

Faculty Rights Board

FY2016 Final Report

Members:

Jan Sheldon, Chair

Pam Keller, Law, FacEx representative

Steven Maynard-Moody, Public Administration

Paul Outka, English

Ron Barrett-Gonzalez, AAUP representative

1. Hear promptly all concerns and claims brought to the attention of the committee by members of the faculty regarding faculty rights, including promotion, tenure, non-reappointment, and academic freedom, pursuant to Article XIII, Section 3 of the University Senate Code and Article VI of the FSRR. Report issues or problems of concern to governance to FacEx, with due regard for the confidentiality of individual cases (ongoing).

FRB-Received various inquiries during the year. The Board also reviewed one appeal regarding Promotion and Tenure, and two appeals regarding Non-Reappointment.

Specific charges:

1. Be prepared to revisit policies and procedures for faculty dismissal proceedings (formerly proposed FSRR 7.3.4) and related issues. Make recommendations to FacEx.

Recommendations:

The Board recommended the revisions forward from the FRB in FY2015, regarding FSRR 7.3.1 Faculty Rights Board. This was approved by FacEx, and will be forwarded to Faculty Senate in FY2017.

2. Be prepared to revisit the Faculty Code of Rights, Responsibilities, and Conduct and related issues.

Comments: FRB did not receive the latest revisions made by the Provost, so there was not a discussion.

3. Examine the appropriateness of Kansas District Court Judges ruling on cases of KU Personnel while on KU Payroll. Report to FacEx and Faculty Senate with findings and recommendations by **December 1, 2015.**

Recommendations:

FRB recommends that faculty be better informed about their rights to challenge an adverse action taken against them. This includes the right to challenge the propriety of a judge's assignment to a case in a forum outside the University system. Perhaps more importantly, however, faculty should be able to more easily understand their rights and the procedures

necessary to assert them within the University.

Communicating information to faculty about their procedural rights when faculty members seek review of actions the University has taken against them presents challenges. FRB is considering different ways of communicating this information to faculty and, later this academic year, will make more specific recommendations about how to accomplish this.

4. Examine policies related to long-term privately funded appointments of individuals who perform faculty-like functions.

Comments: The committee discussed the issue of KU personnel who are hired using private funds and perform faculty-like functions. These personnel are often hired directly by KU administrators without going through the typical faculty search process and are, thus, not vetted by faculty. Additionally, these personnel are not required to go through the same peer review process that is mandated for traditional faculty. Often these faculty report only to Deans or to a high-level administrator. Committee members expressed concern about faculty appointments without using the typical faculty search process and without requiring these personnel to have the same faculty review that is required of traditional faculty. Members believed that the standard needs to be the same for everyone. Ron will send committee members the *amicus curiae* brief that was filed in the *Hall v. University of Kansas* case.