

POLICY 8-12.6 REV 5

DATE MAY 17, 1999

SUBJECT: UNIVERSITY REGULATIONS - Chapter XII
CODE OF FACULTY RIGHTS AND RESPONSIBILITIES- PART VI

PROCEDURES

PLEASE SEE [ATTACHMENT A](#) FOR A DIAGRAM OF THE PROCEDURES.

A. CONCERNS

1. AS A PUBLIC INSTITUTION, THE UNIVERSITY, INCLUDING ITS FACULTY, IS OPEN TO COMMENTS AND CRITICISMS FROM STUDENTS AND OTHER INTERESTED CITIZENS. SUCH COMMENTS AND CRITICISMS SHOULD BE DIRECTED TO APPROPRIATE UNIVERSITY OFFICIALS. THE OFFICIAL WILL RESPOND TO SUCH COMMENTS IN A TIMELY AND APPROPRIATE FASHION.

2. THE UNIVERSITY ENCOURAGES INFORMAL RESOLUTION OF PROBLEMS AND AFFECTED PERSONS ARE URGED TO DISCUSS THEIR CONCERNS WITH THE INVOLVED FACULTY MEMBER, WITH THE RELEVANT DEPARTMENT CHAIR AND DEAN (UNLESS EITHER IS THE COMPLAINANT OR RESPONDENT). INFORMAL RESOLUTION OF CONCERNS BY MUTUAL CONSENT OF ALL PARTIES IS HIGHLY DESIRED AND IS APPROPRIATE AT ANY TIME. USE OF A QUALIFIED MEDIATOR SHOULD ALSO BE CONSIDERED.

B. COMPLAINTS

1. IF INFORMAL RESOLUTION IS INAPPROPRIATE OR NOT ACHIEVED WITHIN 30 DAYS, ANY PERSON DIRECTLY AGGRIEVED BY THE ALLEGATION OR ANY FACULTY MEMBER, STUDENT OR STAFF MEMBER MAY FILE A COMPLAINT ALLEGING A VIOLATION OF THE RULES OF THIS CODE BY A FACULTY MEMBER. COMPLAINTS ALLEGING ILLEGAL DISCRIMINATION, INCLUDING SEXUAL HARASSMENT, WILL BE HANDLED IN ACCORDANCE WITH [POLICY AND PROCEDURES No. 2-32](#). COMPLAINTS ALLEGING CHARGES OF MISCONDUCT IN SPONSORED RESEARCH WILL BE HANDLED IN ACCORDANCE WITH [POLICY AND PROCEDURES No. 6-1.1](#). OTHER COMPLAINTS OF VIOLATIONS OF THIS CODE MAY BE FILED IN THE OFFICE OF THE VICE PRESIDENT FOR ACADEMIC AFFAIRS OR THE VICE PRESIDENT FOR HEALTH SCIENCES DEPENDING ON THE DEPARTMENT OF THE RESPONDING FACULTY MEMBER. IF EITHER VICE PRESIDENT IS THE COMPLAINANT OR THE RESPONDENT, THE OTHER VICE PRESIDENT SHALL ACT UNDER THESE RULES. THE COMPLAINT SHALL BE IN WRITING AND SIGNED, SHALL SET FORTH BRIEFLY THE RELEVANT FACTS, SHALL SPECIFY THE RULE OR RULES VIOLATED, AND SHALL DESCRIBE ANY PREVIOUS

EFFORT TO RESOLVE THE COMPLAINT. THE COMMITTEE MAY PROVIDE INSTRUCTIONS AND FORMS FOR FILING COMPLAINTS, WHICH INSTRUCTIONS AND FORMS SHALL BE AVAILABLE FROM THE COMMITTEE CHAIR AND PUBLISHED ELECTRONICALLY IN AN [APPENDIX](#) TO THE POLICY AND PROCEDURES MANUAL. ALL PARTIES SHALL COMPLY WITH SUCH INSTRUCTIONS AND USE THE PROPER FORMS. THE COGNIZANT VICE PRESIDENT SHALL PROVIDE THE RESPONDING FACULTY MEMBER WITH A COPY OF THE COMPLAINT.

