

UNIVERSITY FACULTY SENATE

SUMMARY OF AGENDA

April 4, 1983

- I. ADOPTION OF THE AGENDA
- II. APPROVAL OF THE MINUTES: March 7 and 14, 1983
- III. REMARKS BY PRESIDENT TRABANT and/or PROVOST CAMPBELL
- IV. ANNOUNCEMENTS
 1. Remarks by Dean Murray:

The Structure of Teacher Education
at the University of Delaware
 2. Senate President Hoffecker
- V. OLD BUSINESS
 - A. Resolution regarding the proposal for a Ph.D. program and degree in Family Studies (Senator J. O'Neill)
- VI. NEW BUSINESS
 - *A. Resolutions to change the method of appointment of the graduate student member of the Committee on Student Life
 - *B. Resolution to change the charge to the Committee on Undergraduate Records and Certification
 - C. Resolution from the University Review Committee for Academic Complaints regarding the faculty Grievance Procedure (Attachment 2)
 - D. Introduction of new business

*Bylaw change; requires a 2/3 vote of those senators present and voting.

UNIVERSITY OF DELAWARE
NEWARK, DELAWARE
19711

UNIVERSITY FACULTY SENATE
303 HULLIHEN HALL
PHONE. 302-738-2921

March 28, 1983

MEMORANDUM

TO: All Faculty Members

FROM: James D. Culley, Vice President *Jim Culley*
University Faculty Senate

SUBJECT: Regular Faculty Senate Meeting, April 4, 1983

In accordance with Section IV, paragraph 6 of the Constitution, the regular meeting of the University Faculty Senate will be held on Monday, April 4, 1983 at 4:00 p.m. in room 110 Memorial Hall.

AGENDA

- I. Adoption of the Agenda.
- II. Approval of the Minutes of the regular and continued Senate meeting of March 7 and 14, 1983.
- III. Remarks by President Trabant and/or Provost Campbell.
- IV. Announcements
 1. Remarks by Dean Murray:

The Structure of Teacher Education
at the University of Delaware
 2. Senate President Hoffeecker.
- V. Old Business
 - A. Resolution introduced by Senator O'Neill at the March 14, 1983 meeting, regarding the proposed Ph.D. program and degree in Family Studies.

WHEREAS insufficient information has been presented to the Senate concerning the financial issues of the proposed Ph.D. program and degree in Family Studies, and

- WHEREAS an accident of timing resulted in there being a drastic change in the University's financial climate from the time of the proposal's introduction to the point of Senate consideration, and
- WHEREAS colleges should have the prerogative of setting priorities within the college, therefore be it
- RESOLVED that the Senate requests the Coordinating Committee on Education to examine the proposal, especially the financial issues, involving the Family Studies doctoral program and report back at the May meeting of the Faculty Senate for appropriate action.

VI. New Business

- A. Three resolutions from the Committee on Committees (T. Scott, Chair) to provide for the appointment by the Committee on Graduate Studies of the graduate student member of the Committee on Student Life. [Material in italics to be deleted; material in brackets to be added.]
1. RESOLVED, that the charge to the Committee on Student Life, paragraph 2 (I-24 of the present Faculty Handbook) reads as follows:

This committee shall consist of two designees of the Vice President for Student Affairs; four faculty member, one of whom shall be chairperson; three undergraduate students; and one graduate student [appointed by the Committee on Graduate Studies].
 2. RESOLVED, that the charge to the Committee on Committees, paragraph 5 (I-17 of the present Faculty Handbook) reads as follows:

The committee shall receive and transmit to the faculty or its Senate the nominations of the duly constituted undergraduate and graduate student governments for student memberships on faculty committees as specified. In the absence of a graduate student government, each Senate committee shall choose its own graduate student member(s) *where such member(s) are* [as] required[, unless otherwise specified].
 3. RESOLVED, that the charge to the Committee on Graduate Studies, paragraph 2 (I-20 of the present Faculty Handbook) reads as follows:

This committee shall formulate, for determination by the faculty or its Senate, the policies for admission to graduate study. It shall have the power to act on the alteration, addition, or deletion of individual graduate courses recommended by college committees, and it shall make recommendations to the faculty or its Senate on courses of study leading to graduate degrees and on matters of policy concerning graduate study, and may employ outside consultants toward this end. [Each academic year it shall appoint the graduate student member of the Committee on Student Life.

- B. Resolution from the Committee on Committees (T. Scott, Chair) to change the charge of the Committee on Undergraduate Records and Certification. [Material in italics to be added.]

