all-Republican House, Senate, and Governor, so negotiations along the way will probably be different than they used to be when the Democrats had one control and the Republicans had another. Now things can go with less resistance than they have in the past, not necessarily a good thing. He said to not get down yet – there are still a couple of months of going back and forth for the education budget, but he said that he really does not think it looks good for higher education.

b. Purdue University:

R. Barrett: The Information Technology Services at West Lafayette has to cut \$10 million in the new budget; that is their portion of the \$67 million. One of the ways they are starting to do it is to cut down the number of e-mail systems. They have 44 different e-mail systems on the West Lafayette campus, many of which cannot talk to the others. They have gotten it down, as has been reported to us at their last Senate meeting, to 24. Their goal is to get down to 8-10 in operation.

They have 67 different data centers on that campus. They started working on the first four. They have cut those down to two. Cutting those two will save them \$157,000 a year. This is going to be an ongoing reporting item of interest at West Lafayette.

2) Intercampus Faculty Council: This is where the three regional campuses, along with West Lafayette and two representatives from IUPUI who are in Purdue disciplines, get together a minimum of twice a year. Last year, it did not meet until we started asking why they were not meeting. Again, this year, it has not met, and we are asking why they have not. The three regional senators have met, and there are issues that we would like to bring up. The idea is that the information at that council goes directly to the president. There are things in the state health plan that are of great concern, such as if same-sex partners will be covered anymore, or if part-time employees will be covered anymore. Hopefully we will get that meeting in before the semester is over.

3) The regional seat that we are currently sitting on at the Faculty Compensation Benefits Committee does rotate. Next year it will be a representative from Calumet, the following year it will be from North Central, and in 2013-14 the seat will come back to IPFW. Our proportional representation is still languishing in West Lafayette’s Faculty Affairs Committee. It is moving up in priority. They have promised they will get to it before the semester is over. If I had to guess now, it is DOA. The other two regional campuses are not in favor of this, and one of their members sits on the Faculty Affairs Committee, so I think we are in a little bit of a problem with that item.

5. Report of the Presiding Officer – M. Nusbaumer:

M. Nusbaumer: The treats today were provided by the Hospitality and Management program folks: HTM 492. Thank you!

J. Niser: This was a desperate attempt to lure you to the Mastodon Grill restaurant on Tuesday evening where the class is managing the restaurant for ten weeks. They prepare a concept, and then they run the restaurant for 10 weeks, every Tuesday evening. Every semester there is a new concept, and this time its theme is the West Side. We look forward to seeing you there.

M. Nusbaumer: Throughout my history at this university, I have remained very silent about issues of policy and notification related to closing the university for weather-related conditions. I am somebody who has spent most of his life in Fort Wayne. Twice I experienced blizzard warnings when living here. One was in 1978 and the other was February 1, 2011 that began at 5:00 p.m. for a blizzard that ranged from Texas to Massachusetts – hundreds of miles wide in its scope. The university decided to close at 6:00 p.m. on February 1 although the blizzard warning was in effect at 5:00 p.m. The first announcement of the closing was not received by anyone that I am aware of until 5:03. The last person informed was not informed until 6:05 of the closing at 6:00 p.m. The decision and its timing and notification literally put hundreds, if not more, at unnecessary risk.

I know of one department which independently decided to close the department and shut down all their department's classes at noon, and this is the second time that department has done it. We had another situation where an announcement was released saying we were closing at 3:30, and that was rescinded a little later. I am sorry. To me, this is a policy and process that is not working for the IPFW community. I would love to see the IPFW Senate start getting involved in this decision making, and I would see it as particularly appropriate for the University Resources and Policy Committee to examine the situation and make appropriate recommendations.

6. Special business of the day – Memorial Resolution (Senate Reference No. 10-10) – J. Toole:

J. Toole read the memorial resolution for Julius Smulkstys. A moment of silence was observed.

7. Committee reports requiring action:

Purdue University Committee on Institutional Affairs (Senate Document SD 10-12) – R. Barrett:

R. Barrett moved to approve Senate Document SD 10-12 (Amendment to the Grievance Procedures for Purdue Academic Personnel at IPFW).

K. Pollock moved to amend SD 10-12, Section I.G. to read “The duties of the Board chair include conducting the informal proceedings; receiving grievance materials from the Vice Chancellor/designee, **and the initiator**; ...” Seconded by M. Dixon.

Motion to amend passed on a voice vote.

Motion to approve, as amended, passed on a voice vote.

8. a. Question Time (Senate Reference No. 10-11):

Q: In reference to Senate Document SD 96-4 which states the following:

"That it be the policy of Indiana University-Purdue University that all administrative personnel who hold academic rank be expected, as a condition of their appointment, to be responsible for the teaching of one class per year in the department in which they have academic affiliation."

Could you provide the Senate with an updated report delineating the number of administrators above departmental chairs who have academic "rank" and the course number, title, number of students, and semester each has taught in the past three years? Attached is the latest report.

Executive Committee of the Fort Wayne Senate

W. McKinney: I sent the question to Jack Dahl's office, and, in very short order, Jack turned around the materials that you have in front of you, which is the latest report on the teaching load of administrators with faculty rank. I am more than happy to answer any questions or clarifications that you may have.

S. Davis: Why are there some administrators who are not teaching at least one course a year, especially in times of tight resources? It is good for the administrators to stay in touch with the students, especially some of the administrators who have come in from the outside who probably have never been in a classroom with our students. That was the reason this was passed, and it seems that there is just some "spotty" enforcement at best.

W. McKinney: I addressed this question during question time, I believe, my first year as VCAA. The practice in the past, and the practice that I have continued, (and is something that my office had encouraged), is that I have left the decision whether to teach to those individual administrators, particularly deans, based upon their workload and what would be best for the students in their classes.

As for myself, for the second year in a row, I am teaching a class that is a dual-listed graduate course between philosophy and liberal studies. I absolutely love it, but it certainly requires some patience on the part of both my students and me. It is a tremendous amount of work to layer on what we do already, but I made the judgment that I can certainly do this. For the time being, I am leaving this in the hands of our administrators to make that call, but it is something that I do encourage.

By the way, Senator Davis, your point is well taken. As someone who is no longer an outsider but who came in from outside, I have found it to be very, very worthwhile to be in the classroom with our students.

b. Question Time (Senate Reference No. 10-12):

Q: Two questions have been raised by faculty concerning ITS recently:

1) Will the results of ITS' survey be released to the university community? How will this information be disseminated?

2) Many faculty have highlighted how many problems with university computing there has been this academic year. There have been software problems with Novel, and particularly noteworthy are the frequent network connection interruptions. Is there a single explanation for these problems this year? Is it new software? Campus construction? Lack of hardware? Combination of aspects? Are these uncommon and short-term problems or are there budgetary/structural problems that will lead to this situation being the new normal?

Michael Wolf  
Department of Political Science  
(COAS at-large representative)

W. Branson: Q1: The Survey, with the planned steps for improvements, will be posted to the ITS Web site. The campus will be informed of its availability through announcements in the ITS online newsletter, *InfoShare*, and the IPFW online newsletter. ACITAS/ITCO and the Faculty Senate will also be informed of its availability.

The Survey results and ITS' analysis of the Survey will be available when Bob Kostrubanic returns from medical leave in 6-8 weeks.

Q2: ITS is not happy with the service level being provided through the network. There have been numerous problems that have surfaced over the past several months. The vast majority of the problems are not being caused by Novell, Groupwise, or other software application. Primarily they are being caused by an aging IT infrastructure.

As a result of the problems experienced by the users, ITS began a "Get Healthy" plan in November 2010. Seventeen critical infrastructure projects were defined, and new project loads were substantially reduced on systems engineers so that they could complete this plan quickly. Some of the key areas being addressed include failures of the hardware and servers due to both inadequate cooling control and the complexities caused by the increase in new applications and services projects. About 40 percent of the "Get Healthy" plan has now been completed, and it is expected to be fully completed by May. ITS is confident that these actions will regain the much higher reliability that has been experienced in the past.

