

continuing, full-time non-tenure-track faculty must be given in writing by the Provost no later than three months before the end of the appointment for a faculty member who has served fewer than two years, no later than six months before the end of the appointment for a faculty member who has served more than two years but fewer than four years, and no later than twelve months before the end of the appointment for a faculty member who has served four years or more.

Tenure-track faculty and non-tenure-track faculty members on continuing appointments who do not intend to accept an appointment for the next academic year should give notice in writing at the earliest possible opportunity, but not later than thirty (30) days after receiving notification of the terms of appointment for the following year. Faculty members may request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

2. Annual Review

Every full-time faculty member is evaluated annually by the Department Chairperson or comparable administrator, and it is the responsibility of the appropriate Dean or comparable administrator to ensure that such evaluations are timely and consistent with the mission of the University and the provisions of this *Manual*. All evaluations of faculty members are conducted openly with the faculty member's full knowledge. All material collected is held in confidence in a manner determined by the College, School, Library, or comparable academic unit.

The criteria for the evaluations must be based on the norms for advancement in Sec. III.F, as applicable, the responsibilities of faculty specified in Sec. III.G, and the requirements of the respective College, School, Library, or comparable academic unit, as provided for in Secs. III.F and III.G. The instruments and standards are determined by the appropriate Dean or comparable administrator in consultation with the faculty of the academic unit.

Because the primary purpose of the annual review is to provide information that allows the faculty member to improve his/her teaching, student advising, research and scholarly activity, and University and community service, the evaluation should be candid, providing the person evaluated the opportunity to better understand his/her strengths as well as areas of relative weakness. Candor is especially important when assessing the performance of pre-tenure faculty, who look to their Chairpersons for guidance as they work to earn tenure. The annual review may also be used to establish the salary to be offered the faculty member in a subsequent contract and to provide information for an advancement decision, although the process used for advancement decisions should be separate from the process used for the annual review. A faculty member is allowed reasonable access to his/her own records and is allowed to add additional material.

3. Midpoint Review

Pre-tenure faculty will be reviewed near the midpoint of the probationary period. The purpose of this review, which is separate from the annual review, is to candidly assess the individual's progress toward achieving tenure, using established standards. While this evaluation is initiated at the Departmental or School level, it also includes the unit Dean and, where applicable, the School Director. Peer committees can also be involved, at the discretion of the College or School. A positive midpoint review does not guarantee a positive tenure review.

Faculty Manual Technical Interpretations (Sec. III.I.4. - III.I.9.d.) start here:

4. Nonrenewal of Contracts

The decision to renew the contracts of adjunct faculty, visiting faculty, and artists-in-residence rests with the Department Chairperson or comparable administrator, and Dean or comparable administrator. Such decisions are final and not subject to appeal.

An untenured faculty member on the tenure track or a non-tenure-track faculty member who has been informed that his/her contract will not be renewed, and who wishes to contest the decision, should first discuss the decision with the Department Chairperson or comparable administrator and then with the appropriate Dean or comparable administrator. Upon request of the faculty member, the Provost will review the decision to determine that it was not illegally discriminatory or otherwise in violation of the University's commitment to nondiscrimination as described in the opening section of this *Manual*, was not in violation of academic freedom as described in Sec. III.H.1, and was made after seeking the advice and counsel of other faculty members, as appropriate. If, following these administrative reviews, the faculty member still believes that s/he has been improperly discriminated against or that his/her academic freedom has been violated, the faculty member may file a written complaint.

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When an untenured faculty member on the tenure track or a non-tenure-track faculty member alleges that nonrenewal of his/her contract is discriminatory as described in the paragraph above, s/he should first follow the process set forth in the paragraph above. The faculty member may then file a written complaint with the University's Director of Diversity and Affirmative Action. Decisions reached through the review process initiated through this office are final and not subject to appeal.

