Proposed Change to Faculty Policies and Procedures 9.06.C.4.

The University Committee, the Office of the Provost, and the Office of the Secretary of the Faculty propose to clarify the operational parameters of Faculty Policies and Procedures 9.06.C.4. regarding faculty appeals to discipline or dismissal procedures. Currently, faculty being disciplined have the right to appeal but there is no specific indication of the timeframe for such an action. A period of 30 days is recommended.

In practice, faculty members have been given a couple of weeks to a month to file an appeal, although when discipline is more immediate the time frame can be even shorter. The proposed change (below) would guarantee one month to faculty. In other parts of FPP (as well as other campus policies), one month (either 30 calendar days or 20 business days) is the norm for similar actions. For example:

- probationary faculty members have 20 days to request a reconsideration of a nonrenewal decision (FPP 7.08.A.) and 20 days to appeal an adverse reconsideration (FPP 7.10.A.);
- faculty members have 30 days from receipt of their post-tenure review to submit a response (FPP 7.17.C.3.);
- if a department and a dean disagree about whether a faculty member is meeting expectations, the provost consults with the DCRC, which has 30 days to respond (FPP 7.17.C.7.);
- if a post-tenure review is deemed to not meet expectations, the faculty member and chair have 30 days to create a remediation plan (FPP 7.17.C.7.b.) and at the end of that plan the executive committee has 30 days to determine if the plan has been met (FPP 7.17.C.8.b.);
- if the formal mediation is invoked in a discipline case, it must be completed within 30 days (FPP 9.06.C.3.);
- in cases of research misconduct allegations, the chancellor has 30 days to respond to recommendations from the Committee on Faculty Rights and Responsibilities (FPP 9.14.D.4.); and
- similar one-month appeal timeframes exist for parking citations, graduate school admissions, University Staff grievances, and Academic Staff appeals of discipline and nonrenewal.

It should be noted that Chapter 9 discipline/dismissal already includes a process for negotiation.

As this change is operational rather than substantive, it is being brought to the Senate directly for a vote.

Chapter 9: DISCIPLINE AND DISMISSAL OF FACULTY FOR CAUSE

Chapter 9.06. INVESTIGATION AND FURTHER ACTION.

With markup

C. Actions that the provost may take are:

1. Dismiss the case; or
2. Refer the complaint to the department(s) or the equivalent functional unit(s) in which the faculty member concerned holds membership if the investigation indicates that the case involves a matter which should be resolved at the departmental level and in which disciplinary action by the provost is not warranted; or
3. Prepare to invoke an appropriate disciplinary action. In doing so, the provost will present the faculty member with a written summary of all evidence obtained both for and against each charge brought forward for disciplinary action or dismissal. The provost shall then invite the faculty member to participate in voluntary and confidential settlement negotiations which could involve, with agreement of both parties, formal mediation.
4. If formal mediation is invoked, the parties shall agree on the appointment of a mediator or mediators. Formal mediation must be completed within 30 days of the appointment of
the mediator(s), unless both parties agree to an extension of no more than 30 days. At any
time, either party may withdraw from the mediation process.

If settlement is not achieved by negotiation or mediation, invoke appropriate discipline or
dismissal. When the provost invokes either discipline or dismissal, he/she shall provide
the faculty member with a copy of any investigatory report produced and a copy of any
written recommendation as provided above. The provost shall also inform the faculty
member of his/her right to appeal to the Committee on Faculty Rights and
Responsibilities (CFRR). Such appeal must be filed with the Office of the Secretary of
the Faculty within 30 calendar days of the provost’s notification as detailed in this clause.

No markup

C. Actions that the provost may take are:
   1. Dismiss the case; or
   2. Refer the complaint to the department(s) or the equivalent functional unit(s) in which the
      faculty member concerned holds membership if the investigation indicates that the case
      involves a matter which should be resolved at the departmental level and in which
      disciplinary action by the provost is not warranted; or
   3. Prepare to invoke an appropriate disciplinary action. In doing so, the provost will present
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