

October 17, 2011

To: Dwight Hahn, Chair , Faculty Council

From: Bob Kolesar, Chair, Faculty Handbook Committee

Subject: Request for Clarification re Grievance Committee

The Faculty Handbook Committee at its meeting on October 12, 2011 reviewed your request and the accompanying memo from Dr. Kilbride. The committee agrees that the issues raised in Dr. Kilbride's memo be addressed. Our answers to your three questions are as follows:

Question 1: The answer is "yes." The 1940 Statement of Principles on Academic Freedom and Tenure is part of the Faculty Handbook. It states that "beginning with the rank of full-time instructor or a higher rank the probationary period should not exceed seven years." Thus all years served at the rank of Instructor or higher is counted toward the probationary period. The 1940 Statement also states that "notice should be given at least one year prior to the expiration of the probationary period if the Teacher is not to be continued in service after the expiration of that period." The section in question, Part Three, Section IV.E. of the Faculty Handbook underscores this fact. If one reads this section, it is clear that, although tenure may be conferred earlier, if it is not, then it is conferred upon Faculty whose initial rank is that of instructor so as to take effect at the beginning of the eighth Academic Year of full-time service at John Carroll University. If a Faculty member starts at the rank of instructor on visiting status and later is placed on active status, the years spent as a visitor do count in the probationary period.

If the Grievance Committee heard conflicting opinions about this, it should have asked for an interpretation of the Faculty Handbook. (See reply to question 3 below.)

Question 2: The Faculty Handbook states the one criterion for tenure in Part Three, section IV.D. and leaves it up to departments to determine the standards by which the criterion is to be met. It requires departments to have their standards and procedures for tenure in writing and that they be approved by the Academic Vice President. Departments cannot have criteria for tenure other than the one stated in this section.

Question 3: It is clear that an interpretation of the Faculty Handbook can be made only by the Academic Vice President and the Chair of the Faculty Handbook Committee. (Part One, Section IV., B.5.) Other parties may have their opinions on what the Handbook states but others cannot interpret the Faculty Handbook. If confronted with differing opinions, a committee should ask the Academic Vice President and the Chair of the Faculty Handbook Committee for an interpretation of the part of the Faculty Handbook in question. : "These two persons, after consulting with others as necessary, together will issue an interpretation, which will then be circulated to the members of the University community." This interpretation is the final interpretation. If there is disagreement between these two persons it will be so noted in the interpretation that is circulated. No further interpretation can be made within the University. If action is taken on an interpretation in which there is disagreement, and one wishes to take this outside the University into court, then it is left up to the court to decide.

I am available to answer any questions you may have.