

To: Miles Coburn, Chair, JCU faculty council

From: Daniel Kilbride, department of history

Re: procedural issues raised by recent grievance committee deliberations

February 8, 2008

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On January 8, 2008, a grievance committee consisting of Daniel Kilbride (chair), Joseph Kelly, Ruth Fenske, Simran Kahai, and Gerald Guest submitted its final report to Rev. Robert Niehoff, JCU's President. Rev. Niehoff's response of January 22, 2008 communicated his agreement with the committee's findings.

According to Part Four, Section IV of the Faculty Handbook, "the Grievance Committee may also, if it seems desirable, include in its report to the Faculty recommendations about procedural matters and other general policy matters raised by the investigation" (p. 23). In this case, two such matters captured the attention of the committee. Both relate to consistency between the Faculty Handbook and other documents and procedures. The first issue concerns the statement regarding the conferring of automatic tenure upon faculty at or above the rank of instructor who enter upon their eighth year of full-time service (Part Three, Sec. IV, E). Any ambiguity on this matter – in this case, pertaining to the status of "visitor" – should be removed.

Second, questions were raised in this case about which documents establish standards for publication which tenure-track candidates are expected to meet. The committee understood that the Faculty Handbook establishes general guidelines, upon which individual departments expand and elaborate. The Handbook's necessarily general guidelines should not be understood as the binding statement of expectations for candidates. Rather, departmental guidelines establish the standards which tenure-track candidates should meet or exceed in order to earn tenure.

Both of these issues illuminate this committee's conviction that it is in the University's best interests to establish clear lines of interpretation over the Faculty Handbook. Who has the final word when conflicts over interpreting the Handbook arise? That ambiguity needs to be clarified. The committee believes that the guidelines set out in Part I, Sec. IV, B, point 5, of the Handbook (which stipulates that disagreements over interpretations of the Handbook should be settled by the chairperson of the Handbook Committee, the Academic Vice President, and other relevant parties) are unhelpful in those cases in which those parties cannot reach an agreement. If the decision of the Handbook Committee on tenure and promotion issues is final, then a grievance committee becomes superfluous in cases such as this. It is not necessarily in the faculty member's interest for the Handbook Committee to possess binding authority over interpreting the Handbook. If the committee votes against tenure and/or promotion, the faculty member would not

have recourse to a grievance committee, which would have to defer to the judgment of the Handbook Committee.