

Minutes of the Emory Faculty Council

17 March 1998
Room 400 Administration

In attendance: John Boli, Virgil Brown, William Chace, Rebecca Chopp, Terry Clark, William Cody, Rich Freer, Luke Johnson, Judith Kapp, Laura Porter Kimble, Harriet King, Sharon Lewis, Jerry Lutz, Helen O'Shea, David Pacini, Gay Robins, Jeffrey Rosensweig, Rick Rubinson, Mike Terrazas, Nanette Wenger, Keith Wilkinson

Excused absences: Susie Buchter, Winfield Sale, Claire Sterk

I. Welcome and Announcements

Faculty Council Chair William Cody called the meeting to order at 3:15 and extended a welcome to all members and guests. He announced the Distinguished Faculty Lecture, which Professor Dan Carter will give on 31 March.

I. Presentation and Approval of Minutes for 17 February 1998.

Council Chair Cody presented the minutes of 17 February to the Council for their approval. The Council received and approved the minutes. President Chace reported, apropos of the February minutes, that he had extended an invitation to Professor Jacqueline Jordan Irvine to deliver the Distinguished Faculty lecture in 1999.

III. Remarks on Faculty Governance

Council Chair Cody introduced Professor John Bugge, President of the Emory Chapter of the AAUP, who addressed the Council on issues of faculty governance. Warning of some trends in American higher education to reduce faculty power, Professor Bugge urged that greater faculty governance enhances the University. He noted that the three areas of faculty participation in the University - teaching, research, and service - often exert conflicting pressures on faculty. To address these issues, Professor Bugge called for more extensive conversation about governance, particularly among the divisions in the University. He also expressed the desire for a closer relationship between the trustees of Emory University and the faculty to create a climate of public conversation and debate.

IV. Report on Faculty Mediation Committee

Professor Richard Freer shared with the Council the report of the Faculty Mediation Committee (see Appendix I). After extensive conversation, the Council decided to continue the conversation at its next meeting.

V. Report on Disabilities and Learning

Professor David Pacini presented the (revised) report of the Ad Hoc Committee on Disabilities and Learning to the Council. After discussion and clarification of the report, the Council voted to accept the report as a resolution to be forwarded to the President of the University (See Appendix II).

Council Chair Cody adjourned the meeting at 4:50 p.m.

Respectfully submitted,

David S. Pacini, Secretary

Appendix I

RESOLUTION OF THE FACULTY COUNCIL CONCERNING MEDIATION PROCEDURE

1. PURPOSE.

The purpose of this mediation procedure is to foster informal and mutually satisfactory resolution of disputes between a faculty member and his/her dean. It seeks to avoid escalation of disputes and tensions by providing a mechanism, in appropriate cases, for intervention by a trained third party to assist in resolving the dispute not through dictating a result but by engaging the parties in constructive conversation. To be effective, and to avoid undue imposition on affected faculty and administrative personnel, mediation should be permitted only when a preliminary review indicates that it will be of benefit on the facts of a particular case. Pursuant to Paragraph 13 of the Statement of Principle Governing Faculty Relationships, the Faculty Council hereby constitutes the Preliminary Mediation Review Committee (PMRC).

2. PMRC MEMBERSHIP.

The PMRC shall be a standing committee of the Faculty Council. It shall consist of three members of the tenured faculty, chosen by the Executive Committee of the Faculty Council in consultation with the Provost. Members shall serve three-year terms, except the first PMRC, which shall have one member appointed for a one-year term and one member appointed for a two-year term. Members of the PMRC shall select one of its members to serve as chairperson. No member of the PMRC may take part in reviewing any dispute involving his/her academic unit. Whenever any member of the PMRC is unable for any reason to participate in the consideration of a petition for mediation, the Executive Committee of the Faculty Council, in consultation with members of the PMRC, shall appoint another tenured faculty member to serve as a replacement for that case only. In doing so, the Executive Committee shall not appoint anyone who is a faculty member of the affected academic unit.