When an untenured faculty member on the tenure track or a non-tenure-track faculty member alleges that nonrenewal of his/her contract is in violation of academic freedom as described in Sec. III.H.1, s/he should first follow the process set forth in the second paragraph of this section. The faculty member may then file a written complaint with the Professional Relations Committee of the Faculty Senate, with a copy being given to the appropriate Dean or comparable administrator and the Provost. An individual who fails to file such a complaint within thirty (30) calendar days of receiving his/her letter of non-renewal forfeits the right to appeal.

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When a timely appeal is filed, the Professional Relations Committee reviews the case, interviews the principals involved, determines, normally within fifteen (15) working days, whether reasonable grounds exist for believing that the nonrenewal may be in violation of academic freedom, thus warranting the establishment of an *ad hoc* Judicial Committee to consider the matter, and notifies the President of the University, the Provost, the faculty member, and the President of the Faculty Senate in writing of the results of its review. If required, an *ad hoc* Judicial Committee shall be constituted within five (5) working days under the supervision of the Faculty Senate President. The *ad hoc* Judicial Committee will be composed of three (3) voting members selected from a standing panel of ten (10) well-qualified, tenured faculty jointly selected by the Provost and the Faculty Senate President for staggered five-year terms. Panelists will receive appropriate training through workshops given by the University's legal counsel and a representative of the AAUP subsequent to their appointment so that they will be prepared to serve as committee members when called upon. This training will be conducted every five years. In the interim, the University's legal counsel, together with a representative appointed by the Faculty Senate Executive Committee, will provide pertinent training on an as-needed basis. The chairperson of the *ad hoc* Judicial Committee will be chosen by the Faculty Senate President and may not be from the College, School, or Library in which the faculty member whose dismissal is sought resides. The role of the chairperson is to direct and supervise the hearing process, participate in the deliberations of the Committee, and ensure, insofar as possible, that following the hearing, the Committee delivers a thoughtful, clearly articulated decision within ten (10) working days whenever possible. The remaining two members of the Committee will be chosen by lot from the panel by the Faculty Senate President in the presence of both the President of the University or his designee and the faculty member whose dismissal is sought or his/her designee. The faculty member has one preemptory challenge (which may be applied to the selection of any

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of the three panel members), as does the President of the University. Any panelist selected must recuse him/herself if that individual believes s/he cannot impartially fulfill his/her duties as a committee member.

Within ten (10) working days of its formation, the *ad hoc* Judicial Committee will establish a specific time and place for the hearing and will communicate that information to the faculty member who is challenging his/her nonrenewal and the Provost. In setting the date, at least fifteen (15) working days will be allowed for the faculty member to prepare his/her challenge.

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The proceedings of the *ad hoc* Judicial Committee are private, and public statements about the nonrenewal by the faculty member, the administration, or the *ad hoc* Judicial Committee should be avoided.

Both the faculty member and the Provost are entitled to be present throughout the hearing, and each is entitled to the assistance of legal counsel or other representative during the proceedings. The faculty member’s challenge and the administration’s defense of the nonrenewal are presented and argued by the faculty member and the Provost, respectively, or by legal counsel or other representative of the faculty member’s or of the Provost’s choice. The role of counsel in these proceedings, however, is a limited one. In the event that counsel intrudes into the proceedings to such a degree that they are hindered in any manner, the *ad hoc* Judicial Committee is empowered to take such steps as are necessary to ensure the expeditious and unencumbered progress of the hearing. The Committee will determine the order of presentation for the hearing, may secure the presentation of evidence important to the case, and has the primary responsibility to question witnesses, the faculty member, and the Provost.

