

Faculty Affairs Committee
15 September 2023
Minutes

Present: Stu Bass, Patricia Welch, Tony Basile, Rebecca Natow, Xiang Fu, Yasser Salem, Jean Paul Rodrigue, Robert Gluck, Kevin Bisceglia, Sylvia Silberger, Brian McFadden, Comila Shahani-Denning, Warren Frisina

Guest: Felicia Winder, Associate General Counsel Hofstra University

1. Greetings and introductions
2. FPS 43. Felicia Winder was introduced as guest to speak about proposed changes that the administration would like to see in FPS 43 so that it is fully in compliance with recent changes to NY state law regarding harassment. She began by saying that we are already in compliance, but that these changes would make it clearer, and also stated that she used the version of FPS #43 which was approved by the Full Faculty in AY 2021-22, though not yet approved by administration.

She explained the key change in NY law in 2019 regarding the standard for what constituted harassment. Specifically, the clause "severe and pervasive" was removed. Her edits also removed references to this standard in FPS 43. She also added a clause regarding the responsibilities of supervisors. Supervisors are obligated to report cases filed with them or which they observe which they suspect rise to harassment to the VP for HR, and that those who do not would be subject to disciplinary action up to and including termination.

After she gave her presentation, members of the committee asked for clarification as to what the legal standard refers to. It was noted that any changes to FPS #43 would need to go through the senate process. Felicia responded that existing FPS #43 document provides some examples of what rises to the level, but the law itself doesn't provide examples of what doesn't and that we could refer to case law, though this is a new law.

There was further discussion about the language and whether it adequately protects faculty and chairs, and whether there might be a way to assure that things which might seem inappropriate under certain circumstances (ie commenting on dress), would be if in the service of safety and/or professionalism.

Discussion then moved to the complaint process, and questions about whether the new standards had given rise to increased complaints. There were no numbers with respect to this.

As time was running short, the committee thanked and excused Felicia, who agreed to go back to see if she could add clarification, which she would then bring back to the committee.

3. As time was running, short, Welch quickly reviewed the proposed agenda for the year: considering FPS 43, FPS 49, and other outdated FPS; she also mentioned that there might be a possible way to approach some of the outdated FPS; also on the agenda is a discussion of whether FAC should consider whether departments should initiate a regular review of tenure standards.
4. One member made a motion that we review Cindy Bell's file before the meeting ended since materials had been provided in advance. As there was some discussion about and there seemed to be some need to discuss Hofstra emeritus status, Welch asked that we table the decision until the next meeting where it would be the first item on the agenda.

Faculty Affairs Committee
Minutes
6 October 2023

Present: Stuart Bass, Bob Gluck, Kevin McElroy, Brian McFadden, Yasser Salem, Sylvia Silberger, Kevin Bisceglia, Xiang Fy, Rebecca Natow, Sylvia Silberger, Tony Basile, Comila Shahani-Denning and Patricia Welch.

Call to Order: 9:02

1. Request to record the meeting for the purpose of minutes (approved) and approval of minutes from the previous meeting. (approved)
2. Motion to approve the nomination of Cindy Bell for emeritus status. Motion approved. Prior to the formal motion, there was some discussion about the relation between FPS #29 and the CBA 7.28. The language of the CBA says people with twenty years of service receive emeritus status automatically; FPS 29 says that any retiring faculty member may be nominated; the CBA bestows it on those who have 20 years of service. After some discussion about this, committee members agreed that the language allows us to vote on the situation. FAC members who have been on the committee for some time says that there has been recent precedent of the FAC voting on emeritus status. After discussion, Welch made a motion to recommend Cindy Bell for emeritus status. Motion Passed.
3. Report of the FPS #43 Subcommittee concerning recommended changes to FPS #43. Welch thanked the subcommittee for their work on the FPS and asked for a report on their work. The committee made a few recommendations but thought that the larger body of the FAC might consider having a larger discussion of Formal vs. Informal Resolution; the second issue was concerning guaranteeing adjunct professors right of appeal in such instances. The AAUP rep reported an incident where a decision of the committee in a harassment issue, where additional punishments were imposed greater than the committee and the adjunct had no means to appeal. The subcommittee will work with the full FAC to make any necessary changes. One member suggested that we set up a single right of appeal that covers both FT and Adjunct. There should be consideration that if a committee makes a decision that should be the final decision. Another member was still confused about the new language of the NYS law. There was discussion about the possibility of bringing the AAUP counsel and Hofstra counsel into this discussion. There was also some discussion about whether it might make sense to alter the language concerning this in a way that might encourage people to follow informal resolution, especially now. There is one sentence in the document which makes it clear that there is always the opportunity to insist on a formal resolution; people don't want to feel bullied into being pushed into an informal resolution. One of the subcommittee members mentioned that the timing of the process is shorter than the statute of limitation; we should consider the implications of this, as it might leave Hofstra in a position where only a lawsuit possible.

4. Understanding that not all issues have been resolved, the committee did then move to incorporate some issues that are agreeable to all members. We worked through the document trying to bring the document closer to a point where we could make a resolution.
5. Welch asked that we consider this FPS again at the next meeting and that we focus on the issues under discussion and the adjunct right of appeal.

Meeting adjourned.