RESOLVED, that the charge to the Committee on Undergraduate Records and Certification (I-25 of the present Faculty Handbook) reads as follows:

This committee shall provide for the administration of all matters concerning undergraduate students' records and academic standing. On the recommendation of the deans of the several colleges this committee shall certify to the President students who have completed the requirements for baccalaureate degrees and upon whom the faculty, with the approbation of the Trustees, is conferring such degrees; such certification shall be entered into the minutes of the faculty or its Senate.

This committee shall consist of *one faculty member, who shall be the chairperson*; an appointee of the Vice President for Academic Affairs; the Director of Records; and one designee of the Dean of each college enrolling undergraduate majors.

In dismissing a student for academic deficiency, the committee shall advise him/her of the right to petition for reinstatement. Such petitions may be decided by subcommittees comprised of: the chairperson; the appointee of the Vice President for Academic Affairs; the Director of Records; and the designee(s) of the Dean(s) of the petitioning student's college(s). The committee shall, however, meet as a whole at least twice each academic year to discuss the decisions of such subcommittees, for the purpose of establishing and maintaining reasonable uniformity in the petition process.

- C. Resolution from the University Review Committee for Academic Complaints (G. DiRenzo, chair) regarding academic complaints. (Attachment)

WHEREAS, equity recognizes no distinction between a "complaint" and a "grievance"; and

WHEREAS, the existing procedures for processing academic complaints have not always served the requirements of due process and the demands of justice; and

WHEREAS, the existing procedures do not provide for processing certain types of academic complaints, particularly those involving conflicts of interests; therefore be it

RESOLVED, that the American Association of University Professors, University of Delaware Chapter, be advised to effect the following changes in the collective bargaining agreement during future negotiations.

1. That Step #4 (Vice President for Academic Affairs) carry a time-limit of ten days;
 2. That decisions at Step #3 (University Senate Review Committee) and Step #4, along with subsequent exchanges between these steps, be published, with appropriate measures to protect personal identities, in the minutes of the University Faculty Senate;
 3. That a mechanism be established for processing complaints against actions at the levels of the Office of the Vice President for Academic Affairs and the Office of the President (e.g., approval for foreign travel, sabbatical leaves, grant endorsement, etc.);
 4. That provisions be made for processing complaints regarding actions of the committees of the University Faculty Senate (e.g., decisions involving personnel actions and/or academic judgments);
 5. That distinctions between complaints and grievances be made with more specificity.
- D. Such items as may come before the Senate. (No motion introduced at this time may be acted upon until the next meeting of the Senate.)

/b

Attachments: 1. Committee Activities
2. Collective Bargaining Agreement, Article VIII: Grievance Procedure

COMMITTEE ACTIVITY REPORTS

ACADEMIC COMPLAINTS, UNIVERSITY REVIEW COMMITTEE FOR (Gordon J. DiRenzo)

Working on resolution for revision of procedures for processing academic complaints

ACADEMIC FREEDOM, COMMITTEE ON (Kenneth C. Haas)

Reviewing disruptive behavior policy

BUDGET REVIEW, COMMITTEE ON (Francis X. Tannian)

1. Review present charge and responsibilities of Committee
2. Assemble and review University budget information
3. Develop process for annual review of budget for presentation to the Senate

COMMITTEE ON COMMITTEES (Thomas R. Scott)

Filling Senate committee openings and judicial appointments

FINE ARTS AND EXHIBITIONS SUBCOMMITTEE (Jeanne S. Rymer)

Reviewing exhibit possibilities for the sesquicentennial year and Orwell's 1984

GRADUATE STUDIES, COMMITTEE ON (Marvin Sussman)

1. Reviewing proposal for Ph.D. in Food Science - Applied Science
2. Reviewing course/degree/program approval processes
3. Reviewing one-week courses during summer sessions

PROMOTIONS AND TENURE, COMMITTEE ON (Frank R. Scarpitti)

1. Reviewing promotion and tenure recommendations
2. Hearing appeals
3. Reviewing department guidelines

STUDENT AND FACULTY HONORS, COMMITTEE ON (James Kent)

Subcommittees for Honors Day, Outstanding Teachers and Alison Award have begun their tasks

STUDENT LIFE, COMMITTEE ON (James R. Soles)

1. Reviewing student judicial system
2. Reviewing sexual harassment policy

UNDERGRADUATE ADMISSIONS AND STANDING, COMMITTEE ON (R. Dean Shippy)

