

- D. The statement required by II-B shall be sent to the person (faculty member or administrator) who is the subject of possible disciplinary action for misconduct in research, together with a copy of this Faculty Policy, as it may be amended from time to time, and any other notices or information required to be sent to the person charged.
- E. The President or the Provost, acting on behalf of the President, shall discuss the matter of potential disciplinary action with the person charged in a personal conference.

The President or Provost may, and upon the request of the person charged shall, provide the person with information concerning the charges contained in the II-B letter, including sources of information, so as to enable the person to respond to the charges and to make an

charged may each select an additional person to be present at the conference. The matter may be terminated by mutual consent of the President and the person charged at this stage (or at any stage of the proceeding) subject to the conditions agreed to by the person

will be transmitted to the Board of Trustees.

- F. In the event there is no agreement to conclude the matter and the University believes that further proceedings are warranted, the President or the Provost, as the case may be, shall proceed in accordance with the provisions of II-G.
- G. The President or the Provost, acting on behalf of the President, will forward to the Speaker of the Faculty, to the Chair of the University Senate Executive Committee, to the Chair of the Senate Grievance Committee, and to the Chair of the Faculty Affairs Committee and to the person charged:
 - 1. a copy of the statement required by II-B; and
 - 2. any additional statement or information which modifies the content of the II-B statement.

III. The Operation of the Senate Grievance Committee

- A. The first duty of the Senate Grievance Committee will be to seek informally a resolution of the matter agreeable to the person charged and the University. If this cannot be accomplished expeditiously, the committee will so advise the president.
- B. Upon being so advised, the President shall, within five business days after receiving the notice from the Senate Grievance Committee under III-A, provide both the person charged and the Committee with a written specification of the charges, together with copies of all evidentiary documents,

policies, bylaws, laws, ordinances, or other rules or regulations and standards which the President alleges were violated. The President also will provide, in writing, a statement

of the action the President contemplates taking in the event the charges are sustained,

- C. Within five business days of receiving the charges and specifications under III-B, the Committee shall set a date and time for a formal hearing. The Committee shall serve written notice of the time and place of the formal hearing simultaneously on the person charged and on the University at least twenty (20) days prior to the scheduled hearing date unless a lesser time is agreed to in writing by the President and person charged. In setting the date for the hearing, the committee shall afford the person charged sufficient and reasonable time to prepare a defense. Prior to the formal hearings and in so far as it is possible, the Committee will determine the schedule, agenda and rules (consistent with the provisions of this Faculty Policy) which will govern its proceedings.
- D. The person charged also will be advised by the Committee in writing, accompanying the notice of hearing, of the following rights: to address the Committee; to present evidence; to examine and cross-examine witnesses; and to be represented by legal counsel, at his or her own expense, or an academic adviser or consultant. The Committee also will inform the person charged and the President in writing of the schedule, agenda and rules. The faculty member shall inform the committee in writing within ten business days of receiving the notice of hearing whether she or he wishes to appear and address the date of the formal hearing. The President may designate a representative to present the evidence concerning the charges to the Committee.
- E. The decision whether all or part of the hearings will be private and confidential or whether they will be open to other members of the University community will be made by the Committee after consultation with the person charged and with the President. In making its determination as to whether or not the proceedings shall be open, in the absence of good cause, the Committee ordinarily should honor the preference of the

The person charged or his or her representative and the President or the representative of the President shall have the right, within reasonable limits as determined by the Committee, to question all witnesses who testify orally. The person charged ordinarily shall have the opportunity to confront personally all witnesses, but where the Committee determines there are unusual and compelling reasons to withhold this right or in cases in which the witness(es) cannot appear, the Committee may receive written statements from witnesses, but the identity of the witnesses and their statements shall be disclosed to the person charged. He or she or hi/her representative has the right to present his or her position orally or in writing. The Committee is not bound by the rules of evidence but may receive and consider any probative evidence and shall be the sole judge of the weight to be given the evidence.

- G. Every person shall be presumed innocent of the charges against him or her and shall be presumed capable of fulfilling his or her professional obligations properly unless and until the contrary is established by clear and convincing evidence based on the record as a whole.
- H. Upon his or her request, the person charged shall be provided with a tape recording or other verbatim record of the proceedings (exclusive of deliberations) at the end of each day and a copy of every document received or offered in evidence at the time it is offered in evidence.

IV. Recommendations and Findings: Action

- A. Before commencing its deliberations after the hearing, the Committee shall afford both the person charged or his or her counsel and the representative of the President an opportunity to pre Pg

E. The Committee will make its recommendation in a timely manner, allowing the President and the Board to fulfill their responsibilities to all members of the University community, including the individual under consideration. The committee shall make a full report and recommendation which the President will transmit to the Board and to the person charged.

F. If the Committee concludes that the burden for establishing adequate cause for disciplinary action has not been sustained, it will recommend that no disciplinary action be taken. The President will transmit the recommendations to the Board and to the person charged.

G. If the Committee finds that the burden for establishing adequate cause for disciplinary action has been sustained, it shall recommend to the Board with notice to the President:

1. That the person charged be dismissed from University service;

or

2. that the person charged be suspended from University service without compensation, but subject to future review, modification, or rescission as future circumstances warrant;

or

3. that the person charged be suspended from University service with compensation, but subject to review, modification, or rescission, as future circumstances warrant;

or

4. that the person charged be assigned to other professional duties;

or

5. that some lesser action specified by Committee is warranted;

or

6. that a decision on disciplinary action be delayed until additional factual material or expert opinion is received, specifying the nature of the additional material;

or

7. that no disciplinary action be taken.

H.

the Board chooses to review the case, its review should be based on the record of the previous hearing, accompanied by opportunity for arguments, oral or written or both, by the principals at the hearing or their representatives. The decision of the Committee should either be sustained or the proceeding be returned to the Committee with objections specified. In such a case the Committee should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in a timely manner to the Board, the President and the person charged.

on should the Board of Trustees make a

final decision overruling the Committee. In no event shall action taken against the person charged involve a penalty greater than the President contemplated imposing as stated in the specifications required by III.B.