2. IN CONSULTATION WITH THE APPROPRIATE DEAN(S) AND CHAIR/DIRECTOR (UNLESS EITHER IS THE COMPLAINANT OR RESPONDENT), THE COGNIZANT VICE PRESIDENT SHALL DETERMINE WHETHER EFFORTS AT INFORMAL RESOLUTION ARE APPROPRIATE AND, IF SO, SHALL TAKE WHATEVER STEPS ARE USEFUL TO THAT END. THESE STEPS MAY INCLUDE DELEGATION OF THE INFORMAL RESOLUTION PROCESS TO ANOTHER PERSON, MEETINGS WITH THE COMPLAINANT AND RESPONDENT, OR ANY OTHER PROCESSES THAT THE VICE PRESIDENT BELIEVES WILL ASSIST IN REACHING AN INFORMAL RESOLUTION.

3. IF INFORMAL RESOLUTION IS INAPPROPRIATE, OR IF ADDITIONAL EFFORTS AT INFORMAL RESOLUTION ARE NOT SUCCESSFUL WITHIN 30 DAYS OF THE FILING OF THE COMPLAINT, THE VICE PRESIDENT SHALL FORWARD THE COMPLAINT, WITH A DESCRIPTION OF EFFORTS AT INFORMAL RESOLUTION, TO THE FACULTY HEARING COMMITTEE (HEREAFTER "COMMITTEE") AND NOTIFY THE RESPONDENT AND THE COMPLAINANT, AND THE COGNIZANT DEPARTMENT CHAIR/DIRECTOR AND DEAN OF THE SAME. FROM THIS POINT FORWARD THE OFFICE OF THE VICE PRESIDENT SHALL BE A PARTY TO THE PROCEEDINGS. AFTER A COMPLAINT HAS BEEN FILED WITH THE COMMITTEE, THE CHAIR SHALL CONSULT WITH THE CHAIRS OF THE RPT STANDARDS AND APPEALS COMMITTEE AND THE ACADEMIC FREEDOM AND TENURE COMMITTEE, BOTH EX OFFICIO MEMBERS OF THE FACULTY HEARING COMMITTEE, TO ASCERTAIN WHETHER THE DISPUTE HAS BEEN BROUGHT BEFORE EITHER OF THOSE COMMITTEES, IN ORDER TO PROMOTE EFFICIENT RESOLUTION OF ALL DISPUTES.

4. FROM THE OUTSET, THE UNIVERSITY, THE COMMITTEE, AND ALL PARTICIPANTS SHALL TAKE REASONABLE STEPS TO PROTECT THE RIGHTS AND, TO THE EXTENT APPROPRIATE, THE CONFIDENTIALITY OF ALL PARTIES INVOLVED, INCLUDING INDIVIDUALS WHO IN GOOD FAITH REPORT PERCEIVED MISCONDUCT.

C. ADMINISTRATIVE REPRIMAND

1. AT ANY TIME, THE PRESIDENT, VICE PRESIDENT FOR ACADEMIC AFFAIRS, THE VICE PRESIDENT FOR HEALTH SCIENCES, DEANS AND DEPARTMENT CHAIRS MAY IMPOSE WRITTEN REPRIMANDS ON FACULTY MEMBERS WHO REPORT TO THEM.

2. PRIOR TO IMPOSING A REPRIMAND, THE ADMINISTRATOR SHALL PROVIDE THE

FACULTY MEMBER WITH A COPY OF THE PROPOSED REPRIMAND, THE REASONS FOR IT, AND PROVIDE THE FACULTY MEMBER WITH AN OPPORTUNITY TO RESPOND, INCLUDING A WRITTEN RESPONSE TO BE PLACED IN THE FACULTY MEMBER'S FILE. THE RESPONSE SHALL BE RECEIVED WITHIN 15 CALENDAR DAYS OF THE LETTER OF INTENT TO IMPOSE THE REPRIMAND AND SHALL BE CONSIDERED BY THE ADMINISTRATOR PRIOR TO THE IMPOSITION OF THE REPRIMAND.

3. A FACULTY MEMBER MAY ASK THE FACULTY HEARING COMMITTEE TO REVIEW AN IMPOSED REPRIMAND. IN THAT EVENT THE REPRIMAND SHALL BE WITHDRAWN AND THE ADMINISTRATOR MAY MAKE A COMPLAINT UNDER (B) (1) ABOVE WHICH SHALL THEREAFTER BE HANDLED IN THE SAME WAY AS ANY OTHER FORMAL COMPLAINT. IF AT THE CONCLUSION OF SUCH PROCEEDINGS THE REPRIMAND IS JUDGED TO BE UNWARRANTED, ALL REFERENCES TO THE REPRIMAND, INCLUDING THE FACULTY MEMBER'S RESPONSE, SHALL BE REMOVED FROM THE FACULTY MEMBER'S FILE AT THE REQUEST OF THE FACULTY MEMBER.