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The purpose of the proceedings is to provide the affected faculty member with an opportunity to have his/her academic freedom claim assessed by peers. Therefore, the proceedings of the *ad hoc* Judicial Committee are informal; the rules of court proceedings and formal rules of evidence are not applicable. The principals and all witnesses are, however, required both to be truthful in their presentations and representations and also to respond candidly to questions from the Committee. An opportunity will be given to the faculty member, designee, counsel, or other representative to make an oral presentation, and a similar opportunity will be given to the Provost, designee, counsel, or other representative. The faculty member has the burden of convincing the Committee that his/her nonrenewal would constitute a violation of academic freedom. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter will be received. The faculty member normally will have the opportunity to confront all adverse witnesses. Where unusual and urgent reasons move the Committee to withhold this opportunity (e.g., a threat of retaliation), or where the witness cannot appear, the reasons for this and the identity and statements of the witness will be disclosed to the faculty member. Committee members, as well as the faculty member and Provost, or their representatives, will have the right to question witnesses who testify orally at the hearing, within reasonable limits to be established by the *ad hoc* Judicial Committee. A record of all proceedings will be kept. Failure to complete the hearing prior to the expiration of the faculty member’s appointment shall neither preclude nor delay the non-renewal.

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After all evidence has been received, the *ad hoc* Judicial Committee should reach its decision in private conference, on the sole basis of the evidence presented at the hearing. The decision not to renew the faculty member’s appointment shall be upheld unless the Committee is convinced that it would constitute a violation of academic freedom. The Committee may proceed to its decision promptly, without having the record of the hearing transcribed, or it may await a transcript if its decision would be aided thereby. A majority of the *ad hoc* Judicial Committee is required in

rendering a decision. In those cases where the decision is not unanimous, a dissenting opinion can be filed. The Committee shall make explicit findings as to whether the faculty member's academic freedom has been violated, and shall report its findings to the President of the University, with copies going to the affected faculty member and the Provost. The Committee will also provide the faculty member and/or the Provost with a copy of the record of the hearing, upon his/her request. All parties are obligated to treat both the Committee's written opinion(s) and the transcript of the hearing as private communications, not intended for public dissemination.

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The President may put the decision of the *ad hoc* Judicial Committee into effect immediately or may decide to review the case. If the President elects to review the case, his review should be based on the record of the hearing, the report of the *ad hoc* Judicial Committee, and written arguments by the principals involved. The President shall defer to the decision of the Committee unless he finds that the decision is arbitrary, capricious, or constitutes an abuse of the Committee's discretion.

5. Grounds for Termination of Contract or Letter of Appointment

Contracts and letters of appointment between the University and faculty members cannot be terminated during their effective period except by mutual consent or for the following reasons:

- a. Material misrepresentation of fact relevant to the faculty member's academic qualifications, such as false claims of academic degrees or of previous academic or professional experience.
- b. Irresponsibility in discharging University obligations, incompetence in meeting the faculty responsibilities described in Sec. III.G, or inability to meet the faculty responsibilities due to medical reasons as provided for in Sec. III.H.12.b.
- c. Serious violation of clearly-established written policies and procedures of the University such as those governing sexual harassment and research fraud.
- d. Use of the classroom or of University-sponsored activities to deride or attack the Catholic faith. Here, the terms *deride* and *attack* are to be construed strictly; they do not include the scholarly and relevant criticism of such things as Catholic organizations, Catholic leaders, Catholic activities, and particular theological opinions and traditions. Moreover, faculty members have the right to express and explain their own beliefs, even though these may disagree with Catholic doctrine.
- e. An action that is seriously contrary to clearly-established principles of professional ethics (e.g., those of the American Association of University Professors [AAUP] and the Hippocratic Oath) or of Christian scripture and Judeo-Christian tradition.
- f. Conviction or imposition of legal sanction for a crime that would greatly affect the faculty member's discharge of University responsibilities or would greatly interfere with the mission of the University.
- g. Financial exigency or academic reallocation as described in Secs. III.I.11-12.
- h. In the case of faculty with major clinical responsibilities and assignments, failure to maintain licensure and/or appropriate hospital credentials necessary to carry out assigned duties.