M. Wolf: So this "Get Healthy" program is something that is going to be budgeted and completed?

W. Branson: We are performing the projects with our current staff, and in some cases bringing in consultants to look at the problems and help us address them.

M. Wolf: Due to the shortfall, will we not have the hardware to complete this?

W. Branson: Hardware will not be an issue. Some of the problems are related to things such as servers that have not been rebuilt in years.

A. Livschiz: Related to this, and maybe everybody feels this way, one of the buildings most affected is the Liberal Arts Building. I constantly have problems, and, when I call the help desk I get contradictory information. Literally, I could call three days in a row and get completely different information each and every time. I just wonder if there is a reason why we cannot seem to get a straight answer with regard to the Liberal Arts Building.

One example: after three days of problems, two young men came and said that this building (LA) does not actually have wireless, so whatever it is that you think you have, actually it is just kind of a fluke; whereas two days before that I was told that I should turn on my wireless card and that I must have accidentally turned it off. I am pretty sure I could tell if I had done something like that.

It just seems that there is not enough communication. I understand if someone is on medical leave, but there should be better communication about what it is that is being done to our building because people are constantly coming in and doing things. We are never told ahead of time that they are coming. We could get out of the way to facilitate that. It is kind of hard to do day-to-day stuff. In the summer, it was particularly bad because in the summer we had advising. All summer long we had students coming in, it was their first day on campus, and we had to tell them that we could not get into their records or help them except to theoretically discuss their future because the system was not working.

W. Branson: Are you still experiencing problems?

A. Livschiz: Today, for the couple of hours I was in my office, everything was fine. Friday I was told that apparently the wireless is unofficial.

W. Branson: So that is recent. Last summer we were in the middle of a major upgrade problem. We tried to solve some of the problems. It sounds like you still have a few problems left even after the upgrade.

A. Livschiz: It just seems that there is no party line on what is going on with the building.

W. Branson: We can work on that. That is a good point.

S. Davis: Senator Barrett brought up Purdue and their cuts. How do we stand budget-wise with our Information Technology Services and the funds that we are receiving from Purdue to save money?

W. Branson: We don't receive funds from Purdue. Our money from the state is a line item in the state budget, so our funding is determined by the state.

When you look at our IT operation compared to their IT operation, we are literally about 1/10<sup>th</sup> of their size, if that much. They do run systems that we use. For instance, Blackboard is housed and maintained at West Lafayette. Part of the impact of their budget cuts, I am afraid, will be that they will try to push costs out to us.

The other two significant systems that affect us are HR and accounting. Those are run centrally through Purdue. I think potentially the amount of work and the amount of modifications that get done to those systems could decrease because of the cutback. As Bob said, so much of their cuts are related to consolidation. I have always been proud of our campus – and this predates me here – because of the decisions that we have made with computing. Because of those decisions we are very, very efficient. Sometimes our efficiency may hurt us because you do not get all the services you need. They are really, in many ways, consolidating to get to a computing infrastructure environment like we have.

C. Bradley: I would respectfully disagree that the Novell system is efficient. It actually may be part of the problem that is compounded by the aging infrastructure insofar as having all of the programs on a central server distributed to the local machines.

It can sometimes take upwards of 40-50 minutes in some cases before an error is even reported in the installation process. In December, I wanted to distribute a statistical

program for use where it took 40 minutes to find out that it could not load, and then I called the help desk which was no help. They suggested going to another machine, and then it another wasted 40 minutes to find out that it would not load there as well. Then, it took two weeks to identify the error where the program could be loaded on any local machine in the central distribution hub.

I have spoken with many of my colleagues on the campus. Others have experienced problems such as this. It may be the case that having a central repository for all software that is distributed might not be the ideal solution from a cost perspective, I understand. Is there any way that we can investigate alternative solutions that would be a better distribution mechanism than Novell, which from my own investigations is good but it is not great.

W. Branson: I will talk to the folks at ITS. It is something we ought to look at.

S. Ashur: Sometimes we have an emergency situation with the network. For example, last week I had a program that did not work, and I had a class and was told that the person who was in charge of this particular program was not on campus. The only thing I could do then was basically cancel my class. I would like to see more of a robust kind of response to those kinds of emergency situations so in the future we can handle it a little bit better.

9. New business:

a. Executive Committee (Senate Document SD 10-13) – K. Pollock:

K. Pollock moved to approve Senate Document SD 10-13 (Approval of replacement members of the Faculty Affairs Committee and the General Education Subcommittee).

Motion to approve passed on a voice vote.

b. Nominations and Elections Committee – M. Kim:

M. Kim announced the results from the Purdue Speaker election. Peter Dragnev had 39 votes and Robert Barrett had 36 votes. Therefore, Peter Dragnev will be the Speaker of the Purdue University faculty for the term 2011-2013.

Robert Barrett won the Presiding Officer election by default, and he will serve for the term 2011-2012.

10. Committee reports “for information only”: There were no reports.

11. The general good and welfare of the University:

M. Wolf: I raised an issue as a potential question and, in consultation with Michael Nusbaumer, I took another route. There were a couple cases in the College of Arts & Sciences this last year of LTLs and CLs having students in their classes who were particularly upset with the course material. In both cases the instructors worked with the students to correctly try to avoid some issues of discomfort. In both cases they continued to go bad, and in one case the student dropped out of the course 2/3 of the way through, which I do not think was of benefit to anybody.



One of the key components is that I do not think some of the LTLs know the level to which the Purdue Academic Freedom document gives them power to teach a class in the way they think. I am also unsure if students know what academic freedom necessarily is, so I took my concerns to the Vice Chancellors of Student and Academic Affairs. I would ask that they speak a little bit as to what resulted from our meeting.

W. McKinney: We met last week, and one of the advantages of the way that we structured SOAR is that there is an opportunity for both Vice Chancellor McClellan and me to address the students. We do point out that all learning can, at times, require an encounter with something very new and also, at times, require an encounter with something that creates discomfort. We have both committed to this, and it gives us a very easy way of working these issues of academic freedom into our address to the new students each and every SOAR session.

We would like to see how that plays out with the face-to-face SOAR because, as many of you know, there is an online version of SOAR. There would have to be a way of working these elements of academic freedom within the online version as well. This is a very easy fix and, even if it was not, it is something that both George and I are incredibly committed to and are more than happy to sit down and talk about it.

G. McClellan: We will try the wording out a couple of times to see what resonates with students. Then, once we know we are using language that makes sense to them, we can bring that language into the online SOAR.

J. Niser: There are two aspects to this: the student aspect and the faculty aspect. I am not sure how up-to-date this is. Maybe an online version of SOAR for the LTLs would be appropriate to cover most of the things they do.

W. McKinney: This is actually one of the issues that we are looking at in a comprehensive overview of what we do in terms of faculty orientation in general. We do have an LTL orientation. We are looking at some blended models here where there would be a lot of online resources. They might want to put these statements about academic freedom in their syllabi. It would get it out in the open and would protect all of them. This is something that has to be emphasized at orientation, and will be.

Z. Todorovic: I think also it is up to individual instructors to make sure in their first class they explain their standards and philosophy to the students. In our school some people do not necessarily know how to set the tone to fit their class structure. We all have different styles. I wonder if there are resources that would allow us to help them understand what different things they can use to set up at home and not to bypass the whole issue. You can tell the students what to expect at the first class.

S. Davis: On February 24 the Red Balloon Project (Reimagining Project) will start at 4:00 rather than at 3:30 because Donna Bialik's going-away party will be in that room. We want to give faculty an hour or so to go and say good-bye to Donna, so the event will start at 4:00 rather than at 3:30. Various campus people will be talking about the student blueprint that is going on at the Indiana University regional campuses. We are trying to get the Vice President of regional activities and some of his staff in to talk with us also.

W. McKinney: I spent the last four days at the AASCU (American Association of State Colleges and Universities) mid-term academic affairs meeting which really is driven now in part by the Red Balloon Project or the Reimagining Project. I was absolutely just blown away by how well received our project is.

