

university of minnesota memo

To David Klaasen

From Marilee Ward, Univ. Senate

- For your information
- For your approval
- Per your request
- For your attention
- Note and file
- Note and return
- Note and forward
- Please advise
- Please reply
- Send copy
- Please see me

These are amendments
that have been
handed out at the
Faculty Senate meetings
to discuss the
proposed Tenure Code.

Date _____

Amendments for Consideration
February 23, 1984

Material to be deleted is ~~stricken out~~; material to be added is PRINTED IN CAPITAL LETTERS.

MOTION 15

The Tenure Committee will move to amend the caption of section 10 page 14, as follows:

**SECTION 10. UNREQUESTED LEAVE OF ABSENCE FOR DISABILITY;
REMOVAL OR SUSPENSION
TERMINATION OR SUSPENSION OF A FACULTY APPOINTMENT
FOR CAUSE**

MOTION 16

The Tenure Committee will move to amend Section 10.2 page 15, as follows:

10.2 Termination or Suspension of a Faculty Appointment Before its Expiration. A faculty appointment may be terminated or suspended before its ordinary expiration only for one or more of the following causes:

- (a) Sustained refusal or failure to perform reasonably assigned duties adequately;
- (b) Unprofessional conduct which severely impairs a faculty member's fitness in a professional capacity.
- (c) Egregious or repeated misuse of the powers of a professional position to solicit personal benefits or favors.
- (d) Sexual harassment or any other egregious or repeated unreasonable conduct destructive of the human rights or academic freedom of other members of the academic community.

page 15

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A faculty appointment may be terminated OR SUSPENDED for these reasons only in accordance with the procedures set forth in this section.

MOTION 17

The Tenure and Faculty Affairs Committees will move to amend Sections 10.3 and 10.4 page 15, as follows:

5 10.3 Preliminary Procedures. Only a ~~provost or~~ dean or an academic
6 administrator specially designated by the Vice President may initiate preliminary
7 ~~proceedings~~ PROCEDURES leading to unrequested leave of absence or to suspension or
8 removal. The administrator must first attempt to discuss and resolve the matter with
9 the faculty member involved.

9a IF THE GROUNDS FOR THE ACTION INVOLVE AN ALLEGED VIOLATION OF
9b A UNIVERSITY POLICY, APPROVED BY THE FACULTY SENATE, WHICH PROVIDES
9c FOR THE REVIEW OF SUCH ALLEGATIONS BY A PANEL ESTABLISHED BY THAT
9d POLICY, THE ADMINISTRATOR MUST SUBMIT THE MATTER TO THAT PANEL OF
9e ITS RECOMMENDATION.

10 ~~The~~ IN ALL OTHER CASES, THE administrator must then submit the matter to
10a the tenured faculty of the academic unit involved ~~FOR THEIR RECOMMENDATION.~~
11 (The tenured faculty may decide to submit the issue to the entire regular faculty of
12 the unit.) ~~Both the administrator and the faculty member~~

12a BOTH THE FACULTY MEMBER AND THE ADMINISTRATOR may submit their
13 views, in person or in writing, to the ~~faculty,~~ BODY MAKING THE
14 RECOMMENDATION, but neither of them may participate in the deliberation or vote.
15 ~~The tenured faculty makes its decision by written, unsigned, secret ballot. It submits~~
15a THE BODY MAKING THE RECOMMENDATION MAKES a written report to the
16 administrator, ~~setting forth~~ INDICATING the number of votes for and against the
17 proposed action and the reasons articulated. ~~The administrator then~~ AFTER
17a CONSIDERING THE REPORT, THE ADMINISTRATOR makes a written
18 recommendation to the Vice President. THE RECOMMENDATION MUST INCLUDE A
18a COPY OF THE REPORT OF THE PANEL OR OF THE TENURED FACULTY, AS THE

18b CASE MAY BE. ~~sending a copy~~ A COPY OF THE REPORT MUST BE SENT to the
18c faculty member.