- i. Documented serious and persistent substandard performance which fails to meet contractual obligations as outlined in this *Faculty Manual* and of which the faculty member has been given reasonable notice.

6. Procedures for Termination

When reason arises to question the fitness of a tenured faculty member, an untenured faculty member on the tenure-track, or a non-tenure-track faculty member whose contract or letter of appointment has not expired, for any of the reasons in Sec. III.I.5 except financial exigency or academic reallocation, the Department Chairperson or comparable administrator and the appropriate Dean or comparable administrator should ordinarily discuss the matter with the faculty member in a private conference. The matter may be resolved by mutual consent at this point, or the faculty member may request mediation from the Professional Relations Committee of the Faculty Senate according to the procedures in Sec. III.I.9. If no resolution is reached, the President of the University shall inform the faculty member and the Faculty Senate President in writing of the University administration's intent to dismiss the faculty member, stating the grounds for the proposed dismissal with particularity sufficient to put the faculty member on notice of all charges and indicating that dismissal will occur on a particular date unless the faculty member requests a hearing to contest the dismissal. Such a request must be made in writing to the President within ten (10) working days of receipt of the communication, with a copy being given to the Faculty Senate President. At any time, the University administration may amend the grounds for dismissal provided the faculty member is allowed at least fifteen (15) working days to prepare and file an answer to the new charge.

Within five (5) working days of such a request, an *ad hoc* Judicial Committee shall be constituted under the supervision of the Faculty Senate President. The *ad hoc* Judicial Committee will be composed of three (3) voting members selected from a standing panel of ten (10) well-qualified, tenured faculty jointly selected by the Provost and the Faculty Senate President for staggered five-year terms. Panelists will receive appropriate training through workshops given by the University's legal counsel and a representative of the AAUP subsequent to their appointment so that they will be prepared to serve as committee members when called upon. The chairperson of the *ad hoc* Judicial Committee will be chosen by the Faculty Senate President and may not be from the College, School, or Library in which the faculty member whose dismissal is sought resides. The role of the chairperson is to direct and supervise the hearing process, participate in the deliberations of the Committee, and ensure, insofar as possible, that following the hearing, the Committee delivers a thoughtful, clearly articulated decision within ten (10) working days. The remaining two members of the Committee will be chosen by lot from the panel by the Faculty Senate President in the presence of both the President of the University or his designee and the faculty member whose dismissal is sought or his/her designee. The faculty member has one peremptory challenge (which may be applied to the selection of any of the three panel members), as does the President of the University. Any panelist selected must recuse him/herself if that individual believes s/he cannot impartially fulfill his/her duties as a committee member.

Within ten (10) working days of its formation, the *ad hoc* Judicial Committee will establish a specific time and place for the hearing and will communicate that information to the faculty member whose dismissal is sought and the Provost. In setting the date, the Committee will allow the faculty member at least fifteen (15) working days to prepare a defense. The University administration and the faculty member will exchange the names of witnesses and copies of documents that will be used in the case. If called upon to do so, both the administration and the faculty member will cooperate with the *ad hoc* Judicial Committee in securing witnesses and documents.

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At his/her request only, the faculty member may be temporarily relieved of University duties in order to prepare a defense. Full salary and benefit payments will continue during such relief from duties. Additionally, the University administration may suspend the faculty member from his/her duties under Sec. III.I.7.

Not less than five (5) working days before the date set for the hearing, the faculty member is obligated to answer the statements in the University President's letter in a written communication addressed to the Committee, with a copy given to the President.

The proceedings of the *ad hoc* Judicial Committee are private, and public statements about the dismissal by the faculty member, the University administration, or the *ad hoc* Judicial Committee should be avoided. Additionally, neither the faculty member nor the University administration may retaliate against any witness in any way; evidence of any such retaliation may be introduced and considered by the Committee.

