**Report and Recommendations to Senate on Implementation**

**of Faculty Due Process Standards**

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**Chair, University Faculty Senate**

United Faculty and the Board of Regents, State of Iowa, have agreed to insert language into the Master Agreement guaranteeing that any faculty member facing dismissal from the university will be subject to the process outlined in the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases.[[1]](#footnote-1)

The newly inserted language reads:

Temporary, term, renewable term, clinical, probationary, and tenured Faculty Members may be terminated, only during an applicable term, for just cause and in accordance with the requirements of due process as approved by the Board of Regents, State of Iowa, June 30, 1973; and any applicable sections of this Collective Bargaining Agreement.

That procedure involves a Faculty Welfare Committee, upon request of the Provost, appointing a small committee that would serve as an inquiry committee to decide whether a full-blown hearing is justified. If a hearing is justified, the Senate is heavily involved in selecting the hearing committee, which would conduct the hearing and make a recommendation about whether to dismiss. The Faculty Welfare Committee is clearly envisioned as a standing committee. The process for constituting the hearing committee is more complicated. The procedures specify that the Senate Chair and Provost would each provide names of 25 people who could serve on the hearing committee. From that group of 50, the Senate would by secret ballot narrow the field to 25 people. Both the provost and the faculty member would then be allowed to object to a number of people and to designate people as desirable. The Senate would then select the hearing committee from among those who have been recommended by both parties (or at least not objected to by either).

The Faculty Welfare Committee used to be a standing committee of the faculty. The faculty also used to have a Panel on Faculty Conduct, which comprised the pool of people from whom hearing committees might be selected, should they be needed. Although I was unable to find the specific date on which the Faculty Welfare Committee was disbanded, I found reference to its elimination in the minutes to the October 28, 1996 meeting of the Senate. At that meeting, Senator Ken DeNault stated that he had done research and found that the Senate had disbanded the committee with the understanding that it could form the committee ad hoc as necessary.

The Panel on Faculty Conduct was eliminated by the Committee on Committees in 2002 because the committee had only been utilized twice prior to collective bargaining and there was a sense that dismissal of faculty members would be governed by the Master Agreement via the grievance process (Minutes of November 11, 2002 meeting of the University Faculty Senate).

I have consulted with Hans Isaakson from United Faculty and with Provost Gibson. We all agree that it would be better to have a standing Panel of Faculty Conduct from whom members of the hearing committee would be picked. None of us liked the idea of having to come up with 25 names on short notice in the context of a situation where a faculty member’s career is in jeopardy because he or she is facing a serious accusation.

Recommendations:

1. Re-constitute the Faculty Welfare Committee and charge it with appointing an inquiry committee when asked by the provost:

**Faculty Welfare Committee**

**Membership: The Faculty Welfare Committee shall consist of the Chair of the Faculty and the chair of each college senate.**

**Charge: Under the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases, required by Appendix B of the Master Agreement, the Faculty Welfare Committee shall, upon request from the provost, “appoint a committee of three, at least one of whom is a member of the Faculty Welfare Committee, to inquire quickly and informally into the [accusation against a faculty member] and … decide whether in their opinion formal proceedings are justified.”**

**Those appointed to the inquiry committee must be tenured members of the faculty. No one shall be appointed to the inquiry committee who is a member of the University Faculty Senate or who is from the accused’s department. Members of the Faculty Welfare Committee from the accused’s department or who have other conflicts of interest in the case must recuse themselves from participating in discussion of the case.**

Rationale:

The Master Agreement assumes that this is a standing committee that the Provost can approach at any time. But UNI’s history shows that this committee is rarely convened; indeed, this led it to be disbanded some years ago. Such committees can be difficult to recruit people to run for. By comprising the committee of the chairs of the college senates and the chair of the faculty, the Provost would have a ready body of people to approach and would not require the Committee on Committees or college senates to recruit more people to run for positions within the colleges.

Alternatively, the membership of the committee could be elected from within the colleges. Sample language would be:

**Membership: The Faculty Welfare Committee shall consist of one member elected from each college, including the library. Members shall serve for three year rotating terms.**

1. Re-constitute a Panel on Faculty Conduct via one of two means:
2. Annual campus-wide solicitation of faculty members for the panel

**Panel on Faculty Conduct**

**It is the responsibility of all members of the faculty to uphold norms of professional ethics and to protect academic freedom. The Panel on Faculty Conduct shall consist of all tenured faculty members who respond to an annual call from the Chair of the Faculty to make themselves eligible for selection to a hearing committee should the need arise.**

**When notified of the necessity for a hearing committee, the Senate Chair shall randomly select 25 names from the Panel to fulfill his/her obligation under the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases. The Provost’s selections may also come from this panel.**

Rationale:

This option recognizes the reality that it is often a lot of work for college senates to recruit people to run for office and instead makes a direct appeal to all tenured faculty to agree to serve when called upon. The idea here is to recruit a very large panel of people, sort of a jury pool, who would be willing to serve on a hearing committee if called. One way to accomplish this might be a joint email from the Faculty Chair, the President of United Faculty and the Provost explaining the importance of faculty due process rights and appealing to the professional obligations of all faculty members to enforce the norms of the academy.

We have roughly 420 tenured faculty members. If only one in eight agreed to be on the panel, we’d still have more than 50 people to select from in constituting a hearing committee.

1. Selection of panel members by colleges, either by the faculty of the college or by the college senate.

**Panel on Faculty Conduct**

**Membership: The Panel on Faculty Conduct shall consist of at least 20 tenured faculty members from the College of Humanities and Fine Arts, two tenured faculty members from the library, and at least 10 tenured faculty members from each of the other colleges. Members shall be (**option i: **elected by the faculty of each college;** option ii**: elected by the college senates).**

**When notified of the necessity for a hearing committee, the Senate Chair shall randomly select 25 names from the Panel to fulfill his/her obligation under the 1973 Board of Regents Procedure for Handling Faculty Dismissal Cases. The Provost’s selections may also come from this panel.**

Rationale:

This would assure that all colleges are represented on the Panel and that the Panel’s composition would be roughly proportional to that of the faculty.

Our recent history, however, suggests that this is not as easy as it appears. In Fall 2012 the Senate appointed people to the Faculty Academic Misconduct Panel. We asked for about eight names from each college and received anywhere from six to twelve from each college. Even after the Senate requested two additional members from the Arts from CHAS, we only received one additional name. It was simply difficult to get people to volunteer in this way.

1. The language in the Master Agreement only refers to circumstances where faculty members face dismissal, not to any situations involving disciplinary action short of dismissal. If the faculty wishes to institute due process standards for those situations, the Senate should take this up next year as a recommendation to change university policy to develop such a process. There is a 1973 Board policy on such situations that could form a basis for such recommendations. If the Senate were to move forward on such a process, it would probably make sense to use a single Panel on Faculty Conduct for all instances where faculty members are accused of wrongdoing, thereby merging this policy with the currently existing scholarly misconduct policy. [↑](#footnote-ref-1)