

Faculty Handbook Committee Recommendation on the Proposal from the Board of Directors to amend the Handbook with regard to Part Five:

The Amendment Procedures.

Background

This proposal was brought forward by the Board of Directors to amend the process by which the Faculty Handbook can be amended. The Board expressed concerns that the process of amending the Faculty Handbook was too slow. Furthermore, they wanted the ability to amend the handbook during the summer when Faculty Members are off-contract in the event of financial exigency or budgetary hardship.

The Handbook Committee reviewed the proposal and had a number of concerns that they communicated to the Board of Directors. We recommended a number of changes to the original proposal, including 1) The Board had reduced the number of parties that could initiate proposed amendments, eliminating the President of the JCU Chapter of the American Association of University Professors (AAUP), any department, and any college. We recommended that these parties continue to be empowered to bring forward proposals for amendments. 2) The Board made open hearings optional, to be triggered only by a request from a commenter. The current Handbook requires open hearings; they are not optional. We recommended that hearings remain obligatory. 3) A provision was inserted (I. AMENDMENT PROCEDURES, K) which allowed steps in the amendment process to occur outside of the Academic Year in extenuating circumstances (financial exigency or budgetary hardship). We recommended removal of section K.

The last point was the most critical item in our review. We will repeat what we communicated to the Board about this proposal:

“Provision K will cause opposition to this amendment. Some Faculty members objected this summer when Faculty Council met, and when the Faculty Handbook Committee met. Optional general faculty meetings were held, and well attended, but we also heard loud complaints that Faculty committees were not supposed to meet in summer. There is a formal interpretation of the Handbook in the Appendix that says Faculty Committees are not supposed to meet during summer when faculty are off-contract, except for a very few limited cases. We recommend that K be stricken from this proposal. The issue of when it is appropriate for committees to meet in summer, or faculty votes should take place in summer, requires a separate amendment. We do not think this is the place to override the interpretation in the handbook prohibiting meetings. The Faculty Handbook Committee recognizes that this summer was an instance when Faculty should have been allowed to meet to carry out critical time-sensitive business. We also understand how in normal years it is important to protect faculty from the expectation of committee work during summer. A conversation between the Board and the Faculty Handbook

Committee could produce a solution to the current difficulty. Keeping this provision in the current amendment seriously jeopardizes its ability to receive a favorable vote from the faculty. Indeed, there is no mechanism for a vote of the Faculty to occur in the summer since no faculty members are under contract.

In addition to our major concerns, we also questioned the timeline that was established and recommended several procedural adjustments. The Board in their revision of their proposal generally followed most of these recommendations.

The revised proposal

On Monday afternoon, November 2, 2020, The Board submitted the revised proposal. They indicated in their letter to the Faculty Handbook Committee that this was a final proposal, and as such, was not subject to further review or revision. This is in accordance with the current Faculty Handbook process, which states that once a final proposal is submitted it must be shared with the Faculty, the Faculty Handbook Committee must write a recommendation to the Faculty regarding the final proposal, and a 30 day period of review starts in which open hearings are held and discussion regarding the proposal can occur among the Faculty.

The revised proposal did adopt many of our suggestions. However, the three changes given above were not changed. The President of the local chapter of the AAUP, departments, and colleges are not able to initiate the amendment process, open hearings are optional and must be requested by a commenter, and amendments can be initiated in the summer. The Board's letter justified preventing these parties from initiating amendments on the grounds that "each of these bodies could propose amendments via one of the named groups, such as the Faculty Council . . ." That is not a compelling argument. Obviously, under this proposal the deans, department chairs, and the AAUP chapter president could propose an amendment only if one of those groups agreed to do so in their stead. They could refuse to do so. Clearly, the board's proposal eliminates the ability of the deans, department chairs, and the president of JCU's AAUP chapter to propose handbook amendments. The Handbook Committee was disappointed that our recommendations were not followed. Despite our disappointment, we likely could have supported this proposal if only the first two objectionable changes were left in the proposal.

However, we feel there are significant contractual reasons that the Handbook should not be amended during summer. First, Faculty are off contract during summer. Votes cannot be held at that time as we do not even have a list of current faculty eligible to vote. Would faculty who retired in spring be asked to vote? Would faculty who were joining the faculty in the fall be asked to vote? Would both outgoing and incoming faculty be excluded from voting? Furthermore, how would a 60% quorum be determined when all faculty are off-contract? Finally, given that faculty often travel in the summer to conduct research, attend academic meetings, and take vacations, it would be very hard to meet the 60% voting threshold, thus seriously jeopardizing a positive vote for a proposal which has had a great deal of time and energy invested in it. Teaching responsibilities during the academic year make it very difficult for faculty members to conduct research and produce scholarship, duties at the heart of the identity of any modern

university and for which faculty are assessed on annual self-evaluations. Faculty do the vast bulk of their scholarly work over the summer months. Requiring faculty -- particularly those faculty in positions of leadership, such as faculty council and the faculty handbook committee -- to engage in uncompensated, time-consuming work in the summer months thus puts them at a material disadvantage. They would be disadvantaged in comparison to their university peers at time of evaluation, tenure, and promotion because their research productivity was reduced due to being forced to conduct careful reviews of proposals, draft recommendations, etc. It would also put these faculty members in a difficult position when it comes to meeting publishers' deadlines, addressing their responsibilities in collaborative projects with scholars from other universities or institutions, and fulfilling responsibilities to provide peer reviews for academic journals. All of these consequences would detract from John Carroll's reputation. Finally, open hearings would be hard to attend when faculty are off-contract, so opportunities for vetting the proposals would be very limited.

Given our grave concerns about conducting steps of the amendment process during summer, even in extenuating circumstances, we feel we cannot recommend approval of this proposed amendment, and recommend the faculty vote against its adoption.