Both the faculty member and the Provost are entitled to be present throughout the hearing, and each is entitled to the assistance of legal counsel or other representative during the proceedings. The University administration's case for dismissal and/or the faculty member's defense may be presented and argued by the Provost and the faculty member, respectively, or by legal counsel or other representative of the faculty member's or the Provost's choice. The role of counsel in these proceedings, however, is a limited one. In the event that counsel intrudes into the proceedings to such a degree that they are hindered in any manner, the Committee is empowered to take such steps as are necessary to ensure the expeditious and unencumbered progress of the hearing. The Committee will determine the order of presentation for the hearing, may secure the presentation of evidence important to the case, and has the primary responsibility to question witnesses, the faculty member, and the Provost.

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In cases in which the alleged cause for dismissal is Secs. III.I.5.d or III.I.5.e, the *ad hoc* Judicial Committee shall have the authority to determine, in consultation with experts in Catholic moral theology and canon law or other appropriate disciplines, whether the alleged actions "deride or attack the Catholic faith" or are "seriously contrary to clearly-established principles of professional ethics . . . or Christian scripture and Judeo-Christian tradition." Thus, the Committee shall be empowered not only to determine the fact of commission but also the seriousness of the offense. If the faculty member admits the fact of commission but states that s/he acted in good faith, without any reasonable suspicion that the action was covered by Secs. III.I.5.d or III.I.5.e, and if the Committee determines that this statement is true, the faculty member's contract or tenure shall not be terminated except on subsequent repetition of the act in question.

The purpose of the proceedings is to provide the affected faculty member with a vehicle to be judged by peers. Therefore, the proceedings of the *ad hoc* Judicial Committee are informal; the rules of court proceedings and formal rules of evidence are not applicable. The principals and witnesses are, however, required both to be truthful in their presentations and representations and also to respond candidly to questions from the Committee. The Provost will be given every reasonable opportunity to present the University administration's case; a like opportunity will be given to the faculty member to defend him/herself. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter will be received. The faculty member normally will have the opportunity to confront all adverse witnesses. Where unusual and urgent reasons move the Committee to withhold this opportunity (e.g., a threat of retaliation), or where the witness cannot appear, the reasons for this and the identity and statements of the witness will be disclosed to the faculty member. Committee members, as well as the faculty member and the Provost, or their representatives, will have the right to question witnesses who testify orally at the

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hearing, within reasonable limits to be established by the chairperson of the *ad hoc* Judicial Committee. A record of all proceedings will be kept. Failure to complete the hearing prior to the expiration of the faculty member's appointment shall neither preclude nor delay the faculty member's dismissal.

After all evidence has been received, the *ad hoc* Judicial Committee should reach its decision in private conference, on the sole basis of the evidence presented at the hearing. The University administration has the burden of convincing the Committee that adequate cause exists for termination. The University's burden of proof shall be met if the evidence presented produces a firm belief or conviction in the minds of a majority of the Committee's members as to the truth of the allegations that justify the termination. The Committee may proceed to its decision promptly, without having the record of the hearing transcribed, or it may await a transcript if its decision would be aided thereby. A majority of the *ad hoc* Judicial Committee is required to render a decision, and that decision must be in writing. In those cases where the decision is not unanimous, a dissenting opinion can be filed. The Committee's opinion should set out explicit findings with respect to each of the charges in the University President's letter and should indicate the reasons for its findings. The Committee should submit copies of its opinion (and any dissenting opinion) to the President and to the faculty member, and, at his/her request, should provide each with a copy of the record of the hearing. All parties are obligated to treat both the transcript of the hearing and the Committee's written opinion(s) as private communications, not intended for public dissemination.