D. MAKEUP OF THE FACULTY HEARING COMMITTEE

1. THE COMMITTEE IS THE HEARING BODY FOR PROCEEDINGS UNDER THIS CODE, EXCEPT AS PROVIDED FOR IN SECTIONS (B) (1) ABOVE.

2. THE COMMITTEE SHALL NORMALLY CONSIST OF NINE FACULTY MEMBERS, ALL ELECTED BY THE ACADEMIC SENATE FOR THREE-YEAR STAGGERED TERMS. ADMINISTRATORS WITH FACULTY APPOINTMENTS ARE ELIGIBLE FOR ELECTION, BUT FACULTY MEMBERS HOLDING ADMINISTRATIVE POSITIONS SHALL HOLD NO MORE THAN TWO SEATS. THE CHAIRS OF THE ACADEMIC FREEDOM AND TENURE COMMITTEE AND THE UNIVERSITY RPT STANDARDS AND APPEALS COMMITTEE SHALL BE EX OFFICIO NONVOTING MEMBERS, AS WELL AS THE SENATE PRESIDENT OR THE PRESIDENT'S DESIGNEE. IF THE COMPLAINANT IS A STUDENT, OR A DEPARTMENT CHAIR, DEAN, OR VICE PRESIDENT ATTEMPTING TO RESOLVE A CONCERN ORIGINALLY RAISED BY A STUDENT, THE EXECUTIVE COMMITTEE OF THE ACADEMIC SENATE SHALL APPOINT TWO STUDENTS FROM A SLATE OF NOMINEES PROVIDED BY THE ASUU PRESIDENT AT THE BEGINNING OF THE ACADEMIC YEAR TO SERVE AS ADDITIONAL MEMBERS OF THE FACULTY HEARING COMMITTEE DURING ALL DELIBERATIONS CONCERNING THE COMPLAINT. IF THE COMPLAINANT IS A UNIVERSITY STAFF MEMBER, OR A DEPARTMENT CHAIR, DEAN, OR VICE PRESIDENT ATTEMPTING TO RESOLVE A CONCERN ORIGINALLY RAISED BY A STAFF MEMBER, THE EXECUTIVE COMMITTEE OF THE ACADEMIC SENATE SHALL APPOINT TWO STAFF MEMBERS FROM A SLATE OF NOMINEES PROVIDED BY THE UUSAC CHAIR AT THE BEGINNING OF THE ACADEMIC YEAR TO SERVE AS ADDITIONAL MEMBERS OF THE FACULTY HEARING COMMITTEE DURING ALL DELIBERATIONS CONCERNING THE COMPLAINT.

3. THE COMMITTEE MUST HAVE A QUORUM PRESENT TO CONDUCT ANY BUSINESS, INCLUDING HOLDING A HEARING. A QUORUM CONSISTS OF SEVEN MEMBERS FOR A

FORMAL HEARING OR A SIMPLE MAJORITY FOR ALL OTHER BUSINESS. IF THERE IS MORE THAN ONE HEARING IN A MATTER, OR THE HEARING CONTINUES OVER SEVERAL SESSIONS, THE SAME SEVEN MEMBERS MUST BE PRESENT FOR ALL SESSIONS.

4. THE COMMITTEE MAY ADOPT RULES OF PROCEDURE CONSISTENT WITH THE PROVISIONS OF THIS CODE.

E. PROCEEDINGS BEFORE THE FACULTY HEARING COMMITTEE

1. THE CHAIR OF THE COMMITTEE SHALL DETERMINE WHETHER FURTHER EFFORTS AT INFORMAL RESOLUTION ARE APPROPRIATE AND, IF SO, SHALL TAKE WHATEVER STEPS ARE USEFUL TO THAT END. THESE STEPS MAY INCLUDE MEETING WITH THE COMMITTEE, DELEGATION OF THE INFORMAL RESOLUTION PROCESS TO ANOTHER PERSON, MEETINGS WITH THE COMPLAINANT AND RESPONDENT, OR ANY OTHER PROCESSES THAT THE CHAIR BELIEVES WILL ASSIST IN REACHING AN INFORMAL RESOLUTION.

