

MEDIATION COMMITTEE ANNUAL REPORT, 2007-2008

Prepared by: Casey Jordan, Chair

Date of Submission: May 3, 2007

I. Committee Members/Representing:

Joan Palladino (PS)

Ruth Gyure (A&S)

Casey Jordan (A)

Marjorie Callaghan (PS)

Elizabeth Davis (A&S)

II. Meetings:

The Committee met for the first time during the academic year on October 3, 2007, and several more times during October 2007 on an as-needed basis for official business regarding the mediation of an employee termination issue.

- Review and finalize minor changes to the Mediation Committee by-laws, and
- Actively address a specific employee termination and appeals issue which fell under the purview of our purpose and mandate, and which came to our attention via a letter from the Director of Human Resources on 2 October 2007.

III. Miscellaneous Business:

On 3 October 2007 the committee met and discussed our role in the Termination and Appeals process. Emphasis was placed on neutrality and avoiding any conflicts of interest. Because of some confusion on behalf of the Chair in the previous year with regard to submitting suggested changes to the Committee Bylaws to the WCSU Senate by deadline, it was determined the suggested change would be submitted to the Senate at the close of this academic year.

- The Committee reviewed the existing by-laws and reconfirmed that the only amendment to be recommended is a modification of Section II, paragraph A:

Current by-law language

Three (3) teaching AAUP faculty members and three (3) alternates elected from the AAUP membership for overlapping two year terms by the AAUP Faculty. In each group of three, no more than one may be from any one of the three schools or from the Librarians/Counselors/Coaches group.

The committee recommended the following language be changed in Section II (Membership) of the bylaws to reflect the addition of the new WCSU school of

Visual and Performing Arts in subsection (A) I, and that a typographical error in subsection (B) be fixed :

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Recommended Modifications

II: Membership

(A): *Three (3) teaching AAUP faculty members and three (3) alternates elected from the AAUP membership for overlapping two year terms by the AAUP Faculty. In each group of three, no more than one may be from any one of the **four** schools or from the Librarians/Counselors/Coaches group.*

(B): Members of the **Medication** (sic) Committee...

Should read: Members of the **Mediation** Committee....

The Committee unanimously voted to submit the proposed corrections and modifications to the Faculty Senate at the close of the 2008 academic year for inclusion in the 2008-2009 Faculty Handbook.

IV. Official Business: Employee Terminations and Appeals Mediation

1. Also during the meeting of October 3, 2007, the Committee discussed a letter with attached "Statement of Charges / Sanction of Termination" regarding a WCSU employee which was distributed to members of the Mediation Committee.

The Committee reviewed its mandate under the AAUP Contract, and determined that because the role of the Committee in the University Termination Hearing Committee must—by contract—be concluded within two weeks, it was imperative to inform the employee in question that she might avail herself of the Committee's services.

Upon the unanimous vote of the Committee members, the Chair was charged with writing a letter of communication to the employee in question, as well as emailing and/or calling her to inform her of her due process right to avail herself of the Committee's services.

The Committee met with the employee on 8 October 2007 to offer its assistance and determine what, if anything, the employee wished the committee to communicate to the administration on her behalf. A statement outlining her request was penned by the Chair

and restated for accuracy and clarity by the employee in question as well as the Committee; all confirmed and approved the contents of the letter. The request was communicated to President Schmotter and the letter delivered to him in person during a meeting on 9 October 2007.

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During that meeting, President Schmotter reviewed the request, explained his limitations, and offered to have his designated representative meet with the employee in question at a structured mediation the very next day. The employee, however, declined the opportunity to participate in a face-to-face mediation process. While further

communication was facilitated during the two weeks timeframe that the Committee was allowed to try to intervene in or resolve the issue, no resolution was reached and the matter defaulted back to the Termination and Appeals Committee on 16 October 2007.

Although the Mediation Committee was unable to resolve the one employee issue presented to it under its mandate during the 2007-08 academic year, it was extremely active during the time in which it was charged with facilitating communication with the parties in question. The excellent coordination and communication between Committee members and alternates—all of whom were ready and willing to review documents, study mediation training materials, meet with parties, and do everything within our mandate to bring the parties together in search of a solution—is to be highly commended.

V. Summary

There being no further business of the Committee during the 2007-08 academic year, and with the Chair on sabbatical during the spring 2008 semester, no further meetings took place after October 2007.

Attached, for the reference of the Faculty Senate, are the bylaws in question outlining the proposed change and correction to Section II.

Respectfully submitted,

Dr. Casey Jordan, Chair
WCSU Mediation Committee