The President may put the decision of the *ad hoc* Judicial Committee into effect immediately. However, the President or the faculty member may, within ten (10) working days of the *ad hoc* Judicial Committee's decision, request review by the Executive Committee of the Board of Trustees. If the Executive Committee of the Board, at its discretion, decides to conduct a review, that review should be based on the record of the hearing, the report of the *ad hoc* Judicial Committee, and written arguments by the principals involved. In reviewing a decision of the *ad hoc* Judicial Committee, the Executive Committee of the Board shall defer to the *ad hoc* Judicial Committee's decision unless the Board's Executive Committee finds that the *ad hoc* Judicial Committee's decision is arbitrary, capricious, or constitutes an abuse of discretion.

7. Suspension from Duties during Consideration of Termination

A faculty member who is believed to have committed acts which would justify termination may be immediately suspended from any or all of his/her assigned duties only when the President of the University judges that serious, immediate harm would come otherwise to the faculty member, to students, to other individuals, or to the University. Notice of such suspension, together with a specific statement of the causes for the action and the supporting evidence for this judgment, should be promptly provided to the faculty member. Base salary and benefits will continue to be provided to the faculty member pending the conclusion of termination procedures, subject to possible review as provided below.

At any time after the formation of an *ad hoc* Judicial Committee, the President of the University may ask the Professional Relations Committee to review the progress of the dismissal proceedings. Upon referral by the President, the Professional Relations Committee shall determine whether the suspended faculty member has failed to act in good faith to facilitate the timely conduct of the proceedings. The Committee shall submit its findings in writing to the President, the President of the Faculty Senate, and the suspended faculty member. If the Committee determines by a preponderance of evidence that the suspended faculty member has not acted in good faith, the President may withhold the faculty member's full salary pending conclusion of the proceedings. In the event that the faculty member is not terminated, s/he shall

be reimbursed the salary that had been withheld. If the Committee finds that a bad-faith violation has not occurred, it shall establish an expeditious timeline by which the proceedings are to be brought to an orderly conclusion.

8. Sanctions Short of Termination

- a. For serious sanctions short of termination: If the administration believes that a faculty member has engaged in serious misconduct that is sufficient to justify imposition of a severe sanction, such as suspension from service for a stated period, with or without pay, the administration will notify the faculty member of the basis of the proposed sanction and provide the faculty member with the opportunity to persuade the administration not to impose the sanction. If the administration proceeds to impose the sanction, the faculty member may petition the Professional Relations Committee for possible referral to an *ad hoc* Judicial Committee. If the Professional Relations Committee determines that the faculty member has raised a substantial doubt as to whether the sanction is warranted, it shall refer the appeal to an *ad hoc* Judicial Committee for review under the procedures and standards set forth in Sec. III.I.6 above, and the imposition of the sanction shall be suspended pending completion of the review, except in those cases where a suspension of sanction would constitute a breach of legal obligation. Serious misconduct in the performance of any University obligation of a faculty member (e.g., conduct that creates a substantial risk of serious physical injury to a student, patient, or staff member or conduct that constitutes a major violation of the University's *Policy on Harassment*) may warrant the imposition of a serious sanction short of termination. The administrative official who imposes a serious sanction short of termination will specify the sanction in writing and will indicate the time period during which the sanction is in effect.
- b. For minor sanctions short of termination: If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a reprimand, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed.

A faculty member who believes that a minor sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may petition the Professional Relations Committee for such review and such recommendation for actions as may be appropriate. The imposition of a sanction shall be suspended pending completion of the review of the Professional Relations Committee.

9. Grievances and Appeals

a. Professional Relations Committee

- 1) The Faculty Senate Professional Relations Committee is charged with adjudicating grievances and screening appeals of non-renewals, and impositions of serious sanctions short of termination.
- 2) In matters concerning violation of the University's policies on equal opportunity, harassment, or retaliation, appeals from the administrative process established in University policy are directed to the Professional Relations Committee. If the

sanction is termination, or a serious sanction short of termination, the procedures set forth in Secs. III.I.6 and III.I.8 shall be followed.