From the very first steering committee meeting of the Red Balloon Project, I kept hearing horror stories of provosts who could not work with their faculty senate, could not work with their faculty leadership, and adopted – these are the words – “stealth approaches.” We do not have to do that. It gives me no end of pride, sitting up on stage at the closing plenary, to write about this project and all of the work that you have done. To have folks come up to me who have seen our blog, who have seen the topics with which we have dealt, who have seen the transparency and the candor with which this campus deals with often-difficult decisions like Promotion & Tenure and student course evaluations was great. This will be a continuation on February 24. Again, this will be faculty-led. This was an idea of our faculty leadership to have the Indiana University Blueprint be featured in this. The icing on the cake for me was having a vice president for academic affairs in leadership of AASCU come up to me and say that the work that we are doing has caught their interest, and that they see this as a model for how this project should proceed.

Back to Senator Davis’s point from earlier, we are probably going to get to a point where we can no longer do more with less. It will become a matter of having to do things differently. The right way that that happens is a very open and transparent fashion that is driven by faculty. So, I just wanted to say “thank you” because I got to spend the last few days with colleagues across the country who have problems that I will never have. That is thanks to everyone in this room.

G. McClellan: Dr. Bialik moved her retirement up to the end of February. All of you are invited to the reception from 3-5 in the faculty/staff lounge upstairs. There are some other events that you will be invited to. Please do come.

We are not making a public announcement (this is Donna’s time), so we want to keep the focus on Donna, but we have selected the next dean of students, thanks to all of you who participated. His name is Dr. Eric Norman. He is the chief judicial officer from Louisiana State University, and the latest he will be here is June 1. I told him that we will be glad to take him on payroll any time after March 1, whenever he would like to arrive. I will be the interim dean of students. Feel free to be in touch if you need anything. We will make the formal public announcement once Donna is past her last day, but we wanted to keep this focus on Donna and her accomplishments. I did want to share with all of you that Dr. Eric Norman will be the new dean of students.

12. The meeting adjourned at 12:50 p.m.



Jacqueline J. Petersen  
Secretary of the Faculty

Senate Document SD 10-12  
(Amends SD 98-14)  
(Amended and Approved, 2/14/2011)

Senate Document SD 98-14  
(Approved, 2/8/1999)

TO: Fort Wayne Senate

FROM: Purdue University Committee on Institutional Affairs  
Robert Barrett, Chair

SUBJ: Amendment to the Grievance Procedures for Purdue Academic Personnel at IPFW

DATE: January 6, 2011

DISPOSITION: To the Presiding Officer for implementation

Whereas the Fort Wayne Senate has approved the establishment of procedures to implement Executive Memorandum C-19 at IPFW; and

Whereas certain areas of the document needed clarification;

Be It Resolved, That the Senate approve the attached amendment to the Grievance Procedures for Purdue Academic Personnel at IPFW, developed by the Academic Personnel Grievance Board.

Senate Document SD 10-12  
(Amends SD 98-14)  
(Amended and Approved, 2/14/2011)

Senate Document SD 98-14  
(Approved, 2/8/1999)

## GRIEVANCE PROCEDURES FOR PURDUE ACADEMIC PERSONNEL AT IPFW

### SECTION I DEFINITIONS

- A. Academic Personnel: All faculty members, tenured and non-tenured, full-time or part-time including those on leave of absence with or without pay. Post doctoral residents, post doctoral research assistants and associates, graduate aides, graduate assistants, graduate instructors, graduate assistants in research, and graduate instructors in research in their roles as academic employees of the University, but not in their roles as students, also are considered academic personnel for purposes of resolving grievances. All administrative and professional employee grievances are handled through the Grievance Policy and Procedure for Members of the Administrative and Professional Staffs while all clerical and service employee grievances are addressed through the Complaint and Grievance Procedure for Bi-Weekly Employees. Complaints of alleged harassment are resolved through the Interim Procedures for Handling Complaints of Harassment that accompany Executive Memorandum No. C-33.
- B. Grievance: A complaint initiated by an individual who claims to have been wronged by a University action or decision related to his/her employment. A grievance may be substantive and/or procedural in nature. It must be directed toward the University, not toward a person. An individual may seek formal resolution through the University to a specific action or decision only once.
1. Substantive Grievance: A complaint alleging that the substance of a decision or action regarding matters such as working conditions, classification, assignment/reassignment of duties, or employee rights or benefits was unfair or wrong. Complaints involving tenure or promotion; non-reappointment or non-extension of appointment; termination of tenured faculty for cause; or termination of non-tenured faculty, postdoctoral, or graduate student employees for cause prior to the expiration of their term of appointment normally cannot be the subject of a grievance on substantive grounds. However, if a grievance regarding tenure, promotion, non-reappointment, non-extension, or termination for cause is based on a charge of illegal discrimination, the grievance may be considered on a substantive basis.
  2. Procedural Grievance: A complaint asserting that an action was taken or a decision was made in a manner that violated a University policy, procedure, standard, or established practice. Any such alleged improper action or decision adversely affecting an individual's employment may be grieved on procedural grounds.

Deleted: --

Senate Document SD 10-12  
(Amends SD 98-14)  
(Amended and Approved, 2/14/2011)

Senate Document SD 98-14  
(Approved, 2/8/1999)

- C. Initiator: A person who seeks to resolve a complaint through the University grievance process.
- D. Respondent: The University employee(s) who made the decision or took the action on behalf of the University that precipitated the complaint.
- E. Advisor: An academic colleague invited by an initiator or respondent to provide advice at any point during the grievance process, including during a hearing.
- F. Witness: A person with knowledge of the alleged action or decision being grieved who attests to or furnishes evidence about what did or did not occur.
- G. Academic Personnel Grievance Board: A board whose composition is specified in the Bylaws of the Senate. Steering, Hearing, and Appeals Committees for a particular grievance shall be constituted from the Academic Personnel Grievance Board as specified below. The members of the Board shall elect a chair. The duties of the Board chair include conducting the informal proceedings; receiving grievance materials from the Vice Chancellor/designee, and the initiator; and constituting the Steering, Hearing, and Appeals Committees. The Board chair may meet with the Steering, Hearing, and Appeals Committees in an advisory role at the request of a committee chair at any point to clarify the process that has taken place and to clarify the procedure; however, the Board chair will not be a voting member of any of the committees. The Board chair shall consult with the campus Affirmative Action officer/designee for every submitted grievance to determine that record-keeping has been initiated. The chair shall not provide advice to the initiator or the respondent, or their advisors, regarding strategies and evidence that are likely to result in a favorable or unfavorable outcome for either party. The chair should strive to maintain a standard of objectivity and fairness throughout the grievance process.
- H. Time: All times in this document are expressed in terms of calendar days. Every attempt must be made to comply with the parameters specified in these procedures. When necessary, any time limit may be extended once up to one week at the request of any of the parties involved. Requests within reasonable limits – especially between semesters and during the summer – for longer extensions may be granted if a key person involved in the informal, formal, or appellate proceedings is unavailable. Unless other compelling circumstances exist, both the initiator and the respondent must agree to any other extension before approval will be considered. The Vice Chancellors for Academic Affairs shall be responsible for granting extensions and notifying all parties involved.

**Deleted:** to accompany an initiator or respondent to a hearing to provide advice and support or to observe the proceedings.

Senate Document SD 10-12  
(Amends SD 98-14)  
(Amended and Approved, 2/14/2011)

Senate Document SD 98-14  
(Approved, 2/8/1999)

- I. Vice Chancellor's Designee: The Vice Chancellor for Academic Affairs shall designate the Affirmative Action Officer of the campus to handle all administrative matters concerning the initiation of and record-keeping associated with grievances. In the event that the Affirmative Action Officer is a party to the grievance, the Vice Chancellor for Academic Affairs shall designate an alternate, uninvolved party.

## **SECTION II INFORMAL PROCEEDINGS**

Conflicts frequently can be resolved if the parties involved communicate their concerns, listen to each other, and show a willingness to compromise and/or change. Often conflicts can be lessened, if not eradicated, by clearing up misperceptions and misunderstandings. Purdue academic personnel at IPFW are strongly encouraged to try to take care of their employment related concerns in this manner.