19 10.4 Formal Action. After receiving the administrator's recommendation and
20 the report of the faculty, and giving the faculty member an opportunity to comment,
21 the Vice President may initiate formal action by giving written notice to the faculty
22 member. The notice must specify the action proposed, identify the specific grounds
23 upon which it has been taken, and summarize the evidence in support. It must inform
24 the faculty member of the right to request a hearing before the Judicial Committee.

MOTION 18

The Tenure Committee will move to amend Section 10.4 at page 15, as follows:

19 10.4 Formal Action. After receiving the administrator's recommendation and
20 the report of the faculty, and giving the faculty member an opportunity to comment,
21 the Vice President may initiate formal action by giving written notice to the faculty
22 member. The notice must specify the action proposed, identify the specific grounds
23 upon which it has been taken, and summarize the evidence in support. It must inform
24 the faculty member of the right to request a hearing before the Judicial Committee,
25 AND MUST ADVISE THE FACULTY MEMBERS OF THE APPLICABLE TIME LIMIT
25a FOR MAKING SUCH A REQUEST.

26 If the faculty member does not request a hearing within 30 days, the President
27 may take the action proposed in the Vice President's notice, without further right to a
28 hearing.

MOTION 19

The Tenure Committee will move to amend first paragraph of Section 10.6 page 16, and the first paragraph of Section 14.5 page 25, as follows:

17 10.6 Action by the President. The President must give the faculty member
18 and the administrator the opportunity to submit written comments on the report
19 and to make oral presentations. ~~The President may not discuss the case with the~~
20 ~~Vice President or with any other academic officer, except in the presence of the~~
21 ~~faculty member or the faculty member's representative.~~ THE VICE PRESIDENT
21a AND OTHER ACADEMIC OFFICERS MAY COMMUNICATE WITH THE
21b PRESIDENT ABOUT THE CASE, EITHER ORALLY OR IN WRITING, ONLY IF THE
21c FULL TEXT OF THE COMMUNICATIONS IS GIVEN TO THE FACULTY MEMBER
21d AND THE FACULTY MEMBER IS GIVEN A REASONABLE OPPORTUNITY TO
21e RESPOND TO IT.

Page 25

2 14.5 Action by the President. The President must give the faculty member
3 and the administrator the opportunity to submit written comments on the report.
4 ~~The President may not discuss the case with the Vice President or with any other~~
5 ~~academic officer, except in the presence of the faculty member or the faculty~~
6 ~~member's representative.~~ THE VICE PRESIDENT AND OTHER ACADEMIC
6a OFFICERS MAY COMMUNICATE WITH THE PRESIDENT ABOUT THE CASE,
6b EITHER ORALLY OR IN WRITING, ONLY IF THE FULL TEXT OF THE
6c COMMUNICATION IS GIVEN TO THE FACULTY MEMBER AND THE FACULTY
6d MEMBER IS GIVEN A REASONABLE OPPORTUNITY TO RESPOND TO IT.

MOTION 20

The Tenure Committee will move to split section 10, so that sections 10.1 and 10.2 remain as they are but sections 10.3 through 10.9 (renumbered) become a new section 13A between section 13 and 14.

SECTION 10. UNREQUESTED LEAVE OF ABSENCE FOR DISABILITY;

REMOVAL OR SUSPENSION

TERMINATION OR SUSPENSION OF A FACULTY APPOINTMENT

FOR CAUSE

13 **10.1 Unrequested Leave of Absence for Disability.** A faculty member who is
14 physically or mentally unable to perform reasonably assigned duties may be placed on
15 unrequested leave of absence. The action may be taken only in accordance with the
16 procedures established in this section. The faculty member is entitled to sick pay and
17 disability insurance payments in accordance with University policy and may return to
18 the faculty upon termination of the disability.

19 **10.2 Termination or Suspension of a Faculty Appointment Before its Expiration.**
20 A faculty appointment may be terminated or suspended before its ordinary expiration
21 only for one or more of the following causes:

22 (a) Sustained refusal or failure to perform reasonably assigned duties
23 adequately;

24 (b) Unprofessional conduct which severely impairs a faculty member's fitness
25 in a professional capacity.