2. IF INFORMAL RESOLUTION IS INAPPROPRIATE, OR IF EFFORTS AT INFORMAL RESOLUTION ARE NOT SUCCESSFUL WITHIN 30 DAYS OF THE COMMITTEE'S RECEIPT OF THE COMPLAINT, THE CHAIR SHALL NOTIFY THE PARTIES AND INVITE THE RESPONDENT FACULTY MEMBER TO SUBMIT A WRITTEN RESPONSE TO THE COMPLAINT WITHIN TEN DAYS.

3. AFTER RECEIPT OF THE RESPONDENT FACULTY MEMBER'S RESPONSE, OR AFTER TEN DAYS, THE COMMITTEE SHALL INITIATE A PRELIMINARY REVIEW TO DETERMINE WHETHER TO DISMISS THE COMPLAINT OR TO HOLD A HEARING. THIS REVIEW WILL BE HELD AT THE NEXT SCHEDULED MEETING OF THE FACULTY HEARING COMMITTEE. THE COMMITTEE MAY DISMISS THE COMPLAINT IF IT DETERMINES THAT THE COMPLAINT IS FRIVOLOUS OR THAT THE COMPLAINT FAILS TO ALLEGE FACTS CONSTITUTING A VIOLATION OF THIS CODE. NO PARTY SHALL BE PRESENT AT THE PRELIMINARY REVIEW BUT ALL PARTIES WILL BE NOTIFIED OF THE COMMITTEE'S DECISION. IF THE COMMITTEE DISMISSES THE COMPLAINT, THE COMPLAINANT MAY FILE AN APPEAL WITH THE PRESIDENT WITHIN 30 DAYS OF NOTIFICATION OF THE COMMITTEE'S DECISION. THE PRESIDENT MAY AFFIRM THE COMMITTEE'S DECISION OR RETURN THE MATTER TO THE COMMITTEE FOR FURTHER PROCEEDINGS.

4. IF THE COMMITTEE DETERMINES THAT A HEARING IS NECESSARY THE COMMITTEE SHALL NOTIFY THE PARTIES OF THE DATE SET FOR THE COMMENCEMENT OF THE HEARING WHICH SHALL BE NOT LESS THAN 15 NOR MORE THAN 30 DAYS FROM THE DATE OF THE NOTICE. THE COMMITTEE SHALL SEND THE PARTIES A COPY OF THESE PROCEDURES.

5. MEMBERS OF THE COMMITTEE SHALL RECUSE THEMSELVES FOR BIAS OR CONFLICT

OF INTEREST. ANY PARTY MAY FILE A WRITTEN CHALLENGE TO ANY MEMBER ON THOSE GROUNDS NO LATER THAN FIVE DAYS BEFORE THE DATE SET FOR THE HEARING. CHALLENGES FOR CAUSE SHALL BE HEARD BY THE COMMITTEE MEMBERS OTHER THAN THOSE CHALLENGED. IN THE EVENT THAT ALL MEMBERS OF THE COMMITTEE ARE CHALLENGED, THE CHALLENGES SHALL BE HEARD BY THE ACADEMIC FREEDOM AND TENURE COMMITTEE. IF, AS A RESULT OF VOLUNTARY RECUSALS OR CHALLENGES, FEWER THAN SEVEN COMMITTEE MEMBERS REMAIN, THE PERSONNEL AND ELECTIONS COMMITTEE SHALL APPOINT ADDITIONAL MEMBERS TO HEAR THE COMPLAINT FROM AMONG THOSE PERSONS WHO WERE RUNNERS-UP FOR ELECTION TO THE COMMITTEE OR, IF THAT NUMBER IS INSUFFICIENT, FROM AMONG THE FACULTY GENERALLY.

6. THE COMMITTEE MAY HOLD A PREHEARING WITH THE PARTIES IN ORDER TO RESOLVE CHALLENGES FOR CAUSE, SIMPLIFY THE ISSUES, EFFECT STIPULATIONS OF FACT, AND ACHIEVE SUCH OTHER APPROPRIATE PREHEARING OBJECTIVES AS WILL MAKE THE HEARING FAIR, EFFECTIVE, AND EXPEDITIOUS.