- A. The initiator must begin informal resolution within 30 days of the time he/she first became aware or reasonably should have become aware of the alleged violation or within 30 days of his/her knowledge of the most recent incident in a series of related actions or decisions comprising the complaint.
- B. To begin the informal process, the initiator must state his/her concerns in writing. The letter must include a description of the alleged impropriety including the date it occurred and/or the date the initiator became aware of the occurrence; the University policy, procedure, standard, or established practice supposedly misinterpreted or violated if the concern is procedural in nature; the name(s) of the person(s), if known, responsible for the alleged impropriety; and the remedy sought. This letter should be sent to the Chair of the Academic Personnel Grievance Board.

The Chair of the Academic Personnel Grievance Board shall meet separately with the grievant and the respondent(s) to discuss the grievance and clarify the procedure. In these meetings the Chair shall attempt to find a resolution that would avoid a formal hearing. In so doing, the Chair might (but is not required to) hold a joint meeting with grievant and respondent(s) or offer a remedy that both might find satisfactory.

- C. The informal process must be completed within 30 days from the time a written complaint is received unless an extension of time has been granted.
- D. The initiator must be informed in writing of the outcome of the informal proceedings including the findings and any actions that are proposed, have been, or will be taken.

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- E. If the initiator does not receive a written response to his/her concerns within the time limits specified in Section III. C or if the initiator is not satisfied with the findings, conclusions, proposed actions, or actions, the initiator may pursue resolution of his/her complaint through formal proceedings.

### **SECTION III FORMAL PROCEEDINGS**

- A. Before requesting a formal hearing, an initiator must try to resolve the complaint through the informal process.
- B. To begin formal proceedings, the initiator must notify the Vice Chancellor for Academic Affairs in writing of his/her intentions no later than 30 days after receiving notification of the outcome of the informal proceedings or 30 days after it became clear that a response would not be received in a timely manner. If the Vice Chancellor is a party or respondent to the complaint, the initiator should send notice requesting a formal hearing to the Chancellor who shall designate within one week another University faculty or administrative staff member, preferably the Affirmative Action Officer, to perform the role assigned to the Vice Chancellor in Sections I, II, and III of these procedures.
- C. The initiator's notification must be in writing and include a statement of the alleged impropriety that was not resolved informally; no new concerns or complaints may be added. The statement also must include a description of the facts giving rise to the complaint and the relief sought. These materials must be accompanied by copies of all correspondence concerning the complaint that the initiator sent or received during the informal proceedings.
- D. The Vice Chancellor/or designee shall forward a copy of all materials received from the initiator to the respondent(s) whose alleged actions or decisions are the basis for the complaint. The respondent must furnish a written response within one week.
- E. Upon receipt of the respondent(s) statement(s), the Vice Chancellor/designee shall forward the materials received from the initiator and the respondent(s) to the chair of the Academic Personnel Grievance Board.
- F. The Academic Personnel Grievance Board chair shall constitute a five member Steering Committee drawn from the Board's membership. No one may serve on a Steering Committee who is employed in the same academic department as the initiator or respondent or who has a conflict of interest with either party. From the Steering Committee's membership, a chair shall be selected to conduct meetings and issue all communication on behalf of the Committee. The Steering Committee may allow either the initiator or the respondent to

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submit additional information after receiving the grievance materials from the Vice Chancellor/designee. Likewise, the Steering Committee may request additional information from either party. Upon allowing or requesting additional information, the Steering Committee must notify the other party of receiving the information in order to provide them with the opportunity to view the new information.

G. After reviewing the materials forwarded by the Vice Chancellor/designee, the Committee must conclude one of the following by majority vote and convey its decision to the Vice Chancellor/designee within four weeks of receiving the complaint:

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1. The initiator either did not begin or failed to complete the informal process within the allotted time. No further action is warranted, or
2. Although the time allotted has not expired, the initiator either has yet to begin or to complete the process for resolving grievances informally. Therefore, prior to being eligible for consideration for a formal hearing, the initiator must begin and/or complete the informal process within the allotted time, or
3. Informal remedies were pursued by the initiator, but the University employee(s) responsible for responding did not do so within the allotted time. At this point, the nature of the complaint determines whether formal proceedings should continue. If the allegation is grievable (see Section I.B.1. - 2.), a formal hearing should be constituted. If the nature of the allegation is not grievable, no further action is warranted, or
4. The informal process was completed, but the nature of the allegation is not grievable, or sufficient grounds do not exist indicating an unfair, wrong, or procedurally incorrect decision or action that warrant a formal hearing, or
5. The informal process was completed, and sufficient grounds exist for initiating a formal hearing.

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H. The Vice Chancellor/designee shall inform the initiator and the respondent(s) of the Committee's decision. If the Committee concludes that a formal hearing is warranted, the Vice Chancellor/designee must indicate so to the Chair of the Academic Personnel Grievance Board and ask the Board to proceed accordingly.

I. Hearing Committee composition and proceedings must include the following:

1. All members of a grievance hearing committee shall come from the Academic Personnel Grievance Board. No one who served on the Steering Committee shall serve on the



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Hearing Committee for the same grievance.

2. Each formal hearing shall be conducted by an impartial Hearing Committee of five faculty drawn from the committee's membership. No one may serve on a Hearing Committee who is in the same academic-department as the initiator or the respondent, nor shall prospective Hearing Committee members serve if they have a conflict of interest with either party. They also may withdraw from consideration if they have a scheduling conflict with an out-of-town commitment or served on another Hearing Committee that semester. In addition, the initiator and the respondent each may exclude up to three members from the slate of prospective panelists. If fewer than five members remain, the hearing may be conducted by a three-member committee. If additional panelists are needed, the chair of the Academic Personnel Grievance Board shall inform the Vice Chancellor/designee accordingly. The latter shall randomly select the number of additional faculty needed to constitute a committee from the voting faculty. Panelists so selected must meet all the criteria stated above. In addition, they may choose to withdraw from further consideration for the reasons noted above.
3. The chair of the Hearing Committee, who shall be selected by the committee from its membership, must be a tenured faculty member. The chair shall be responsible for conducting meetings and issuing all communication on behalf of the committee.
4. At anytime before the hearing, the initiator may withdraw the grievance. Once the hearing begins, however, the grievance may be withdrawn only under the following conditions:
  - a. The initiator decides that the action or decision being grieved is no longer inappropriate, or
  - b. the respondent agrees to provide relief acceptable to the initiator, or
  - c. both parties request the grievance be withdrawn.
5. Formal hearings shall begin no later than four weeks after a Hearing Committee is constituted. (See Section I.H. for provisions to extend this time if necessary, especially between semesters or during the summer.)
6. The hearing shall be open only to the participants unless both the initiator and the respondent request otherwise. The person designated by the VCAA in Section I, Item I above shall routinely solicit from each party to a grievance permission for an open hearing, and if such permission is not granted shall solicit an explanation for the refusal.

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7. The initiator and the respondent each may invite up to two faculty, staff, or graduate student colleagues from their campus to serve in an advisory capacity. Advisors can be present throughout the hearing to provide support and advice to their advisee and/or to observe the proceedings. However, they may not provide testimony, make statements, or otherwise participate in the hearing, except that the closing statement for each party may be delivered by the party or by one of that party's advisors.
8. Both the initiator and the respondent may present oral and written statements, question each other, introduce witnesses, and question all witnesses.
9. The order in which the various elements of the hearing described below occur shall be as follows. The panel also may set reasonable time limits in which these elements must be completed. Information concerning the order of hearing and the time limits, if the panel chooses to set them, should be sent to both the initiator and the respondent at least one week prior to the hearing.

Order of events at the hearing:

Opening statement by Hearing Committee

Opening Statement by Grievant

Opening Statement by Respondent(s)

Presentation of Witnesses by Grievant

Presentation of Witnesses by Respondent(s)

Presentation of Witnesses by Hearing Committee

Closing Statement by Grievant

Closing Statement by Respondent(s)

Closing Statement by Hearing Committee

[Questioning of witnesses shall proceed as follows: Questions by presenter, questions by other party, questions by Hearing Committee; repeated as necessary]

10. Each witness may be present at the hearing only when he/she is making a statement or

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being questioned. An advisor may not also be a witness, nor may a witness be an advisor.

