

Faculty Handbook, Chapter Three, Part C, Article 1, Section 1, which provides protection of the principles of academic freedom.

2. When awarded, academic tenure rests at the constituent faculty level rather than at the departmental level. The award of academic tenure to a faculty member is a career appointment made by the constituent faculty through a fair and equitable process. The University will provide a primary appointment to a faculty member with an appointment of unlimited duration until retirement.

3. Examples of just cause for the termination of tenured, tenure track, and non-tenure track faculty members include (i) grave misconduct or serious neglect of academic or professional responsibilities, defined in Section IV, Professional Responsibilities, as determined through a fair hearing under Section IV.D; (ii) educational considerations, as determined by a majority vote of the entire constituent faculty of the affected individual, which lead to the closing of the academic unit of the University, or a part thereof, in which the faculty member has a primary appointment; and (iii) financial exigent circumstances which force the University to reduce the size of a



## **Faculty Handbook, Chapter Three, Part I, Article IV, Section D. Hearing Procedures**

### 1. Initiation of Procedures.

Preliminary inquiry into allegations of conduct violating professional standards or university standards or regulations on the part of a faculty member which may lead to disciplinary action (includes but is not limited to Section I, E, 3, i) may be initiated by the Executive Committee of the Faculty Senate (hereinafter, Executive Committee) or by a representative of the president of the University. In either case, the purpose of initial investigation shall be to make clear to the faculty member the allegations brought against him or her, to hear his or her response, to resolve the issues if possible, and to guide the president in his or her decision whether to invoke a formal hearing. If initial investigation is made by the Executive Committee, that body shall transmit its recommendation to the president and the concerned faculty member by letter. It may also be necessary in the case of research misconduct to notify outside funding agencies and journals, according to the University's research misconduct guidelines and federal regulations.

In the case of sexual harassment, there is a separate procedure. (See Chapter 4, General Policies, XIV. Sexual Harassment.)

In the case of research misconduct allegations, there will be an obligation to document the investigation according to applicable federal regulations and according to the "Guidelines Involving Allegations of Research Misconduct" (Chapter 3, Part Two, Section II, of the Faculty Handbook). For this purpose, these allegations shall be reported immediately to the Research Integrity Officer. (See "Policy for Responding to Allegations of Research Misconduct," Chapter 3, Part Two, Sec. II).

### 2. Decision for a Formal Hearing

The decision to hold a formal hearing of charges against a faculty member shall reside with the president. The president shall notify in writing the faculty member and the Executive Committee of a decision to institute a hearing. This notice shall contain a complete statement of the charges as prepared by the representative of the president, who will represent the University in the hearing.

### 3. Suspension.

In an emergency **or when necessary to protect the health or safety or best interests of the University**, suspension of the faculty member **during a preliminary inquiry or** pending the outcome of formal proceedings shall be the prerogative of the president. Suspension shall be with full salary. However, if the suspension is upheld, the faculty member may be required to repay his or her salary from the date of suspension.

members interested in serving on hearing committees during the following academic year and shall make a list of those faculty members who respond. At the same time, the secretary shall make a list of those faculty members who have served as members of recent hearing committees or as advisors to parties. The secretary shall provide the lists to the Faculty Senate Nominating Committee. The Nominating Committee shall nominate twenty-five members of the University Faculty to serve on the Hearing Panel from which members of hearing committees are to be chosen during the following academic year. The Nominating Committee shall designate up to eight of the panelists nominated as eligible to serve as chair of a hearing committee. The panelists so designated shall have had multiple experiences with the hearing process as members of hearing committees or as advisors to parties or shall have other relevant training or experience.

- b) The hearing committee shall consist of five members. Within two weeks of notice of the president's decision for institution of a formal hearing, the chair of the Faculty Senate shall direct the selection of a hearing committee. The notification from the chair of the Faculty Senate to the Office of the Secretary of the Faculty Senate shall specify the period within which the selection process shall be completed and the hearing begun. The selection of members of the hearing committee will proceed in the following manner. From the panel, the president's representative shall first appoint one member and the faculty member shall then appoint one member. The chair of the Faculty Senate shall then appoint three members of the panel, at least one of whom shall be a person eligible to chair a hearing committee. The chair of the Faculty Senate shall designate the chair of

a) The chair of the hearing committee shall preside at the hearing and shall make all procedural decisions, subject to being overruled by a vote of three of the five committee members.

b) The faculty member and the president's representative shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The committee may call its own witnesses.

c) Copies of the president's representative's statement of charges, supporting documents, the faculty member's answer, and all other material shall be made available to both parties and the hearing committee by the Office of Secretary of the Faculty Senate. The secretary shall work with both parties and the hearing committee to schedule a hearing at the earliest possible date. Notice of the time and place of the hearing shall be sent to all parties. Not less than five calendar days before the hearing, the parties shall submit to the chair of the hearing committee their lists of witnesses and any documents they plan to offer as evidence at the hearing. The chair of the hearing committee shall meet with the parties in person or by conference call to discuss the witness lists, the documentary

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- f) The president's representative and the faculty member, and their advisors, shall have the right to be present during the hearing, except for the deliberations of the committee and for the examination of witnesses concerning confidential material.
- g) An audio recording of each hearing session shall be made by the hearing committee and preserved in the University Archives. Access to the recording shall be limited to the president, the president's representative, the faculty member, and members of the hearing committee. Requests shall be addressed

## 7. Decision by the President

The final resolution of the complaint shall be made by the president, normally within a period of two weeks after receipt of the committee's report. If the president agrees with the report, he or she shall so notify the secretary of the Faculty Senate in writing. The secretary of the Faculty Senate shall transmit the written notification to the chair and members of the hearing committee, the chair of the Faculty Senate, and to the parties.