Subcommittee is reviewing Credit by Examination and Advanced Placement

UNDERGRADUATE STUDIES, COMMITTEE ON (Val Arnsdorf)

1. Reviewing one-week summer session courses
2. Reviewing change in undergraduate student advisement

UNDERGRADUATE STUDIES, COMMITTEE ON (continued)

3. Reviewing Credit by Examination and Advanced Placement
4. Reviewing guidelines for field experience courses
5. Reviewing double minors
6. Reviewing program changes in Engineering

COLLECTIVE BARGAINING AGREEMENT

**ARTICLE VIII
GRIEVANCE PROCEDURE**

8.1 A grievance is defined as any dispute or difference concerning the interpretation, application or claimed violation of any provision of this Agreement. In addition, matters which may be grieved on procedural grounds are covered by Article XVI - Maintenance of Practices, in this Agreement. Procedures for processing complaints or problems related to terms or conditions of employment, but which are not grievances as defined above, will follow Steps 1 and 2. If the complaint is not resolved at Step 2, it may be appealed to the University Senate Review Committee. This committee is advisory to the Vice President for Academic Affairs whose decision in such cases is final and binding.

Every attempt shall be made to resolve any grievance arising under this section speedily and informally by meetings between those directly affected. An appellant who has a grievance must initiate action under Step 1, in writing, within twenty-five (25) work days after knowledge of the occurrence of the event out of which the appeal arises. Written statements of the grievance must include (1) a statement of the action being grieved; (2) reference to relevant article(s) of the Collective Bargaining Agreement, or relevant statements of University policy; and (3) the remedy or relief sought.

University holidays, Saturdays, and Sundays shall not be counted as work days. Time limits may be extended by mutual agreement. It is the intention of the parties to agree to such extensions when they are justified by good and sufficient reason.

8.2 Any grievance appeal of a member of the bargaining unit of the AAUP - hereinafter called "the appellant" - shall be handled in the following manner:

Step 1. An appellant who has a grievance shall present an appeal in writing and signed by the appellant in the first instance to the Chairperson (if the appellant is in an administrative unit with no Chairperson, this step is omitted). The Chairperson shall discuss the grievance with the appellant. The AAUP will be notified by the Chairperson and may send representatives to all meetings where the grievance is discussed with the appellant.

The Chairperson shall consider the appeal and shall reply in writing within seven (7) work days after receipt of the appeal with copies to the AAUP, the Dean or Director, and the Vice President for Personnel and Employee Relations.

Step 2. If the matter is not resolved, the appellant shall file a written appeal to the Dean or Director within seven (7) work days after receipt of the Step 1 decision, with copies to the Chairperson, AAUP and the Vice President for Personnel and Employee Relations. The Dean or Director shall discuss the grievance with the Chairperson and the appellant. The AAUP will be notified by the Dean or Director and may send

representatives to all meetings where the grievance is discussed with the appellant.

The Dean or Director shall consider the appeal and shall reply in writing within ten (10) work days after receipt of the appeal with copies to the AAUP, the Chairperson, and the Vice President for Personnel and Employee Relations.

Step 3. In the event the matter is not resolved in Step 2, the appellant may appeal in writing (with copies to the AAUP, the Dean/Director, and the Chairperson) to the Vice President for Personnel and Employee Relations within fifteen (15) work days after receipt of the Step 2 decision. The Vice President for Personnel and Employee Relations, sitting with two members of the faculty selected in the manner provided in Section 8.3, shall conduct a hearing within fifteen (15) work days after receipt of the appeal. The hearings shall be conducted with concern for due process. The appellant shall be afforded the opportunity to testify and to call witnesses and to introduce relevant documentary and other evidence in his/her behalf. The appellant and the appropriate administrative officer representing the opposing view will have the right to confront and cross-examine all witnesses. The Vice President for Personnel and Employee Relations, as well as the faculty members sitting with him, shall also have the right to question all witnesses. The appellant will be afforded the opportunity to obtain necessary witnesses and relevant documentary and other evidence, except confidential letters of recommendation. The administration will make available on a confidential basis necessary documents and other evidence within its control and, insofar as it is possible for it to do so, secure the cooperation of necessary witnesses. Where a witness cannot or will not appear and where it is determined that the interests of justice require admission of his/her testimony, the Vice President for Personnel and Employee Relations will identify the witness, and, if possible, disclose his/her statement and provide for interrogatories. The appellant must have the opportunity to be apprised of the bases upon which all actions are taken during the conduct of the hearing. Testimony and arguments made during the hearing shall be recorded, and the tape or cassette, together with all documentary and other evidence admitted during the hearing, shall be preserved for use as warranted if an appeal is taken to Step 4.