11. The Hearing Committee may question all participants speaking at the hearing as well as ask for additional information. The Committee also may call and question witnesses. In addition, the Committee may stop the presentation of information it deems irrelevant to the allegations.
12. No new allegations may be introduced into the hearing.
13. All Committee members, participants, and advisors must respect the confidentiality of the information and records introduced into the hearing.
14. An audio recording shall be made of the hearing and shall be archived in the office of the Affirmative Action Officer for a period of two years after the conclusion of the hearing. A copy of this recording shall be kept in the Office of the Vice Chancellor for Academic Affairs or designee, for use by the panel, the initiator, the respondent, the chancellor/dean, or the latter's designees should any want to review the proceedings. A written transcript will not be provided.
15. The panel's decision must be based solely on information that has been made available to both the initiator and the respondent(s). If additional information is received by the panel outside the hearing, it must be shared with both parties to the grievance, and each must be given an opportunity to respond. If the response is verbal, it must be made in the presence of the panel and both parties (either or both parties, however, may waive the opportunity to be present) or the panel must prepare a written summary of the information gained and share it with both parties for review and comment.
16. The panel shall conduct the hearing as expeditiously as possible. After the proceedings have concluded, the panel shall meet in executive session and determine by majority vote whether or not the preponderance of the evidence presented supports the allegations made by the initiator.
17. Within two weeks after the completion of the hearing, the panel shall report its findings, conclusions, and recommendations in writing to the chancellor. Copies of the report also should be sent to the initiator and the respondent(s).
18. The decision concerning the outcome of the hearing shall be made by the chancellor and announced in writing within two weeks of receipt of the panel's recommendation. If the chancellor participated in the hearing or otherwise was involved in the grievance, the President must appoint another University employee not associated with the case to make

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and announce the decision.

19. If the person making the decision decides to take action other than that recommended by the hearing panel, the panel must be informed accordingly.
20. Copies of the decision should be sent to the initiator, respondent(s), panel, and Vice Chancellor for Academic Affairs/ Services, or their designee.

#### **SECTION IV APPELLATE PROCEEDINGS**

- A. The initiator shall have the right to appeal the outcome of the formal proceedings if he/she believes he/she
  1. was wrongfully denied an opportunity by a grievance steering committee to have a formal hearing, or
  2. did not have a formal hearing that culminated in a decision even though a grievance steering committee concluded that a formal hearing was warranted.
- B. Either the initiator or the respondent may appeal the outcome of a formal hearing if either
  1. feels a significant procedural error occurred during the formal proceedings which likely could have influenced the panel's recommendation or the chancellor's/designee's decision, or
  2. has significant new information related to the grievance that was not known at the time of the hearing which, had it been introduced, he/she feels likely could have changed the panel's recommendation or the chancellor's/designee's decision.
- C. A person wishing to appeal the results of a formal hearing must do so in writing within 30 days of receiving a grievance steering committee's decision not to grant a formal hearing, within 30 days after it became clear that a mandated formal hearing culminating in a decision was not going to occur, or within 30 days of receiving the decision concerning the outcome of a formal hearing. Academic personnel should send notice to the Vice Chancellor for Academic Affairs. If the Vice Chancellor is a party to the grievance, the initiator should send notice requesting an appellate hearing to the Chancellor who shall designate another University faculty or staff member to perform the role assigned to the Executive Vice President/Vice Chancellor in Sections I, II, and IV of these procedures.

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- D. Such notice must include a description of the facts giving rise to the appeal and the remedy sought. If the appeal is based on the failure of a grievance steering committee to grant a formal hearing, the appropriate grievance hearing committee to conduct or complete one, or the chancellor's/dean's failure to render a decision, the Vice Chancellor/designee shall send a copy of the allegations to the chair of the appropriate committee or the chancellor for review and reply. The respondent(s) must furnish a written response within one week.
- E. If the appeal is based on the provisions outlined in Section IV.B., the notice also must include a description of the alleged procedural irregularities or the new information since discovered supporting the request along with a statement indicating how these alleged irregularities or this new information could have influenced the outcome of the formal proceedings. If the request for an appeal is based on new information, the party also must indicate why he/she was not aware of this information at the time of the formal proceedings. The Executive Vice President/Vice Chancellor/designee shall forward a copy of the materials received from the initiator to the chair of the hearing panel. The chair must provide a written response within one week.
- F. The Vice Chancellor/designee shall then forward all of the material received related to the appeal from the initiator and the responding party(s) to a five member impartial panel constituted by the chair of the grievance committee from the membership of the committee that did not serve on an earlier panel considering this grievance. If fewer than five members are available, the request for an appeal may be heard by a three-member panel. If the appeal involves an alleged procedural error related to a formal hearing, the Vice Chancellor/designee also shall forward a copy of the audio recording of that hearing.
- G. No one may serve on a panel who is employed in the same department as the initiator or respondent or who has a conflict of interest with either party. From the panel's membership, a chair shall be selected to conduct meetings and issue all communication on behalf of the panel. After reviewing the materials forwarded by the Vice Chancellor/designee, the panel must conclude one of the following by majority vote and convey its decision to the Vice Chancellor/designee within four weeks of receiving the request for an appellate hearing:
1. Insufficient grounds exist to support the appeal. No further action is warranted, or
  2. The initiator was wrongfully denied a formal hearing by a grievance steering committee. A formal hearing should be conducted per Section IV, or
  3. A grievance hearing committee failed to conduct or complete a hearing mandated by a grievance steering committee or the chancellor/designee did not render a decision concerning the case. Another grievance hearing panel should conduct a formal hearing

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per Section IV, or

4. Significant new information related to the grievance that was not known at the time of the formal hearing has been discovered which, had it been introduced, likely could have changed the panel's recommendation or the chancellor's/designee's decision. The appropriate grievance appeals committee should hear the case de novo, or
5. The procedural error which occurred during the formal proceedings likely could have influenced the panel's recommendation or the chancellor's/designee's decision. The appropriate grievance appeals committee should hear the case de novo.

H. The Vice Chancellor/designee shall inform all parties involved of the panel's decision. If the panel concludes that a formal or an appellate hearing is in order, the Vice Chancellor/designee must ask the chair of the grievance committee to constitute an impartial five member panel to hear the case.

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I. The grievance appeals committees shall be constituted and proceed as specified above.

J. The panel shall conduct the hearing as expeditiously as possible. Within two weeks after the hearing has been completed, the panel must report its findings, conclusions, and recommendations in writing to the President of the University. Copies of all materials forwarded by the panel also should be sent to the initiator and the respondent(s). The President shall make and announce the disposition of the appeal within two weeks of receipt of the panel's recommendation. Copies of the decision should be sent to both parties, the panel, the Vice Chancellor, and Chancellor. If the President decides to take action other than that recommended by the panel, the panel must be informed accordingly. The President's decision regarding the appeal shall be final.

## SECTION V OTHER PROVISIONS

The procedures outlined above shall pertain to grievances initiated on or after July 1, 2011.

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TO: Fort Wayne Senate

FROM: Academic Personnel Grievance Board  
W. Jeffrey Wilson, Chair

SUBJ: GRIEVANCE PROCEDURES FOR PURDUE ACADEMIC PERSONNEL AT IPFW

DATE: January 25, 1999

DISPOSITION: To the Presiding Officer for implementation

Whereas the Fort Wayne Senate has approved the establishment of procedures to implement Executive Memorandum C-19 at IPFW,

Be It Resolved, That the Senate approve the attached GRIEVANCE PROCEDURES FOR PURDUE ACADEMIC PERSONNEL AT IPFW developed by the Academic Personnel Grievance Board.

