

Procedures for Article IX, Section 6, Severe Sanctions Less Than Dismissal

Campus procedures for proceedings under Article IX, Section 6, Severe Sanctions Less than Dismissal shall include, at a minimum:

- (1) The campus procedures will be initiated only after discussions are held between the faculty member and appropriate administrative officers looking toward a mutual settlement. The initiation or pendency of proceedings under this Section 6 shall not be deemed to prevent or delay the University or any other person from pursuing any other remedy available to such person against the faculty member for conduct allegedly violating Section 2 below.
- (2) *Due Cause Consultation with the Faculty Advisory Committee.* In considering whether due cause exists to initiate proceedings that may result in the imposition upon a faculty member of severe sanctions less than dismissal, and before arriving at a determination that such cause exists, the Provost shall consult with the Faculty Advisory Committee (FAC) in closed session. If otherwise appropriately authorized, the Provost may consult with the FAC on whether due cause for dismissal exists to support pursuing alternative charges under Article X at the same time as a due cause consultation under Article IX. This consultation and all further deliberations and communications involved in any such proceeding shall be confidential to the extent permitted by law.
- (3) *Service of Charges.* If the Provost determines that cause exists to initiate proceedings under Article IX (6), the Provost shall inform the faculty member in writing that Article IX(6) proceedings are being initiated, the due cause basis of the charges against him or her, and the process to be followed in these proceedings (including the timelines and the appeal procedure). The Provost shall provide these charges and notice of proceedings to the faculty member either by personal service or by mailing to the last known address of the faculty member on file with the campus.
- (4) *Opportunity for a hearing.* The faculty member is entitled to an opportunity for a hearing before an elected committee specified by the Senate. Unless otherwise specified by the Senate, Article IX(6) hearings shall be heard by the campus Committee on Academic Freedom and Tenure. A faculty member shall have 15 days from the date of the service of the charges to request a hearing.
- (5) *Written Answer.* The faculty member shall file a written answer to the charges with CAFT and the Provost within 10 days of his or her request for a hearing.

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(6) *Notice of hearing.* CAFT shall set the time and place for the hearing and notice of such shall be delivered to the faculty member and the Provost either by personal service or by registered mail. The hearing shall not be held earlier than 20 days from the date that the faculty member files a request for a hearing. The hearing shall not be held earlier than 15 days from the date of the notice of the hearing.

(7) *Hearing Proceedings.* The hearing shall be a closed hearing. No member of that committee shall sit in a case that involves a colleague of that committee member's department, school, institute, or division, whichever represents the smallest administrative unit, nor shall a member sit in a case if the member has previously acted on the pending matter. The committee shall not be bound by technical rules of evidence, but all findings, conclusions, and recommendations of the committee shall be supported by and be in accord with substantial evidence

(8) *Findings & Recommendations.* Following the conclusion of the hearing, the committee shall promptly make its explicit findings of fact on each charge, conclusions as to whether due cause exists under Article IX(6)(d) to impose severe sanctions less than dismissal and its recommendation as to whether the Provost shall impose severe sanctions less than dismissal as defined by Article IX(6)(e).

(9) *Imposition of Severe Sanctions Less than Dismissal.* Upon receipt of the Committee's report, the Provost shall determine what sanctions to impose.

(10) *Opportunity to Appeal to the Chancellor.* The faculty member shall have 20 days to file an appeal of the Provost's decision to impose sanctions with the Vice President and Chancellor. The faculty member shall be entitled to appeal the sanctions based on both substantive and procedural objections to the Article IX(6) proceeding and sanctions decision. Minor procedural flaws are not grounds for reversal of a sanctions decision; rather, a faculty member must show that departure from these procedures substantially harmed the faculty member. The decision of the Vice President and Chancellor will be final.

(11) *Deviation.* Any deviations from these procedures must be requested in writing by the parties who have roles in this process, and if warranted, approved by the Vice President and Chancellor.