

2016-2017 Year-End Committee Report

Committee:	Cause
Chair:	Mark A. Segraves
# of Meetings:	1 – December 9, 2016

Completed Business and/or Accomplishments

The committee considered three appeals, all during the Fall Quarter of 2016/17.

Unfinished/Continuing Business

President Zoloth submitted a new request for consideration by the committee to Associate Provost Lindsay Chase-Lansdale on April 26, 2017. We have not, however, received any communication from Lindsay Chase-Lansdale concerning this request for committee action

New Business for Next Year

In the course of our discussions regarding the cases reviewed this year, there was concern expressed within the committee regarding the extent to which the committee was required to uncover the facts pertaining to an appeal. Historically, the committee has viewed its role as similar to that of a grand jury, in that we decide if there is sufficient evidence to warrant the imposition of a sanction. Or, alternatively, the committee may decide that the evidence available does not warrant the imposed sanction. As we were made aware this year, this leaves the committee open to charges by the faculty member and administration that our opinion was arrived at without considering “all of the facts”. In general, the consensus within the committee is that we should not be expected to gather and review all of the information that pertains to a particular case, this is far beyond our ability, and would probably require the establishment of an office or individuals devoted to this function. The question remains, to what extent should the committee expend its energies uncovering the facts for a particular case?

Two sections from the 2016 Faculty Handbook are included below (yellow highlights). Ultimately, these sections may require revision to define the committee's fact finding role more precisely.

Page 30:

"Procedures for the Appeal of Reprimands and Minor Sanctions

Should a faculty member make a timely appeal to the Committee on Cause, the Committee will consider information provided by the faculty and the administration in reviewing the matter. At its discretion, the Committee on Cause may seek further information. The Committee on Cause will advise the Provost as to whether, in its opinion, there is probable cause for the imposition of the proposed reprimand or minor sanction. **It is not the function of this Committee to make formal findings of fact, but to advise on the reasonableness of the proposed reprimand or minor sanction imposed in light of the facts presented by the administration and the faculty member.** The opinion of the Committee on Cause shall be advisory to the Provost."

Page 31:

"Procedures for the Appeal of Major Sanctions

Procedures for imposition of a major sanction shall commence by notification of the faculty member of a reasonably particularized statement of charges and proposed major sanction against the faculty member by the Provost or the Provost's delegate ("the Administration"). **In the event that the discussions between the faculty member and appropriate administrative officers do not produce a mutual settlement, the charges and the responses thereto by the faculty member can be referred to the Faculty Committee on Cause by either the faculty member or the administration.**

At its discretion, the Committee on Cause may seek further information. The Committee on Cause will advise the Provost as to whether, in its opinion, there is probable cause for the imposition of the proposed major sanction. **It is not the function of this Committee to make formal findings of fact, but to advise on the reasonableness of the proposed major sanction in light of the facts presented by the administration and the faculty member.** The opinion of the Committee on Cause shall be advisory to the Provost."

A second concern pertains to the way in which appeals are forwarded to the committee. The handbook is ambiguous about this procedure. It states that the administration or the faculty member may refer their appeal to the Cause Committee (blue highlight above). We have at least one recent case where an appeal was forwarded to the administration by the president of the faculty senate, and one month after sending the appeal to the provost's office, the Committee on Cause has not been notified (see Unfinished Business above).

Our committee will need to work with the Faculty Handbook Committee to address these issues.