## **GRIEVANCE PROCEDURES FOR PURDUE ACADEMIC PERSONNEL AT IPFW**

### **SECTION I DEFINITIONS**

- A. Academic Personnel: All faculty members, tenured and non-tenured, full-time or part-time including those on leave of absence with or without pay. Post doctoral residents, post doctoral research assistants and associates, graduate aides, graduate assistants, graduate instructors, graduate assistants in research, and graduate instructors in research in their roles as academic employees of the University, but not in their roles as students, also are considered academic personnel for purposes of resolving grievances. All administrative and professional employee grievances are handled through the Grievance Policy and Procedure for Members of the Administrative and Professional Staffs while all clerical and service employee grievances are addressed through the Complaint and Grievance Procedure for Bi-Weekly Employees. Complaints of alleged harassment are resolved through the Interim Procedures for Handling Complaints of Harassment that accompany Executive Memorandum No. C-33.
- B. Grievance: A complaint initiated by an individual who claims to have been wronged by a University action or decision related to his/her employment. A grievance may be substantive and/or procedural in nature. It must be directed toward the University, not toward a person. An individual may seek formal resolution through the University to a specific action or decision only once.
1. Substantive Grievance: A complaint alleging that the substance of a decision or action regarding matters such as working conditions, classification, assignment/reassignment of duties, or employee rights or benefits was unfair or wrong. Complaints involving tenure or promotion; non-reappointment or non-extension of appointment; termination of tenured faculty for cause; or termination of non-tenured faculty, postdoctoral, or graduate student employees for cause prior to the expiration of their term of appointment normally cannot be the subject of a grievance on substantive grounds. However, if a grievance regarding tenure, promotion, non-reappointment, non-extension, or termination for cause is based on a charge of illegal discrimination, the grievance may be considered on a substantive basis.
  2. Procedural Grievance: A complaint asserting that an action was taken or a decision was made in a manner that violated a University policy, procedure, standard, or established practice. Any such alleged improper action or decision adversely affecting an individual's employment may be grieved on procedural grounds.
- C. Initiator: A person who seeks to resolve a complaint through the University grievance process.



- D. Respondent: The University employee(s) who made the decision or took the action on behalf of the University that precipitated the complaint.
- E. Advisor: An academic colleague invited by an initiator or respondent to provide advice at any point during the grievance process, including during a hearing.
- F. Witness: A person with knowledge of the alleged action or decision being grieved who attests to or furnishes evidence about what did or did not occur.
- G. Academic Personnel Grievance Board: A board whose composition is specified in the Bylaws of the Senate. Steering, Hearing, and Appeals Committees for a particular grievance shall be constituted from the Academic Personnel Grievance Board as specified below. The members of the Board shall elect a chair. The duties of the Board chair include conducting the informal proceedings; receiving grievance materials from the Vice Chancellor/designee and the initiator; and constituting the Steering, Hearing, and Appeals Committees. The Board chair may meet with the Steering, Hearing, and Appeals Committees in an advisory role at the request of a committee chair at any point to clarify the process that has taken place and to clarify the procedure; however, the Board chair will not be a voting member of any of the committees. The Board chair shall consult with the campus Affirmative Action officer/designee for every submitted grievance to determine that record-keeping has been initiated. The chair shall not provide advice to the initiator or the respondent, or their advisors, regarding strategies and evidence that are likely to result in a favorable or unfavorable outcome for either party. The chair should strive to maintain a standard of objectivity and fairness throughout the grievance process.
- H. Time: All times in this document are expressed in terms of calendar days. Every attempt must be made to comply with the parameters specified in these procedures. When necessary, any time limit may be extended once up to one week at the request of any of the parties involved. Requests within reasonable limits--especially between semesters and during the summer--for longer extensions may be granted if a key person involved in the informal, formal, or appellate proceedings is unavailable. Unless other compelling circumstances exist, both the initiator and the respondent must agree to any other extension before approval will be considered. The Vice Chancellors for Academic Affairs shall be responsible for granting extensions and notifying all parties involved.
- I. Vice Chancellor's Designee: The Vice Chancellor for Academic Affairs shall designate the Affirmative Action Officer of the campus to handle all administrative matters concerning the initiation of and record-keeping associated with grievances. In the event that the Affirmative Action Officer is a party to the grievance, the Vice Chancellor for Academic Affairs shall designate an alternate, uninvolved party.

## **SECTION II INFORMAL PROCEEDINGS**

Conflicts frequently can be resolved if the parties involved communicate their concerns, listen to each other, and show a willingness to compromise and/or change. Often conflicts can be lessened, if not eradicated, by clearing up misperceptions and misunderstandings. Purdue academic personnel at IPFW are strongly encouraged to try to take care of their employment related concerns in this manner.

- A. The initiator must begin informal resolution within 30 days of the time he/she first became aware or reasonably should have become aware of the alleged violation or within 30 days of his/her knowledge of the most recent incident in a series of related actions or decisions comprising the complaint.
- B. To begin the informal process, the initiator must state his/her concerns in writing. The letter must include a description of the alleged impropriety including the date it occurred and/or the date the initiator became aware of the occurrence; the University policy, procedure, standard, or established practice supposedly misinterpreted or violated if the concern is procedural in nature; the name(s) of the person(s), if known, responsible for the alleged impropriety; and the remedy sought. This letter should be sent to the Chair of the Academic Personnel Grievance Board.

The Chair of the Academic Personnel Grievance Board shall meet separately with the grievant and the respondent(s) to discuss the grievance and clarify the procedure. In these meetings the Chair shall attempt to find a resolution that would avoid a formal hearing. In so doing, the Chair might (but is not required to) hold a joint meeting with grievant and respondent(s) or offer a remedy that both might find satisfactory.

- C. The informal process must be completed within 30 days from the time a written complaint is received unless an extension of time has been granted.
- D. The initiator must be informed in writing of the outcome of the informal proceedings including the findings and any actions that are proposed, have been, or will be taken.
- E. If the initiator does not receive a written response to his/her concerns within the time limits specified in Section III. C or if the initiator is not satisfied with the findings, conclusions, proposed actions, or actions, the initiator may pursue resolution of his/her complaint through formal proceedings.

## **SECTION III FORMAL PROCEEDINGS**

- A. Before requesting a formal hearing, an initiator must try to resolve the complaint through the informal process.

- B. To begin formal proceedings, the initiator must notify the Vice Chancellor for Academic Affairs in writing of his/her intentions no later than 30 days after receiving notification of the outcome of the informal proceedings or 30 days after it became clear that a response would not be received in a timely manner. If the Vice Chancellor is a party or respondent to the complaint, the initiator should send notice requesting a formal hearing to the Chancellor who shall designate within one week another University faculty or administrative staff member, preferably the Affirmative Action Officer, to perform the role assigned to the Vice Chancellor in Sections I, II, and III of these procedures.
- C. The initiator's notification must be in writing and include a statement of the alleged impropriety that was not resolved informally; no new concerns or complaints may be added. The statement also must include a description of the facts giving rise to the complaint and the relief sought. These materials must be accompanied by copies of all correspondence concerning the complaint that the initiator sent or received during the informal proceedings.
- D. The Vice Chancellor/or designee shall forward a copy of all materials received from the initiator to the respondent(s) whose alleged actions or decisions are the basis for the complaint. The respondent must furnish a written response within one week.
- E. Upon receipt of the respondent(s) statement(s), the Vice Chancellor/designee shall forward the materials received from the initiator and the respondent(s) to the chair of the Academic Personnel Grievance Board.
- F. The Academic Personnel Grievance Board chair shall constitute a five member Steering Committee drawn from the Board's membership. No one may serve on a Steering Committee who is employed in the same academic department as the initiator or respondent or who has a conflict of interest with either party. From the Steering Committee's membership, a chair shall be selected to conduct meetings and issue all communication on behalf of the Committee. The Steering Committee may allow either the initiator or the respondent to submit additional information after receiving the grievance materials from the Vice Chancellor/designee. Likewise, the Steering Committee may request additional information from either party. Upon allowing or requesting additional information, the Steering Committee must notify the other party of receiving the information in order to provide them with the opportunity to view the new information.
- G. After reviewing the materials forwarded by the Vice Chancellor/designee, the Committee must conclude one of the following by majority vote and convey its decision to the Vice Chancellor/designee within four weeks of receiving the complaint:
  - 1. The initiator either did not begin or failed to complete the informal process within the allotted time. No further action is warranted, or
  - 2. Although the time allotted has not expired, the initiator either has yet to begin or to

complete the process for resolving grievances informally. Therefore, prior to being eligible for consideration for a formal hearing, the initiator must begin and/or complete the informal process within the allotted time, or

