

HOWARD UNIVERSITY

OFFICE OF THE FACULTY SENATE

TO: Marcus Alfred, PhD
Chair, Faculty Senate

FROM: Brian Laurence, DDS, PhD *Brian Laurence*
Chair, Faculty Grievance Commission

RE: Follow-up on Training for Faculty Grievance Commission

Date: August 18th, 2020

This letter is a follow up in response to our letter dated 7/30/2020 in which we proposed a two to three-hour training plan for the FGC. We have provided additional training details in this letter as described below. The FGC requests that you present this plan as well as the previous letter at the next meeting of the Steering Committee with an additional request that the Steering Committee forward to the full Council for review. The three paragraphs below provide more specifics on the training for FGC members that we propose can be provided by Dr. Ross, a professor in the School of Law who is also a member of the FGC. I will work with Dr. Ross to develop a more detailed training plan based on feedback from the Council. In response to the willingness of Provost Wutoh to provide training for the FGC members, we suggest that the money be used to provide training for the Hearing Panel. A brief biography of Dr. Ross follows the training details provided below.

- 1) When any complaint is filed, the first question for the FGC is whether we have jurisdiction (meaning whether the FGC is empowered to review the matter). The Faculty Handbook sets forth explicit categories of matters for which there are jurisdiction and also explicitly exempts certain others. Dr Ross will provide training so that all the non-lawyers on the committee will also understand the legal concept of jurisdiction and be able to apply the jurisdictional rules to actual complaints.
- 2) The Faculty Handbook also creates procedures for complaints and these procedures are different for different categories of complaints. By the end of the training, Dr. Ross anticipates that every member of the Commission will understand these procedures and be able to apply them to the cases that are sent to us. Rule F1.2.3 sets the “preponderance of the evidence” standard for all matters. Dr. Ross will explain this legal concept and how it relates to our role as fact-finders who must apply facts to law and make credibility determinations. Even though Hearing Panels are entrusted with the fact-



finding mission for grievances involving faculty members who have been recommended for a major sanction, these panels are part of the grievance process and the FGC chair initiates those hearings. Therefore, all our members should gather some basic knowledge about the panels' role. The FGC envisions a further training of the panel members themselves at a later time geared specifically to those hearings.

- 3) When Dr. Ross reviews the timelines set forth in the rules, she will also show how this relates to due process of law (sometimes referred to as procedural fairness). Due process is a legal concept that requires bodies like the FGC to follow its own procedures and not behave in an arbitrary and capricious manner. As part of our commitment to due process, our Commission is obligated to follow the timelines set forth in the Faculty Handbook. Dr. Ross will discuss general principles that the FGC members must adhere to while they serve. One is confidentiality. Another is neutrality. Avoiding "conflicts of interest" is important not only with regards to ourselves, but also when it comes to selecting panelists to serve on hearing panels. Even though everyone has the Faculty Handbook and has read the rules, the training will give our members a greater understanding as well as an opportunity to ask questions.

Brief biography of the trainer

Josephine Ross came to the law school in 2005 at the rank of associate professor and was promoted to full professor in 2014. She teaches courses in Evidence and Criminal Procedure and has taught a range of other courses, including clinics and seminars. She began her career as a public defender in Massachusetts before teaching a clinic at Boston College Law School where she supervised law students who represented clients faced with misdemeanors and minor felonies. She was elected onto the Faculty Grievance Commission in the Spring of 2020.