3. PETITION FOR MEDIATION.

Any faculty member who has a dispute with his/her dean, and any dean who has a dispute with a faculty member, may petition the PMRC for the appointment of a mediator to assist in resolving the dispute. The person so petitioning shall be referred to as "petitioner." The person with whom he/she has a dispute shall be referred to as "respondent." To seek appointment of a mediator, the petitioner must file with the chairperson of the PMRC an original and three copies of his/her petition. The petition shall identify the person with whom the petitioner has a dispute and shall set forth with specificity the nature of the dispute, a summary of efforts made to resolve the dispute, and a detailed list of the range of reasonable resolutions of the dispute.

4. PRELIMINARY REVIEW.

A. Upon receiving a petition for mediation, the chairperson of the PMRC will distribute copies thereof to other members of the PMRC. As soon as practicable after receiving the petition, the PMRC shall review it and shall meet with the petitioner to discuss further his/her desire for appointment of a mediator. In appropriate cases, the chairperson of the PMRC may notify the respondent that the petitioner has filed the petition for mediation. In its discretion, the PMRC may meet with the respondent to discuss the dispute and the desirability of mediation.

B. Within a reasonable time after reviewing the petition and meeting with the petitioner and, if desired, the respondent, the PMRC shall decide whether the dispute ought to be referred to mediation. The sole function of the PMRC is to determine whether the dispute should be referred to mediation; the PMRC is not a mediating body.

C. If the PMRC determines that the dispute should not be referred to mediation, it shall so inform the petitioner and, in appropriate cases, the respondent in writing. If the PMRC determines that the dispute should be referred to mediation, it shall inform the petitioner and the respondent in writing. The decision of whether to appoint a mediator is vested exclusively in the discretion of the PMRC, and its decision shall be final. In making its decision, the PMRC may meet with petitioner and respondent and may review relevant documents proffered by petitioner and respondent, but shall not hold an evidentiary hearing and shall not discuss the matter with others. Neither petitioner nor respondent may be represented by counsel in any meeting with the PMRC.

5. MEDIATION.

A. In cases in which the PMRC concludes that mediation would be appropriate, the chairperson of the PMRC, after consulting with other members of the PMRC, shall appoint a mediator to attempt to resolve the dispute. Such mediator shall be chosen from a list of eligible mediators maintained and published by the Faculty Council. Eligible mediators shall be tenured faculty members who have completed appropriate training in mediation at University expense. No mediator shall be appointed to mediate a dispute involving his/her academic unit. Neither petitioner nor respondent may be represented by counsel in mediation.

B. Within a reasonable time after the conclusion of mediation, the mediator shall file with the petitioner, the respondent and with the Provost a written report of the process and its outcome.

6. ACADEMIC UNIT.

For purposes of this resolution, Oxford College, the Yerkes Primate Center, the Carter Center, the School of Law, the Candler School of Theology, the Goizueta Business School, the Nell Hodgson Woodruff School of Nursing and the Rollins School of Public Health shall each be considered an individual "academic unit." In cases involving Emory College and the School of Medicine, however, the department in which the affected faculty member is appointed shall be considered the "academic unit."

Respectfully submitted,

Rich Freer, Chair
Sharon Lewis
David Pacini
Randall Strahan
Frank Vandall

Appendix II

Resolution on Disabilities and Learning

In light of the centrality of teaching to the academic experience at Emory University and the increasing number among its students who qualify for assistance under the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, the Faculty Council Recommends that the Ad Hoc Subcommittee on Disabilities and Learning continue as advisory body to the Provost, with respect to two issues:

A. Encouraging University-wide efforts to inform faculty about ways to recognize potential disabilities and about available resources for assisting students with such disabilities. These efforts would include educational programs incorporated in faculty orientation, TATTO, and other for a in which awareness of issues related to students with disabilities would be relevant for discussion.

B. Supporting faculty in determining learning plans appropriate to those students requiring assistance that both facilitate student learning and maintain the educational objectives and scholarly integrity of instruction. These plans should focus upon the educational experience rather than upon mere compliance with federal legislation. This emphasis will contribute to creating a cooperative activity that preserves the excellence of the academic program while simultaneously acknowledging that certain students may require distinctive learning approaches.

Respectfully Submitted,

David Pacini, Chair
John Banja
Gordon Newby
Karen Stolley