3. Informal remedies were pursued by the initiator, but the University employee(s) responsible for responding did not do so within the allotted time. At this point, the nature of the complaint determines whether formal proceedings should continue. If the allegation is grievable (see Section I.B.1. - 2.), a formal hearing should be constituted. If the nature of the allegation is not grievable, no further action is warranted, or
  4. The informal process was completed, but the nature of the allegation is not grievable, or sufficient grounds do not exist indicating an unfair, wrong, or procedurally incorrect decision or action that warrant a formal hearing, or
  5. The informal process was completed, and sufficient grounds exist for initiating a formal hearing.
- H. The Vice Chancellor/designee shall inform the initiator and the respondent(s) of the Committee's decision. If the Committee concludes that a formal hearing is warranted, the Vice Chancellor/designee must indicate so to the Chair of the Academic Personnel Grievance Board and ask the Board to proceed accordingly.
- I. Hearing Committee composition and proceedings must include the following:
1. All members of a grievance hearing committee shall come from the Academic Personnel Grievance Board. No one who served on the Steering Committee shall serve on the Hearing Committee for the same grievance.
  2. Each formal hearing shall be conducted by an impartial Hearing Committee of five faculty drawn from the committee's membership. No one may serve on a Hearing Committee who is in the same academic-department as the initiator or the respondent, nor shall prospective Hearing Committee members serve if they have a conflict of interest with either party. They also may withdraw from consideration if they have a scheduling conflict with an out-of-town commitment or served on another Hearing Committee that semester. In addition, the initiator and the respondent each may exclude up to three members from the slate of prospective panelists. If fewer than five members remain, the hearing may be conducted by a three-member committee. If additional panelists are needed, the chair of the Academic Personnel Grievance Board shall inform the Vice Chancellor/designee accordingly. The latter shall randomly select the number of additional faculty needed to constitute a committee from the voting faculty. Panelists so selected must meet all the criteria stated above. In addition, they may choose to withdraw from further consideration for the reasons noted above.
  3. The chair of the Hearing Committee, who shall be selected by the committee from its

membership, must be a tenured faculty member. The chair shall be responsible for conducting meetings and issuing all communication on behalf of the committee.

4. At anytime before the hearing, the initiator may withdraw the grievance. Once the hearing begins, however, the grievance may be withdrawn only under the following conditions:
  - a. The initiator decides that the action or decision being grieved is no longer inappropriate, or
  - b. the respondent agrees to provide relief acceptable to the initiator, or
  - c. both parties request the grievance be withdrawn.
5. Formal hearings shall begin no later than four weeks after a Hearing Committee is constituted. (See Section I.H. for provisions to extend this time if necessary, especially between semesters or during the summer.)
6. The hearing shall be open only to the participants unless both the initiator and the respondent request otherwise. The person designated by the VCAA in Section I, Item I above shall routinely solicit from each party to a grievance permission for an open hearing, and if such permission is not granted shall solicit an explanation for the refusal.
7. The initiator and the respondent each may invite up to two faculty, staff, or graduate student colleagues from their campus to serve in an advisory capacity. Advisors can be present throughout the hearing to provide support and advice to their advisee and/or to observe the proceedings. However, they may not provide testimony, make statements, or otherwise participate in the hearing, except that the closing statement for each party may be delivered by the party or by one of that party's advisors.
8. Both the initiator and the respondent may present oral and written statements, question each other, introduce witnesses, and question all witnesses.
9. The order in which the various elements of the hearing described below occur shall be as follows. The panel also may set reasonable time limits in which these elements must be completed. Information concerning the order of hearing and the time limits, if the panel chooses to set them, should be sent to both the initiator and the respondent at least one week prior to the hearing.

Order of events at the hearing:

Opening statement by Hearing Committee

Opening Statement by Grievant

Opening Statement by Respondent(s)

Presentation of Witnesses by Grievant

Presentation of Witnesses by Respondent(s)

Presentation of Witnesses by Hearing Committee

Closing Statement by Grievant

Closing Statement by Respondent(s)

Closing Statement by Hearing Committee

[Questioning of witnesses shall proceed as follows: Questions by presenter, questions by other party, questions by Hearing Committee; repeated as necessary]

10. Each witness may be present at the hearing only when he/she is making a statement or being questioned. An advisor may not also be a witness, nor may a witness be an advisor.
11. The Hearing Committee may question all participants speaking at the hearing as well as ask for additional information. The Committee also may call and question witnesses. In addition, the Committee may stop the presentation of information it deems irrelevant to the allegations.
12. No new allegations may be introduced into the hearing.
13. All Committee members, participants, and advisors must respect the confidentiality of the information and records introduced into the hearing.
14. An audio recording shall be made of the hearing and shall be archived in the office of the Affirmative Action Officer for a period of two years after the conclusion of the hearing. A copy of this recording shall be kept in the Office of the Vice Chancellor for Academic Affairs or designee, for use by the panel, the initiator, the respondent, the chancellor/dean, or the latter's designees should any want to review the proceedings. A written transcript will not be provided.
15. The panel's decision must be based solely on information that has been made available to both the initiator and the respondent(s). If additional information is received by the panel outside the hearing, it must be shared with both parties to the grievance, and each must be given an opportunity to respond. If the response is verbal, it must be made in the presence of the panel and both parties (either or both parties, however, may waive the opportunity to be present) or the panel must prepare a written summary of the information gained and share it with both parties for review and comment.

16. The panel shall conduct the hearing as expeditiously as possible. After the proceedings have concluded, the panel shall meet in executive session and determine by majority vote whether or not the preponderance of the evidence presented supports the allegations made by the initiator.
17. Within two weeks after the completion of the hearing, the panel shall report its findings, conclusions, and recommendations in writing to the chancellor. Copies of the report also should be sent to the initiator and the respondent(s).
18. The decision concerning the outcome of the hearing shall be made by the chancellor and announced in writing within two weeks of receipt of the panel's recommendation. If the chancellor participated in the hearing or otherwise was involved in the grievance, the President must appoint another University employee not associated with the case to make and announce the decision.
19. If the person making the decision decides to take action other than that recommended by the hearing panel, the panel must be informed accordingly.
20. Copies of the decision should be sent to the initiator, respondent(s), panel, and Vice Chancellor for Academic Affairs/ Services, or their designee.

#### **SECTION IV APPELLATE PROCEEDINGS**

- A. The initiator shall have the right to appeal the outcome of the formal proceedings if he/she believes he/she
  1. was wrongfully denied an opportunity by a grievance steering committee to have a formal hearing, or
  2. did not have a formal hearing that culminated in a decision even though a grievance steering committee concluded that a formal hearing was warranted.
- B. Either the initiator or the respondent may appeal the outcome of a formal hearing if either
  1. feels a significant procedural error occurred during the formal proceedings which likely could have influenced the panel's recommendation or the chancellor's/designee's decision, or
  2. has significant new information related to the grievance that was not known at the time of the hearing which, had it been introduced, he/she feels likely could have changed the panel's recommendation or the chancellor's/designee's decision.