7. THE PARTIES HAVE A RIGHT TO BE REPRESENTED BY ANY PERSON AS ADVISOR, INCLUDING LEGAL COUNSEL, AT ALL STAGES OF THE PROCEEDINGS. LEGAL COUNSEL WILL ACT IN AN ADVISORY CAPACITY ONLY. AT HEARING THE PARTIES SHALL HAVE THE RIGHT TO CONFRONT AND CROSS EXAMINE WITNESSES, TO PRESENT EVIDENCE AND CALL WITNESSES IN THEIR OWN BEHALF, TO TESTIFY, OR TO REMAIN SILENT, AND TO BE PRESENT WITH THEIR ADVISORS EXCEPT DURING SESSIONS THAT ARE CLOSED FOR DELIBERATIONS AND VOTING.

8. AT LEAST 5 CALENDAR DAYS BEFORE THE COMMENCEMENT OF THE HEARING, THE PARTIES TO THE COMPLAINT, INCLUDING THE ADMINISTRATION REPRESENTATIVE SHALL MAKE AVAILABLE TO EACH OTHER AND TO THE COMMITTEE A LIST OF THEIR WITNESSES AND A LIST OF DOCUMENTS TO BE OFFERED AT THE HEARING. UPON REQUEST, ANY PARTY SHALL ALLOW ANY OTHER PARTY TO EXAMINE ALL SUCH DOCUMENTS AND ANY WRITTEN STATEMENTS IN THEIR POSSESSION OR AVAILABLE TO THEM THAT WERE MADE BY PROPOSED WITNESSES. FOR PURPOSES OF THIS SECTION, A WRITTEN STATEMENT INCLUDES A WRITTEN DOCUMENT, AN ELECTRONIC FILE, OR A RECORDING OF A STATEMENT.

9. UPON REQUEST BY ANY PARTY, AND SUBJECT TO APPLICABLE LAW, THE COMMITTEE MAY REQUEST THE PRODUCTION OF RELEVANT UNIVERSITY RECORDS AND MAY REQUEST THAT WITNESSES APPEAR AND TESTIFY AT THE HEARING. UNIVERSITY EMPLOYEES SHALL COMPLY WITH SUCH REQUESTS.

10. IF ALL PARTIES AGREE, HEARINGS SHALL BE OPEN TO THE PUBLIC. OTHERWISE HEARINGS SHALL BE CLOSED TO THE EXTENT PERMITTED BY LAW. IN ANY EVENT THE PARTIES SHALL HAVE THE RIGHT TO THE PRESENCE OF NOT MORE THAN THREE OBSERVERS DESIGNATED BY THEM. AT THE REQUEST OF ANY PARTY OR THE COMMITTEE, A REPRESENTATIVE OF A RESPONSIBLE EDUCATIONAL ASSOCIATION

SHALL BE PERMITTED TO ATTEND THE PROCEEDINGS AS AN OBSERVER.

11. (A) THE HEARING, EXCEPT FOR COMMITTEE DELIBERATIONS AND VOTING, SHALL BE TAPE RECORDED AND, UPON REQUEST A COPY OF THE TAPE WILL BE MADE AVAILABLE TO ANY PARTY WITHOUT CHARGE.

(B) THE COMMITTEE SHALL FIND A VIOLATION OF THIS CODE ONLY IF IT IS PROVEN BY CLEAR AND CONVINCING EVIDENCE IN THE RECORD CONSIDERED AS A WHOLE.

(C) THE COMMITTEE MAY GRANT ADJOURNMENTS TO ENABLE EITHER PARTY TO INVESTIGATE EVIDENCE TO WHICH A VALID CLAIM OF SURPRISE IS MADE, OR FOR OTHER GOOD CAUSE, BUT SHALL AVOID UNNECESSARY DELAY IN THE PROCEEDINGS.

(D) THE COMMITTEE WILL NOT BE BOUND BY STRICT RULES OF LEGAL EVIDENCE, AND MAY ADMIT ANY EVIDENCE WHICH IS OF PROBATIVE VALUE IN DETERMINING THE ISSUES INVOLVED. EVERY POSSIBLE EFFORT WILL BE MADE TO OBTAIN THE MOST RELIABLE EVIDENCE AVAILABLE.