- 3) The Committee normally consists of a faculty member from each of the Colleges and freestanding Schools, and the Libraries of the University, having representation on the Faculty Senate.
- 4) The members of the Committee should be trained to consider grievances through workshops given by the University's legal counsel and a representative of the AAUP.
- 5) Grievances are considered by grievance subcommittees consisting of a minimum of two members of the Faculty Senate Professional Relations Committee and one member of the faculty chosen by the Professional Relations Committee Co-Chairpersons on the basis of knowledge of the general issues involved in the grievance. The subcommittees are chaired by a member of the Faculty Senate Professional Relations Committee who will be responsible for ensuring that the subcommittee's procedures are in accord with established policies.
- 6) The Professional Relations Committee is co-chaired by two faculty representatives, one from the Health Sciences, Medicine, or Public Health. The Co-Chairpersons will be appointed by the Faculty Senate Executive Committee for staggered three-year terms. The Co-Chairpersons may be chosen from the Committee or from the faculty at large. The Co-Chairpersons have the authority to screen grievances, to assign a case to mediation initially, and to assign subcommittees to hear grievances they find to be of substance. They may serve as members of the subcommittees where appropriate.
- 7) The Co-Chairpersons of the Professional Relations Committee also have the authority to dismiss a grievance, in whole or in part, when they determine that a reasonable opportunity had been afforded to the grievant to assert the grievance and that the Professional Relations Committee had previously made a final determination concerning the same, or a substantially similar, claim.

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b. Grievance Process

- 1) Prior to submitting a formal grievance to the Faculty Senate Professional Relations Committee, a faculty member must first seek to resolve the issues in dispute through other appropriate administrative channels.
 - a) If the action(s) disputed were taken by another faculty member in the same or another Division, Department, College, School, or Library, or by an administrative official in the same or another Division, Department, College, School, or Library, the complaining faculty member must first attempt to obtain a satisfactory resolution of the complaint within the unit of the individual against whom the complaint is being made. Such an attempt at internal resolution should then proceed through whatever regular chain of authority exists in that unit (e.g., to the Division Director and then to the Departmental Chairperson, if appropriate) and ultimately to the Dean or comparable administrator of the unit.
 - b) If the action(s) complained of were taken by an administrative official not under the authority of such a Dean or comparable administrator, the complaining faculty member must attempt to obtain a satisfactory resolution of

the dispute by presenting the complaint to the appropriate administrative officer who supervises the individual whose actions are disputed.

All such efforts at internal resolution of complaints should be initiated no later than three (3) months after the date of the occurrence of the action(s) in dispute. The complaint must be in writing. Division Directors, Departmental Chairpersons, and Deans or comparable administrators noted in (1) (a) above, and other appropriate administrative officials, as noted in (1) (b) above, who receive such written complaints should make a determination on the merits of the complaint and communicate this in writing no later than thirty (30) calendar days after receipt of the complaint.

- 2) If the decision by the unit Dean or other appropriate administrative official is unsatisfactory to the complaining faculty member, the faculty member may then submit a grievance, in writing, to the Co-Chairpersons of the Faculty Senate Professional Relations Committee. Such a grievance must set forth with reasonable particularity the action(s) being grieved and the remedy being sought. Such a submission should occur no later than thirty (30) calendar days after receiving notice of the Dean's or administrative official's decision, as noted above.
- 3) A faculty member who believes that s/he has cause for grievance in situations of nonrenewal of contract, a serious sanction, or termination has no recourse under this *Manual* other than to follow the procedures in Secs. III.I.4, III.I.6, and III.I.8, respectively.
- 4) Mediation may be utilized where appropriate. Mediators are drawn from a pool of faculty or others knowledgeable about higher education who have been trained for this purpose, and who are not currently members of the Professional Relations Committee. Both parties in the grievance must be consulted before mediation is recommended.
- 5) Unless otherwise provided by these regulations, the Professional Relations Committee process will be informal in nature and determined by the Committee members. When a faculty member appears before the Committee, s/he may be accompanied by an advisor. Such an advisor, however, will not be permitted to participate actively in Committee proceedings.
- 6) The Committee submits its findings and recommendations to the Provost as well as to all parties involved in the grievance.
- 7) The University administration must not retaliate against a faculty member for instituting a grievance.

