



MEMORANDUM

TO: President Edward T. Foote II
FROM: Kamal Yacoub, Chair, Faculty Senate
DATE: October 11, 1995
SUBJECT: Faculty Senate Legislation #95001(B) - Amendments to Termination for Cause Procedures

Handwritten notes: Kamal Yacoub 2/9/96, Mr. Chairman, I oppose, Thanks. (with signature)

The Faculty Senate, at its meeting of October 2, 1995, voted to approve Faculty Senate Legislation #95001(B) - Amendments to Termination for Cause Procedures. The changes to the Faculty Manual are shown as follows: additions are in bold, deletions are underlined and explanations are in brackets.

Bylaws B4.9, page 22, Membership of the Committee on Professional Conduct

[Add: as third sentence] ...from the Panel. No member of the Committee shall be a member of the Faculty Senate. Matters involving ...

Bylaw B4.9, page 22, Right to Counsel

[line 11] At the hearing [by the Committee on Professional Conduct] the faculty member shall have the right to academic or legal counsel... If the faculty member chooses legal counsel, the University shall also have the right to be represented by independent counsel.

Faculty Policy C12.8, page 47, Response by Faculty Member

[line 3] Upon written request, the President shall grant ten additional days and may, for reasonable good cause, grant additional time thereafter.

Faculty C12.9, page 48, Membership of the Faculty Hearing Committee

[Add: as fourth sentence, paragraph 1] ...in the academic community. **No member of the Committee shall be a member of the Faculty Senate.** The President shall ...

Faculty Policy C12.9, page 48, Peremptory Challenges

[Paragraph e] Each party shall be entitled to ~~three~~ **two** peremptory challenges exercisable at any time during the selection process. [Challenges for cause will be allowed as in the existing procedure, page 48 (d).]

Faculty Policy C12.9, page 49, Briefing the Hearing Committee

[Add section] **(h) When the Hearing Committee is convened, the Senate Chair shall arrange for the Committee members to be briefed as to the nature of such proceedings.**

Faculty Policy C12.12, pages 49-50, Hearing shall be closed unless....

[Replace the last sentence] The Committee in consultation with the parties shall decide whether the hearing or parts thereof shall be public or private. **All portions of the hearing shall be closed, unless the parties, in consultation with the Hearing Committee, determine otherwise.**

Faculty Policy C12.14, page 50, Changing Evidentiary Standard

[Replace next to last sentence] Decisions with respect to evidentiary objections shall be based on the probative value of the evidence presented. **The Committee, in order to ensure reasonably expeditious proceedings, may refuse to receive evidence whose substantial relevance to the matters before the Committee is not made apparent.**

Faculty Policy C12.15, pages 50-51, Consideration and Recommendation by the Hearing Committee

[The proposed changes refer to the evidentiary standard relating to the Hearing Committee's recommendation and the disposition of the transcript and official documents.][Starting with the last sentence on page 50]

President Edward T. Foote II
October 11, 1995

3

...The recommendation shall be based upon the cumulative effect of all the relevant evidence and all the proven grounds for dismissal when considered together and shall be supported by explicit findings of fact and an opinion if desirable a reasoned opinion stating whether and why the Committee believes that the stated grounds for termination have or have not been proven by the greater weight of the evidence. If the recommendation of the Committee is not unanimous, the dissenting members of the Committee shall prepare their own findings opinion and their own recommendation. The findings of fact must be supported by the greater weight of the evidence. The recommendation for sanction must be consistent with the severity of any misconduct found to exist. The sanction of dismissal should be recommended only when the facts proven by the greater weight of the evidence clearly justify such action. Copies of the full report of the Committee, including any minority findings opinions and recommendations, shall be sent to the parties within twenty days after the close of evidence. **After the conclusion of the hearing, the transcript and all official documents of the hearing, shall be maintained in confidence under the custody of the General Counsel and a copy shall be released upon request only to the accused, or as required by Section C12.16. The confidentiality of the transcript and all the official documents shall be protected at all times by all persons with access to the records.**

Faculty Policy C12.16, pages 51, Consideration by Board of Trustees

[The proposed changes clarify the participation by the President and Senate Chair in the deliberations of the Board of Trustees.]

...If the Board of Trustees chooses to review the case, its review should be based on the record of the previous hearing, accompanied by the opportunity for argument, oral, written, or both, by the parties or their counsel at the hearing. **The President and the Senate Chair shall be given the opportunity to be present when the Trustees consider the report of the Hearing Committee, and they shall have access to all documents submitted to the Trustees in this regard...**

This legislation is now forwarded to you for your action.

KY/bh

cc: Provost Luis Glaser

CAPSULE: Faculty Senate Legislation #95001(B) -
Amendments to Termination for Cause Procedures

RESPONSE BY THE PRESIDENT:

DATE: 2/8/96

APPROVED: Yes [Signature]

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: Provost

EFFECTIVE DATE OF LEGISLATION: _____

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

Approved
PC
2/7/96