(E) THE COMMITTEE'S DECISION WILL BE BASED ON THE EVIDENCE SUBMITTED TO IT AND ITS ASSESSMENT OF THE CREDIBILITY OF WITNESSES.

(F) ALL PERSONS PRESENT AT A CLOSED HEARING SHALL BE ASKED TO REFRAIN FROM PUBLIC STATEMENTS ABOUT THE MATTER.

(G) THE OFFICE OF GENERAL COUNSEL WILL PROVIDE THE COMMITTEE WITH ADVICE THROUGH AN ATTORNEY WHO DOES NOT REPRESENT ANY OF THE PARTIES.

12. COMMITTEE DELIBERATIONS AND VOTING SHALL TAKE PLACE IN CLOSED SESSIONS. THE COMMITTEE SHALL DECIDE WHETHER ANY VIOLATIONS OF THE CODE WERE PROVEN BY CLEAR AND CONVINCING EVIDENCE IN THE RECORD CONSIDERED AS A WHOLE; AND, IF SO, WHAT SANCTIONS, IF ANY, AUTHORIZED BY THE CODE ARE APPROPRIATE UNDER THE ENTIRE CIRCUMSTANCES OF THE MATTER. UPON REQUEST OF ANY MEMBER OF THE COMMITTEE, VOTES SHALL BE TAKEN BY SECRET WRITTEN BALLOT. A TWO-THIRDS MAJORITY OF MEMBERS PRESENT AT THE HEARING, INCLUDING THE CHAIR, SHALL BE REQUIRED. THE COMMITTEE CHAIR SHALL IMMEDIATELY GIVE WRITTEN NOTICE OF THE COMMITTEE'S DECISION AND THE BASIS OF THE DECISION TO THE PARTIES AND TO THE PRESIDENT OF THE UNIVERSITY AND

THE COGNIZANT ACADEMIC ADMINISTRATOR(S).

13. ANY PARTY TO THE CASE MAY APPEAL THE COMMITTEE'S DECISION TO THE PRESIDENT WITHIN 30 DAYS OF THE WRITTEN NOTICE OF THE COMMITTEE'S DECISION. THE APPEAL SHALL BE IN WRITING, SHALL BE SENT TO THE OTHER PARTIES, AND SHALL SPECIFY THE GROUNDS UPON WHICH THE COMMITTEE'S DECISION IS CHALLENGED. ANY OTHER PARTY MAY FILE A RESPONSE WITHIN 15 DAYS OF FILING OF THE APPEAL. IF NO APPEAL IS FILED WITHIN THE TIME PROVIDED, THE COMMITTEE'S DECISION SHALL BE FINAL.

14. WHERE THE FACULTY MEMBER ALLEGES IN HIS OR HER APPEAL THAT THE CONDUCT OF THE HEARING OR THE COMMITTEE'S DECISIONS VIOLATED HIS OR HER ACADEMIC FREEDOM, THE PRESIDENT SHALL REFER THE APPEAL TO THE ACADEMIC FREEDOM AND TENURE COMMITTEE FOR CONSIDERATION. IF THE ACADEMIC FREEDOM AND TENURE COMMITTEE DETERMINES THAT A SUBSTANTIAL QUESTION OF ACADEMIC FREEDOM IS RAISED BY THE APPEAL, IT SHALL MAKE SUCH REVIEW AS IT DETERMINES TO BE APPROPRIATE. FOLLOWING ITS REVIEW, IT SHALL REPORT ITS FINDINGS TO THE PRESIDENT. IF THE ACADEMIC FREEDOM AND TENURE COMMITTEE DETERMINES THAT NO SUBSTANTIAL QUESTION OF ACADEMIC FREEDOM IS RAISED, IT SHALL SO REPORT TO THE PRESIDENT.

15. IF AN APPEAL IS FILED THE PRESIDENT SHALL REVIEW THE COMMITTEE'S DECISION AND SHALL ACCEPT THE DECISION UNLESS THE PRESIDENT DETERMINES THAT THE MATTER SHOULD BE REFERRED BACK TO THE COMMITTEE FOR FURTHER PROCEEDINGS OR THAT THE COMMITTEE'S DECISION IS CONTRARY TO THE EVIDENCE. IN THE LATTER EVENT THE PRESIDENT MAY MAKE FINDINGS ON VIOLATIONS AND SANCTIONS. THE PRESIDENT SHALL IMMEDIATELY INFORM THE PARTIES OF HIS OR HER DECISION.