The Vice President for Personnel and Employee Relations shall render a decision on the appeal, in writing, within ten (10) work days after the hearing with copies to the appellant, the AAUP, the Dean or Director and the Chairperson. Either or both of the faculty members sitting with the Vice President for Personnel and Employee Relations may, if they so choose, prepare a separate opinion stating their views, which opinion shall be appended to the decision of the Vice President for Personnel and Employee Relations.

Step 4. If the appellant is not satisfied with the written decision of the Vice President for Personnel and Employee Relations and the matter involves a grievance as defined in 8.1 above, and if the AAUP concurs, the AAUP may file a written appeal within seven (7) work days to the American Arbitration Association (AAA) for binding arbitration under its rules. The arbitration shall be by a neutral arbitrator selected under AAA rules, and the decision of the arbitrator shall be final and binding. The arbitrator's award shall not modify, change, add to, or subtract from any provision of this Agreement. The costs of arbitration by the AAA and its impartial arbitrator will be borne equally by the parties and each party shall bear the costs of the presentation of its case.

8.3 Within twenty (20) work days after the signing of this agreement, the AAUP and the administration will each prepare a list of five (5) members of the bargaining unit willing and able to serve with the Vice President for Personnel and Employee Relations in hearing grievances under Step 3. In the event that a grievance is taken to Step 3, the AAUP shall immediately select one person from the list prepared by the administration, and the administration shall select one person from the list provided by the AAUP. These two faculty members shall then sit with the Vice President for Personnel and Employee Relations to hear the grievance as provided in Step 3.

8.4 Any written decision or written answer to an appeal made at any step which is not appealed to the succeeding step within the time limits provided, or such additional period of time as may be mutually agreed upon in writing by the parties to this Agreement, shall be considered a final settlement and such settlement shall be binding upon the appellant(s) and the parties to this Agreement. If a decision or written answer to an appeal is not rendered by an administrator within the time limits specified in this Article, the appellant may take the next step in the procedure.

8.5 At no step in the procedure shall a settlement be reached which is inconsistent with the provisions of this Agreement.

8.6 No provision of this Article shall infringe upon the right of the AAUP to act as the sole and exclusive Collective Bargaining Agent as provided in Article III - Recognition, of this Agreement.

8.7 Two or more members of the bargaining unit within the same college or department alleging the same difference concerning the interpretation, application, or claimed violation of any provision of this Agreement may bring the same grievance under this Grievance Procedure.

8.8 A grievance filed by more than one member of the bargaining unit within the same college or department may be introduced directly to Step 2 of the Grievance Procedure provided such grievance is filed in writing within thirty (30) work days after knowledge by any one such member of the occurrence of the event out of which the appeal arises.

8.9 Faculty members from different colleges alleging the same difference concerning the interpretation, application, or claimed violation of any provision of this Agreement shall have the option of bringing the same grievance under the Grievance Procedure, which may be introduced directly in Step 3, provided the grievance is filed in writing within thirty-five (35) work days after knowledge by any one such member of the occurrence of the event out of which the appeal arises.

8.10 The AAUP may file a grievance in writing concerning the interpretation, application, or claimed violation of a provision of this Agreement which deals with rights granted to AAUP including the provisions of Article 5.11. Such grievance shall be filed directly with the Vice President for Personnel and Employee Relations within twenty (20) work days after knowledge of the occurrence of the event out of which the grievance arises. The Vice President for Personnel and Employee Relations shall consider the grievance and shall reply in writing to the AAUP within ten (10) work days after receipt of the appeal. If the AAUP is not satisfied with the written decision of the Vice President for Personnel and Employee Relations, it may file a written appeal within ten (10) work days as provided in Step 4, above.

8.11 If a grievance is the result of an action of an administrator above the level of department chairperson, the appellant may initiate his/her grievance at the administrative level where the action was taken or at Step 3. If the grievance

results from the action of the President, it may be initiated at Step 3 or Step 4. Grievances under this Article must be filed in writing within twenty-five (25) work days after knowledge of the occurrence of the event out of which the grievance has arisen.

8.12 The AAUP will be notified of all meetings and hearings which take place in the processing of a written grievance and shall have the right to have a designee present at all such meetings and hearings. The designee can represent the appellant, act as his/her advisor or as observer at the option of the appellant.