26 (c) Egregious or repeated misuse of the powers of a professional position to
27 solicit personal benefits or favors.

28 (d) Sexual harassment or any other egregious or repeated unreasonable
page 15 1 conduct destructive of the human rights or academic freedom of other members of
2 the academic community.

5 **10.3 PROCEDURES.** A faculty MEMBER MAY BE PLACED ON
6 UNREQUESTED LEAVE OF ABSENCE OR A FACULTY appointment may be

7 terminated OR SUSPENDED for these reasons only in accordance with the
8 procedures set forth in this Section 13A.

*****END OF SECTION 10. A NEW SECTION 13A WOULD BE ADDED AT
PAGE 23 AFTER LINE 23 WITH THE FOLLOWING CAPTION***
SECTION 13A. PROCEDURES IN CASES OF UNREQUESTED LEAVE OF ABSENCE
OR TERMINATION OR SUSPENSION OF APPOINTMENT FOR CAUSE**

*****PRESENT SECTIONS 10.3 THROUGH 10.9 WILL BE RE NUMBERED
13A.1 THROUGH 13A.7 WHEN THE DOCUMENT IS NEXT PRINTED A
COMPLETE RENUMBERING WILL TAKE PLACE.*****

MOTION 21

Mariah Snyder and Sheila Corcoran, Nursing, with the concurrence of the Tenure Committee will move to amend Section 11.1 at page 17 as follows:

20 11.1 Faculty Rights. The Board of Regents, if faced with the necessity of
21 drastic reduction in the University budget, has the power to suspend or abolish
22 positions, or even entire departments, divisions, or other administrative units. If
23 confronted with such adverse contingency, the Board will consult with and secure
24 the advice of faculty representatives, as provided in this section. FACULTY
24a MEMBERS HAVE THE RIGHT TO FULL ACCESS TO INFORMATION ABOUT THE
24b SITUATION AND THE ALTERNATIVES BEING CONSIDERED. In effecting
25 retrenchment because of financial necessity, the Regents will make reductions in
26 faculty positions only to the extent that, in their judgment, is necessary after
27 exploring various alternative methods of achieving savings. The Regents fully
28 intend that the tenure system as a whole and the tenure rights of each individual
page 18 1 faculty member be protected in every feasible manner during periods of such
2 retrenchment.

MOTION 22

Page 17 The Faculty Affairs Committee will move to amend Section 11, pages 17 through 22, to read as follows:

19 SECTION 11. FISCAL EMERGENCY

20 11.1 Faculty Rights. The Board of Regents, if faced with the necessity of
21 drastic reduction in the University budget, has the power to suspend or abolish
22 positions, or even entire departments, divisions, or other administrative units. If
23 confronted with such adverse contingency, the Board OF REGENTS will consult
24 with and secure the advice of faculty representatives, as provided in this section.
25 In effecting retrenchment because of financial necessity, the Regents will make
25a reductions in faculty positions MAY CALL FOR TEMPORARY, UNPAID, LEAVES
25b OF ABSENCE AMONG REGULAR FACULTY only to the extent that, in their
26 judgment, is necessary after exploring various alternative methods of achieving
27 savings. The Regents fully intend that the tenure system as a whole and the
28 tenure rights of each individual faculty member be protected in every feasible
Page 18 manner during periods of such retrenchment.

3 11.2 General Principles of Priority. The following general principles of
4 priority apply in any financial crisis. IN ANY FINANCIAL CRISIS THE
4a FOLLOWING SEQUENCES OF RESPONSES WILL FOLLOW:

5 — First, the University must WILL fully utilize all means to reduce
6 expenses or to increase income which do not involve the termination of faculty
7 positions. SUSPENSION OF REGULAR FACULTY or the impairment of faculty
7a rights.

