

University Committee on Women Faculty and Students

Meeting Minutes for May 6, 2015/Room 500 Main Building, 11 a.m.

Members present: Laura Carlson (chair), Kevin Barry, Kathy Brickley, Aedin Clements, Paulette Curtis, Patrick Flynn, Karen Hooge, Sharon Keane, Nicole McNeil, Karrah Miller, Catherine Perry, Ava Preacher, Heather Rakoczy Russell, Ann Tenbrunsel, Sarah Wake

Members excused or absent: Todd Dvorak, Andrea Castonguay, Christine Caron Gebhardt, Alison Leddy, Melissa Lindley, Kristen Loehle, Jennifer Mason McAward, Mary Ann McDowell, Samantha Salden, Rebecca Wingert, Pamela Wojcik

Guests: Dan Myers, Vice President and Associate Provost; Timothy Judge, Provost's Fellow; Michael Desch, Chair, Faculty Affairs Committee of the Academic Council

Reporter: Mary Hendriksen, Provost's Office

Prof. Carlson called the meeting to order at 11 a.m.

- 1. The minutes of the meetings of January 21, March 16, and April 7, 2015 were approved without amendment.** (Approval of the January and March meeting minutes were deferred for lack of a quorum at previous meetings.)
- 2. Presentation by Provost Faculty Fellow Timothy Judge re long-term associate professors.** Prof. Timothy Judge, the Franklin D. Schurz Professor of Management and currently a Provost's Fellow, has been engaged in a study of long-term associate professors at Notre Dame. At the meeting, he presented national data and initial analysis on data from the Faculty Experience Survey on the number of long-term associate professors at Notre Dame, the levels of satisfaction they report with the progression of their careers, and whether differences in levels of satisfaction break down along gender lines.
- 3. Proposed Amendments to the University's *Academic Articles* re the Appeal Procedure for Contract Renewal, Promotion or Tenure Decisions:** Prof. Dan Myers, Vice President and Associate Provost, and Prof. Michael Desch, Chair of the Faculty Affairs Committee of the Academic Council, met with the Committee to solicit members' input on proposed amendments to the *Academic Articles* dealing with various appeal procedures for contract renewal, promotion, and tenure decisions.

Currently, there are two separate paths for a faculty member to appeal denial of contract renewal, promotion, or tenure:

- (1) a "general" appeal procedure (Article III, Sec. 6) that covers appeals the faculty member believes to be grounded in a violation of academic freedom; discrimination based on all legally protected categories, including sex; personal bias; or procedural error; and

(2) a procedure specifically for allegations of discrimination on the basis of sex, known as the “Frese appeal procedure,” that is contained in Appendix A of the *Articles*. This procedure grew out of litigation in 1977 and was subsequently included in the *Academic Articles*.

Profs. Myers and Desch explained that maintaining two separate appeal processes for allegations of sex discrimination has caused confusion because of different procedural steps, different committees, different standards of review, and different deadlines. Thus, the Faculty Affairs Committee is proposing consolidation of the processes and unanimously endorses a proposed consolidated appeal procedure that was circulated to Committee members before the meeting. Prof. Desch said that members of the Faculty Affairs Committee were persuaded that the proposed consolidation will better serve faculty members who allege discrimination on the basis of sex. They are seeking the feedback of UCWFS members.

Members discussed the appropriate level of review required by the two existing procedures. The level of review now required by the Frese Appeal in Appendix A is evidence that discrimination “may” have affected the case, whereas the “general” appeal procedure in Article II, Sect 6) and the proposed consolidated appeal procedure is that it was “substantially affected” or that it is “more likely than not” that the case was affected by sex discrimination.

Two other issues raised were:

- (1) the appropriateness of the appeal timeline (60 days to file after receipt of an adverse decision, excluding June, July, and August) and whether the timeline of the appeal should mesh with Title IX; and
- (2) whether the *Articles* should explicitly include discrimination on the basis of sexual orientation as a grounds for appeal.

Profs. Myers and Desch agreed to return to the Faculty Affairs Committee for further discussion of these issues.

Prof. Carlson adjourned the meeting at 12 noon.