

**Utah State University
Academic Freedom and Tenure Committee (AFT)
Minutes – December 1, 2011**

In attendance: Scott Budge, James Barnhill, Bryce Fifield, Richard Jenson, Lynn Jemison Keisker, Anthony Lott, Craig Petersen, Mark Riffe, Aaron Roggia, and Helga Van Miegroet, Ralph Whitesides.

- The meeting was called to order at 3:00 PM by AFT Chair Richard Jenson
- Minutes for the November 10, 2011 AFT Committee meeting were read and approved.
- The AFT committee continued a discussion tabled at the November 10th regarding Helga's recommendation that working days be used in place of calendar days in computing the various deadlines governing the timing of grievance hearing events (407.1.2). The reasons for her recommendation are that (1) grievants are given unrealistic expectations about the timeline of the grievance process; and (2) panel chairs and others participating in the hearing process, who are not on summer contracts, are negatively affected by the calendar day approach. A motion was passed to carve out an exception in 407.1.2 to use "working days for nine-month employees" as the basis for reckoning of grievance deadlines. Helga accepted the assignment to wordsmith the exception for the proposed code amendment.
- Helga Van Miegroet recommended that the AFT committee examine an apparent contradiction in sections 405.6.5 and 405.7.1(2) with respect to the ombudsperson's duty to identify, intervene, and report irregularities in TAC meetings. The committee also discussed the possible impact of the ombudsperson's refusal to sign a TAC recommendation letter. Lynn Jemison-Keisker and Scott Budge accepted the assignment to examine this issue for the AFT committee and to recommend possible amendments to these sections that would answer two questions: (1) what happens when an ombudsperson refuses to sign the TAC letter?; and (2) how does the ombudsperson report irregularities to administration?
- Craig Petersen introduced several discussion points related to the grievance process. First, he asked the committee to consider whether the obligation of USU employees to participate in grievance proceedings (407.6.6(2)) is enforceable. The general view of the committee was that this "obligation" is probably not enforceable. Craig also asked the committee to consider whether code section 407.6.5 should be amended to address the permissible role of an advisor/attorney at the pre-hearing conference (the paragraph is currently silent on this issue). The view of the committee was that this paragraph needed to be clarified, and Craig accepted the assignment to recommend the wording. Finally, Craig asked the committee to address whether a hearing panel can issue a default judgment, and if so, what circumstances would justify it. The general view of the committee was that default judgments should not be permitted – that the hearing must be held with the willing participants and the available evidence. Craig will develop a recommendation to address this issue.
- The meeting was adjourned at 4:35 PM.

Respectfully submitted by Richard Jenson.