8 — Second, AFTER EXHAUSTING ALL SUCH MEASURES CONSISTENT
8a WITH THE CONTINUED EXISTENCE OF THE UNIVERSITY AS A QUALITY
8b INSTITUTION, the University may MUST consider alternatives which involve only
9 the postponement or temporary reduction of REGULAR faculty compensation or
10 other rights.

11 — **Only thereafter may the University suspend or terminate faculty**
11a **positions in accordance with this section.**

11b — **THIRD, AFTER EXHAUSTING ALL MEASURES LISTED ABOVE AND**
11c **AFTER DECLARING A STATE OF FINANCIAL EMERGENCY, THE UNIVERSITY**
11d **MAY PROVIDE FOR TEMPORARY INVOLUNTARY LEAVES OF ABSENCE IN**
11e **ACCORDANCE WITH THIS SECTION.**

12 **11.3 First Stage: Alternative Approaches.** If there has been a serious
13 reduction in the University's income, the President will report the matter to the
14 **Senate Consultative Committee. UNIVERSITY SENATE.** The President will
15 identify the magnitude of the shortfall, the measures which might be taken to
16 alleviate it (which must not involve impairment of faculty rights), and alternative
17 measures which have been rejected. The President will **CONSULT WITH THE**
17a **SENATE CONSULTATIVE COMMITTEE AND** give the Committee full access to all
18 available information and will respond specifically to additional proposals
19 suggested by the Committee. At this stage, the **University PRESIDENT** will
19a consider ~~reductions~~ **THE SAVING ACHIEVED THROUGH THE TERMINATION of**
20 **non-faculty staff, allowing non-regular appointments to lapse in accordance with**
21 **their terms, and reductions in other expenses. ~~THE PRESIDENT~~ will also**
22 **consider increases in tuition, sales of assets, and borrowing. AS WAYS OF**
22a **INCREASING REVENUES.**

23 **11.4 Second Stage: Reduction or Postponement of Compensation.** If the
24 measures taken in the first stage are inadequate, the President may, after
25 consultation with the **Faculty Consultative Committee, AND THE SENATE**
25a **COMMITTEE ON FACULTY AFFAIRS,** propose the temporary or permanent
26 reduction or postponement of **REGULAR** faculty compensation, according to a
27 ~~mathematic formula or similar device~~ **OBJECTIVE UNIFORMLY APPLIED**
27a **CRITERIA.** The Faculty Consultative Committee will report on the adequacy of
28 the steps taken in the first stage and make its recommendations on the proposal.

1 If the Faculty Senate approves the proposed action (or any modification of it) by an
2 absolute majority of its membership or by a two-thirds vote of the members
3 present and voting (a quorum being present), the Board of Regents may take that
4 action (or any less stringent action) and, to that extent, modify the terms of the
5 appointments of all faculty members. The Board of Regents may rescind the
6 action at any time thereafter.

7 **11.5 Third Stage: Fiscal Emergency. If there has been a reduction of the**
8 **University's income which is so drastic as to threaten its survival, and this threat**
9 **cannot be alleviated by the measures specified above, IF THESE MEASURES HAVE**
9a **PROVED TO BE INSUFFICIENT TO MEET THE FINANCIAL CRISIS WITHOUT**
9b **SERIOUSLY DAMAGING THE MISSION AND QUALITY OF THE UNIVERSITY, the**
10 **Board of Regents may declare a fiscal emergency. During such an DECLARED**
11 **emergency, the Board of Regents may ~~terminate or suspend faculty appointments~~**
11c **REQUIRE MEMBERS OF THE REGULAR FACULTY TO GO ON INVOLUNTARY**
11d **LEAVES OF ABSENCE as provided in this section.**