If the president disagrees with the report and its recommendations, he or she shall so notify the secretary of the Faculty Senate in writing, setting forth the reasons for disagreement and final resolution of the matter. The secretary of the Faculty Senate shall transmit the written notification to the chair and members of the hearing committee, the chair of the Faculty Senate, and to the parties.

In the alternative, the president may ask the secretary of the Faculty Senate to reconvene the hearing committee to reconsider its final report and recommendations in the light of his or her stated objection thereto. In such case, the hearing committee shall reconvene to reconsider the matter, taking new evidence, if necessary, and report the results of its reconsideration to the secretary of the Faculty Senate. The secretary of the Faculty Senate shall transmit the written notification to the president, the parties, and the chair of the Faculty Senate, copied to the chair and members of the hearing committee the written report of its reconsideration.

After review of the hearing committee's reconsidered report and recommendations, the president shall transmit to the secretary of the Faculty Senate a final resolution of the matter; and the secretary shall transmit the same to the parties, the chair and members of the hearing committee, and the chair of the Faculty Senate, as well as to the appropriate dean, chair or vice president.





as set out in Chapter 4, XIV (Sexual Harassment Policy) and Chapter 3, Part Two, II (Policy for Responding to Allegations of Research Misconduct.) . Issues brought by a faculty member alleging discrimination in a personnel practice or inter-collegial dispute must be referred by the Conciliation Counselor to the Faculty Diversity Officer or his/her designee in the Office of

include disrespectful behavior, refusal to participate or to include others in the decision making process within the unit, and airing conflict to outsiders, thereby causing damage to the grievant, the unit, or the University. An “inter-collegial conflict” may not be the subject of a grievance complaint. This formal grievance procedure does not apply to such conflicts.

- c) Such a grievance complaint may be filed against any person (hereafter referred to as the respondent) who is a member of the University Faculty or a member of the university administration, except the president. A grievance complaint may not be filed against the University Faculty, the Faculty Senate, or the Board of Trustees.
- d) Formal grievances shall be heard in any case in which it is charged that the respondent

Faculty Senate grants an extension. Upon receipt of the answer, a copy thereof shall be forwarded by the secretary to the complainant and to the chair of the Faculty Senate.

### 3. Selection of the Hearing Panel and Committee

- a) Creation of Hearing Panel (as also described in Article IV, Section D.3). In the spring semester of each academic year, the secretary of the Faculty Senate shall solicit faculty members interested in serving on hearing committees during the following academic year and shall make a list of those faculty members who respond. At the same time, the secretary shall make a list of those faculty members who have served as members of recent hearing committees or as advisors to parties. The secretary shall provide the lists to the Faculty Senate Nominating Committee. The Nominating Committee shall nominate twenty-five members of the University Faculty to serve on the Hearing Panel from which members of hearing committees are to be chosen during the following academic year. The Nominating Committee shall designate up to eight of the panelists nominated as eligible to serve as chair of a hearing committee. The panelists so designated shall have had multiple experiences with the hearing process as members of hearing committees or as advisors to parties or shall have other relevant training or experience.
- b) The hearing committee shall consist of five members. The selection of members of the hearing committee will proceed in the following manner. From the panel, the respondent shall first appoint one member and the complainant shall then appoint one member. The chair of the Faculty Senate shall then appoint three members of the panel, at least one of whom shall be a person eligible to chair a hearing committee. The chair of the Faculty Senate shall designate the chair of the hearing committee. If either the complainant or the respondent fails to take advantage of his or her privilege of appointing a committee member or if a group of respondents cannot agree among themselves upon such selection, then the remaining members of the hearing committee shall be appointed from the Hearing Panel by the chair of the Faculty Senate. If the chair of the hearing committee is unable to serve or has a conflict of interest, the chair of the Faculty Senate may remove him or her and designate a replacement from the Hearing Panel to serve as chair for the hearing committee. If a member of the hearing committee is unable to serve or is removed because of conflict of interest, the chair of the Faculty Senate shall designate a replacement from the Hearing Panel. Timeliness of the grievance process is important, and the committee should consider evening and weekend meetings.
- c) When a party claims, or it appears to the chair of the hearing committee, that a conflict of interest exists between the party and a member of the hearing committee, the chair of the hearing committee shall consider and decide whether to remove the member from the





j) The chair of the hearing committee shall preside at all sessions and shall make all



## **Faculty Senate By-laws, By-law VII Committees**

### **Item e. Committee on Faculty Personnel.**

- 1) The Committee on Faculty Personnel shall consist of a deputy designated by the President, a member of the Committee on Faculty Compensation elected by that committee to serve *ex officio* the Faculty Diversity Officer to serve *ex officio* and nine voting members of the University Faculty elected by the Faculty Senate. The term of membership on the Committee on Faculty Personnel shall be three years; three members shall be elected each year. Each elected member shall be eligible for re-election only after the lapse of at least one year following the expiration of two consecutive three-year terms of membership.
- 2) The Committee on Faculty Personnel shall review faculty personnel policies and procedures, including those having to do with appointment, reappointment, promotion, tenure, and retirement and shall recommend to the Faculty Senate as to desirable changes in these policies and procedures.
- 3) At least once during each academic year, the Committee on Faculty Personnel, or one of its subcommittees, shall discuss with the Provost or Dean of each constituent faculty the personnel policies and procedures of that faculty. Each year the Committee shall request of the chief academic officer of the University a report on personnel actions in the categories designated in Paragraph (2) of this item.