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c. Limitations of Authority

- 1) Other than in cases of infringement of academic freedom or illegal discrimination, salaries are not grievable unless there has been an absolute reduction in the contracted base salary. If there is a unit-based review by a committee, a majority of whom are faculty, or if a clearly-established written agreement governing base salary modifications exists within a unit (e.g., the University Medical Group), the Professional Relations Committee will defer to the final decision of that process unless the Professional Relations Committee finds that the decision is arbitrary and capricious or an abuse of discretion.

- 2) The Professional Relations Committee has no authority to review or set aside decisions designated in this *Manual* as final and not subject to appeal.

The Professional Relations Committee has no authority to review or set aside decisions made pursuant to Secs. III.L.10-14, respecting academic reorganization, academic reallocation, and financial exigency.

The Professional Relations Committee has no authority to review or set aside Institutional Review Board decisions.

The Professional Relations Committee has no authority to set aside the factual findings and determinations made by the Provost's Committee on Conflict of Interest in making a recommendation to the Provost. However, sanctions imposed upon a faculty member for failure to adhere to decisions that proceed from a conflict of interest review are grievable.

Comment [mej24]: Sub "University's" – Delete "Provost's"

Comment [mej25]: Delete this text and end sentence after "Interest" → (a) This Committee is now under VP-Research; and (b) All that really matters is that the PRC can't set aside factual findings and determinations.

Actions of professional credentialing, licensing, or certification organizations, including the University Medical Group, are not grievable. Further, the findings of fact of these organizations are final for purposes of any subsequent grievance.

The Professional Relations Committee has no authority to set aside the factual findings and determination of research misconduct by an investigation committee functioning in accordance with the current research integrity policy (available from the Web site of the Office of Research Services Administration). While the findings themselves are not grievable, the appropriateness of the final sanction imposed or the adequacy of the means of restoration of the respondent's reputation, consistent with those identified in the policy, is grievable. In any case where the termination of a faculty member is being sought, the *ad hoc* Judicial Committee conducts a *de novo* proceeding but receives as evidence the final reports of the investigation committee and the deciding official and gives its factual findings whatever weight the *ad hoc* Judicial Committee deems is appropriate.

Decisions by the Dean of the School of Medicine regarding medical expert witness testimony and related legal work are subject to the grievance rules set forth in Sec. III.G.7.

d. Weight Given to Professional Relations Committee Determinations

Upon completion of its consideration of the grievance or appeal, the Committee submits its findings and proposed remedies to the Provost for review and implementation. On these matters the power of review and final decision by the Provost may be exercised adversely to the Committee's determination only in exceptional circumstances, and for reasons communicated to the Committee. The Provost normally implements the recommendations of the Committee within thirty (30) calendar days after the receipt of the Committee's written recommendations. If the Provost does not accept the recommendations of the Committee, s/he normally communicates this decision to the grievant and the Committee within thirty (30) calendar days following the receipt of the Committee's written recommendations. Upon receipt of such communication, the Committee has thirty (30) calendar days to respond to the Provost's decision. The Provost normally takes final action on the grievance within thirty (30) calendar days after receipt of the Committee's response. The Provost's decision is final and is not subject to appeal.

Comment [mej26]: Sub "VP-Frost Campus"

Comment [mej27]: Sub "VP-Frost Campus"

Comment [mej28]: Sub "VP-Frost Campus"

Comment [mej29]: Sub "VP-Frost Campus"

Comment [mej30]: Sub "VP-Frost Campus's"

Comment [mej31]: Sub "VP-Frost Campus"

Comment [mej32]: Sub "VP-Frost Campus's"