SEE [ATTACHMENT A](#), PROCEDURES FOR HANDLING FORMAL COMPLAINTS

16. IN THE EVENT THAT THE PRESIDENT IS A PARTY, THE CHAIR OF THE BOARD OF TRUSTEES SHALL ASSUME THE PRESIDENT'S ROLE UNDER THESE PROCEDURES.

17. THE FOREGOING PROVISIONS SHALL NOT BE CONSTRUED TO LIMIT IN ANY WAY THE POWER OF THE ACADEMIC FREEDOM AND TENURE COMMITTEE TO INITIATE AN INQUIRY INTO ANY MATTER WHICH THAT COMMITTEE BELIEVES MAY INVOLVE VIOLATIONS OF ACADEMIC FREEDOM AT THE UNIVERSITY. FURTHER, ANY FACULTY MEMBER SUBJECT TO CHARGES BEFORE THE FACULTY HEARING COMMITTEE WHO BELIEVES THAT THE CHARGES VIOLATE HIS OR HER ACADEMIC FREEDOM MAY APPEAL TO THE ACADEMIC FREEDOM AND TENURE COMMITTEE. THE ACADEMIC FREEDOM AND TENURE COMMITTEE WILL INVESTIGATE THE FACULTY MEMBER'S ALLEGATIONS AND REPORT ITS FINDINGS TO THE FACULTY HEARING COMMITTEE.

THE FACULTY HEARING COMMITTEE WILL SUSPEND ITS INVESTIGATION, PENDING THE OUTCOME OF THE ACADEMIC FREEDOM AND TENURE COMMITTEE'S INVESTIGATION.

18. EXCEPT AS OTHERWISE PROVIDED ABOVE, OR AS REQUIRED BY LAW, ALL PROCEEDINGS OF THE COMMITTEE SHALL BE CLOSED TO ALL PARTIES AND TO THE PUBLIC.

F. RECORDS OF COMPLAINTS

1. A FACULTY MEMBER HAS THE RIGHT UPON REQUEST TO EXAMINE UNIVERSITY RECORDS MAINTAINED OR RETRIEVABLE UNDER THEIR NAMES OR IDENTIFYING NUMBERS RELATING TO COMPLAINTS OF MISCONDUCT AND PROCEEDINGS UNDER THIS CODE.

2. TO THE EXTENT CONSISTENT WITH LAW, IN THE CASE OF SERIOUS COMPLAINTS IN WHICH THE ACCUSED FACULTY MEMBER IS FOUND TO HAVE COMMITTED THE VIOLATION OF THE CODE, THE COMMITTEE SHALL HAVE THE POWER TO DECIDE THE EXTENT TO WHICH THE RECORD OF THE PROCEEDINGS SHALL BE OPEN TO MEMBERS OF THE UNIVERSITY COMMUNITY. IN ALL OTHER CASES, TO THE EXTENT THAT THE PROCEEDINGS ARE NOT OPEN TO THE PUBLIC UNDER THESE PROCEDURES, RECORDS OF PROCEEDINGS UNDER THIS CODE SHALL BE CONFIDENTIAL. THEY SHALL BE OPEN TO INSPECTION ONLY BY THE PRESIDENT, PRESIDENT'S DESIGNEE, THE INVOLVED FACULTY MEMBER, AND CURRENT MEMBERS OF THE COMMITTEE WHEN SUCH RECORDS ARE GERMANE TO AN ACTIVE CASE. OTHER PERSONS SHALL NOT BE PERMITTED TO EXAMINE SUCH RECORDS EXCEPT AS REQUIRED BY LAW.

3. THE COMMITTEE SHALL KEEP A RECORD OF ALL COMPLAINTS, RECORDS AND PROCEEDINGS.

4. IN ANY ACADEMIC YEAR IN WHICH THE FACULTY HEARING COMMITTEE HEARS CASES, THE COMMITTEE WILL SUPPLY AN ACCOUNT OF THOSE CASES, APPROPRIATELY WORDED OR MODIFIED TO PROTECT ANY NECESSARY CONFIDENTIALITY, TO THE ACADEMIC SENATE.

APPROVED: ACADEMIC SENATE 5/3/99

APPROVED: BOARD OF TRUSTEES 5/17/99

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