

## NTE Faculty and the PRS Mediation Procedure

**MOTION:** Modify the new FH 3.4.1 to extend the PRS Mediation Procedure to non-tenure-eligible faculty.

**RATIONALE:** All faculty have PRSs, including non-tenure-eligible faculty. Current *Faculty Handbook* language specifically acknowledges that disagreements may arise over PRSs for non-tenure eligible faculty (FH 5.4.1.2), but no mediation process is established. The current mediation process should be available to all faculty regardless of rank.

**ORGANIZATION:**

If approved, the affected major headings for the *Faculty Handbook* will be as follows:

**Affected Major Headings for FH Chapter 3:**

3.4 Position Responsibility Statement

3.4.1 Procedure for Mediating PRS Disputes

3.5 Nonrenewal and Termination of Appointments

**PROPOSED TEXT:**

**~~5.1.1.5.13.4.1 Procedure for Mediating PRS Disputes (Mediation Guidelines) to Handle Disagreements Related to the Position Responsibility Statement (for tenure-eligible/tenured faculty only)~~**

When both parties (the ~~tenure-eligible/tenured~~ faculty member and the department chair) agree to the ~~Position Responsibility Statement~~ PRS, it will be signed by both parties and dated. ~~If~~ However ~~if~~ one of the parties disagrees with a proposed change to the faculty member's PRS, either party may refer the matter to the PRS Mediation Panel, which will be in place in each department. This panel will consist of ~~three faculty members at equal rank or higher than the faculty member whose PRS is being disputed. Each party shall select one member of the panel. one tenured faculty member selected by the faculty member involved in the disagreement and one tenured faculty member selected by the department chair. A third tenured faculty member will also serve, and u~~ Unless the department decides otherwise, the default policy for ~~obtaining that~~ selecting the third member will be by faculty election in the department at the beginning of each year<sup>1</sup>. The faculty members selected by the two parties will be selected at the time of the disagreement between those two parties.

<sup>1</sup> Departments who desire another method of obtaining the third member may choose one of the following: a) a tenured faculty member who is chair of an elected departmental council; b) a tenured faculty member who has been elected by the department to the promotion and tenure review committee and who chairs that committee; c) a tenured faculty member who has been elected by the department to the post-tenure review committee and who chairs that committee.

The party referring the matter to the PRS Mediation Panel will submit to the panel the faculty member's existing PRS, the text of the proposed PRS, an explanation of why the change is being sought/or is not acceptable, and the faculty member's curriculum vita. The other party should provide a written explanation of why the proposed change is not acceptable/is being sought. The PRS Mediation Panel will review the materials that have been submitted, meet with both parties, deliberate on the issue, and deliver a written opinion in a timely fashion (within two months) on how the disagreement should be resolved. The faculty member and the department chair should then reconsider the matter to see if an agreement can now be reached based on the panel's recommendation. If an agreement between the faculty member and the department chair does not then emerge within ten working days, the matter will be forwarded by the party disagreeing with the proposed change to the faculty member's college where a mechanism, which will be fair and equitable to both parties (e.g., elected group) will be in place for further consideration and resolution. If the issue is not resolved at this level, the matter will be taken to the dean of the college by the party disagreeing with the proposed change.

During the time of this mediation process, the existing signed and dated ~~Position Responsibility Statement~~PRS will remain in effect.