- C. A person wishing to appeal the results of a formal hearing must do so in writing within 30 days of receiving a grievance steering committee's decision not to grant a formal hearing, within 30 days after it became clear that a mandated formal hearing culminating in a decision was not going to occur, or within 30 days of receiving the decision concerning the outcome of a formal hearing. Academic personnel should send notice to the Vice Chancellor for Academic Affairs. If the Vice Chancellor is a party to the grievance, the initiator should send notice requesting an appellate hearing to the Chancellor who shall designate another University faculty or staff member to perform the role assigned to the Executive Vice President/Vice Chancellor in Sections I, II, and IV of these procedures.
- D. Such notice must include a description of the facts giving rise to the appeal and the remedy sought. If the appeal is based on the failure of a grievance steering committee to grant a formal hearing, the appropriate grievance hearing committee to conduct or complete one, or the chancellor's/dean's failure to render a decision, the Vice Chancellor/designee shall send a copy of the allegations to the chair of the appropriate committee or the chancellor for review and reply. The respondent(s) must furnish a written response within one week.
- E. If the appeal is based on the provisions outlined in Section IV.B., the notice also must include a description of the alleged procedural irregularities or the new information since discovered supporting the request along with a statement indicating how these alleged irregularities or this new information could have influenced the outcome of the formal proceedings. If the request for an appeal is based on new information, the party also must indicate why he/she was not aware of this information at the time of the formal proceedings. The Executive Vice President/Vice Chancellor/designee shall forward a copy of the materials received from the initiator to the chair of the hearing panel. The chair must provide a written response within one week.
- F. The Vice Chancellor/designee shall then forward all of the material received related to the appeal from the initiator and the responding party(s) to a five member impartial panel constituted by the chair of the grievance committee from the membership of the committee that did not serve on an earlier panel considering this grievance. If fewer than five members are available, the request for an appeal may be heard by a three-member panel. If the appeal involves an alleged procedural error related to a formal hearing, the Vice Chancellor/designee also shall forward a copy of the audio recording of that hearing.
- G. No one may serve on a panel who is employed in the same department as the initiator or respondent or who has a conflict of interest with either party. From the panel's membership, a chair shall be selected to conduct meetings and issue all communication on behalf of the panel. After reviewing the materials forwarded by the Vice Chancellor/designee, the panel must conclude one of the following by majority vote and convey its decision to the Vice Chancellor/designee within four weeks of receiving the request for an appellate hearing:
  - 1. Insufficient grounds exist to support the appeal. No further action is warranted, or



2. The initiator was wrongfully denied a formal hearing by a grievance steering committee. A formal hearing should be conducted per Section IV, or
  3. A grievance hearing committee failed to conduct or complete a hearing mandated by a grievance steering committee or the chancellor/designee did not render a decision concerning the case. Another grievance hearing panel should conduct a formal hearing per Section IV, or
  4. Significant new information related to the grievance that was not known at the time of the formal hearing has been discovered which, had it been introduced, likely could have changed the panel's recommendation or the chancellor's/designee's decision. The appropriate grievance appeals committee should hear the case de novo, or
  5. The procedural error which occurred during the formal proceedings likely could have influenced the panel's recommendation or the chancellor's/designee's decision. The appropriate grievance appeals committee should hear the case de novo.
- H. The Vice Chancellor/designee shall inform all parties involved of the panel's decision. If the panel concludes that a formal or an appellate hearing is in order, the Vice Chancellor/designee must ask the chair of the grievance committee to constitute an impartial five-member panel to hear the case.
- I. The grievance appeals committees shall be constituted and proceed as specified above.
- J. The panel shall conduct the hearing as expeditiously as possible. Within two weeks after the hearing has been completed, the panel must report its findings, conclusions, and recommendations in writing to the President of the University. Copies of all materials forwarded by the panel also should be sent to the initiator and the respondent(s). The President shall make and announce the disposition of the appeal within two weeks of receipt of the panel's recommendation. Copies of the decision should be sent to both parties, the panel, the Vice Chancellor, and Chancellor. If the President decides to take action other than that recommended by the panel, the panel must be informed accordingly. The President's decision regarding the appeal shall be final.

## **SECTION V OTHER PROVISIONS**

The procedures outlined above shall pertain to grievances initiated on or after July 1, 2011.

MEMORANDUM

TO: Fort Wayne Senate

FROM: Kathy Pollock, Chair  
Executive Committee

DATE: 14 February 2011

SUBJ: Approval of replacement members of the Faculty Affairs Committee and the  
General Education Subcommittee

DISPOSITION: To the Presiding Officer for implementation

WHEREAS, The Bylaws of the Senate provide (5.1.2.) that "... Senate Committees ... shall have the power to fill Committee vacancies for the remainder of an academic year, subject to Senate approval at its next regular meeting"; and

WHEREAS, There is a vacancy on the Faculty Affairs Committee; and

WHEREAS, The Faculty Affairs Committee has appointed Mark Masters as the replacement member for the remainder of the 2010-11 academic year; and

WHEREAS, There is a vacancy on the General Education Subcommittee; and

WHEREAS, The General Education Subcommittee has appointed Matthew Walsh as the replacement member for the remainder of the 2010-11 academic year;

BE IT RESOLVED, That the Senate approve these appointments.

Administrator Teaching Report - February 2011  
 Fall and Spring Semesters  
 – End of First Week records–

<u>Unit</u>	<u>Administrator</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>
CHAN	M. Wartell	None	None	None
DSTU	D. Bialik	None	None	None
OAA	S. Hannah	None	n.a.	n.a.
	C. Drummond	None	F-GEOL G323 6 S-None	n.a.
	K. O'Connell	None	None	None
	S. Sarratore	None	n.a.	F-THTR 201 20 S-ENG C682 2 S-ENG W395 6 S-THTR 376 6
	W. McKinney	n.a.	None	F-None S-LBST D503 22 S-PHIL 580 4
	D. Townsend	n.a.	F-MA 351 39 S-None	None
	J. Khamalah	n.a.	n.a.	F-BUFW M570 32 S-BUS K327 28
	J. Albayyari	n.a.	n.a.	None
A&S	M. Lipman	None	None	n.a.
	D. Legg	F-None S-MA 091 1	F-None S-MA 183 1	None
	C. Drummond	n.a.	n.a.	None
	E. Blakemore	n.a.	n.a.	F-PSY 100 17 F-PSY 235 28 F-PSY 496 2 S-PSY 100 20 S PSY 345 35

<u>Unit</u>	<u>Administrator</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>
BMS	J. Wellington	F-BUFW D586 1 F-BUFW G581 1 F-BUFW M552 1 F-BUFW M566 1 F-BUFW M590 1 S-None	n.a.	n.a.
	J. Moore	F-BUFW X380-1 9 F-BUFW M540 44 S-BUFW X380-1 12 S-BUFW M540 40	F-BUFW X380-1 6 F-BUFW M540 42 S-BUFW X380 6 S-BUFW M540 33 S-BUS K327 20	F-BUFW X381 4 F-BUFW M540 24 F-BUFW M540 31 S-BUFW X380 1 S-BUFW X381 6 S-BUFW M540 15
	O. Chang	n.a.	None	None
EDU	B. Kanpol	None	None	None
	K. Murphey	F-EDUC H504 13 S-EDUC H504 9	F-EDUC H530 12 S-EDUC H504 22 S-EDUC S591 1	F-EDUC H530 1 S-EDUC H504 21
ETCS	G. Voland	F-None S-ENGR 199 24	None	None
	H. Broberg	F-ECE 301 10 S-ECET 302 13	F-ECET 205 29 S-ECET 205 10 S-ECET 302D 17	F-ECET 205 24 S-ECET 302 21
	J. Albayyari	None	None	n.a.
	C. Pomalaza-Raez	F-None S-ENGR 411 24 S-ME 488 5	F-ECE 406 5 F-ME 488 4 S-ENGR 411 13	n.a.
	M. Yen	n.a.	n.a.	n.a.
HHS	L. Finke	None	F-NUR 671 2 S-NUR 599 4	F-None S-NUR 599 3
LIB	C. Truesdell	n.a.	None	None
VPA	B. Resch	F-EDUC M474 4 F-MUS M236 12 F-MUS X297 3 S-MUS L418 33 S-MUS X297 6	F-EDUC M474 1 F-MUS M236 12 F-MUS X397 1 S-EDUC M474 6 S-MUS F419 11 S-MUS L418 29 S-MUS X297 4	F-EDUC M474 2 F-MUS E135 25 F-MUS M236 6 S-EDUC M474 2 S-MUS L418 32 S-MUS X297 6
	C. O'Connor	n.a.	None	None