12 **11.51 Preliminary Procedures. Before recommending to the Board of**
13 **Regents that it declare a fiscal emergency, the President must meet with the**
14 **Senate Consultative Committee to examine alternatives to and the consequences**
15 **of such a declaration. The President will provide the Committee access to all**
16 **available information. The President must provide a written report identifying the**
17 **dollar amount to be saved by reducing faculty positions. The Faculty Consultative**
18 **Committee will prepare a written report on the President's proposal, to which the**
19 **Senate Consultative Committee may add additional comments. The Faculty Senate**
20 **will first consider and act on the proposal and reports. Thereafter, the University**
21 **Senate may consider them. The President must attend both Senate meetings to**
22 **explain the proposal and to answer questions. After receiving the President's**
23 **recommendation and the resolutions of the Senates, the Board of Regents may**

24 declare a state of fiscal emergency. The Board of Regents' resolution states the
25 maximum amount to be realized from ~~termination of suspension of faculty~~
26 ~~appointments.~~ THE INVOLUNTARY LEAVE ACTION.

27 11.52 Duration. A fiscal emergency lasts no longer than 12 months unless
28 renewed by the same procedure. A fiscal emergency may be rescinded at any time
page 20
1 by the Board of Regents.

2 11.53 Allocation of Shortfall. After consultation with the Faculty
3 Consultative Committee and the Senate Consultative Committee, the President
4 proposes an initial allocation of the shortfall to the various collegiate units, which
5 need not be prorated. The Committee must obtain the views of the faculty in the
6 affected units and must hold an open meeting at which anyone may comment upon
7 the proposed action. It may also request the assistance of other University or
8 Senate committees in studying all or particular aspects of the educational policies
9 and priorities involved in the action. The colleges and campuses then allocate the
10 shortfall to the various academic units after similar consultation with the
11 representative bodies and academic units in the colleges and similar open meetings.
12 The plans must reflect the principles and priorities established in Subsection 11.6.
13 The colleges and campuses return their plans to the Vice President, who prepares a
14 comprehensive plan for the University, including a list of the persons whose
15 ~~appointments will be suspended or terminated.~~ TO BE PLACED ON
15a INVOLUNTARY LEAVES OF ABSENCE. This plan is submitted to the University
16 Senate and the Faculty Senate for their recommendation. The recommendations of
17 the Senates and the Vice President's plan will be presented to the President and the
18 Board of Regents for action.

19 11.6 Principles Governing Termination of Suspension TEMPORARY

19a INVOLUNTARY LEAVE OF ABSENCE

20 11.61 General Principles.

21 (a) Savings achieved through resignations, retirements, renegotiation of
22 contracts, inloading or other measures must be credited to the assigned shortfall
23 before ~~terminating or suspending faculty appointments.~~ IMPOSING VOLUNTARY
23a FACULTY LEAVES.

24 (b) A good faith effort should be made to use ~~temporary suspensions of~~
25 ~~voluntary furloughs rather than terminations.~~ Suspensions without pay for one
26 ~~quarter in any year may be ordered in accordance with objective criteria, provided~~
26a VOLUNTARY RATHER THAN INVOLUNTARY LEAVES OF ABSENCES ALL
26b INVOLUNTARY LEAVES OF ABSENCE MUST BE FOR A LIMITED DURATION
27 ~~that~~ REGULAR faculty members are given at least six months' notice. PRIOR TO
27a BEING PLACED ON INVOLUNTARY LEAVE.

28 (c) A good faith effort must be made to cover as much of the shortfall as
page 21 1 possible by allowing non-regular appointments to lapse. and by giving notice to
2 ~~probationary faculty in accordance with the terms of their appointments.~~

3 (d) A good faith effort must be made to cover as much of the shortfall as
4 possible by transferring REGULAR faculty members to other positions for which
5 they are qualified or by offering them retraining for available positions.

6 (e) The selection of REGULAR faculty members within an academic unit
7 ~~for termination must be made on objective~~ INVOLUNTARY LEAVES OF ABSENCE
7a MUST BE BASED ON OBJECTIVE UNIFORMLY APPLIED criteria and may not
8 involve the reevaluation of the professional attributes of those individuals.

9 11.62 Priorities.

10 (a) Unless the unit can demonstrate that essential functions could not
11 otherwise be performed, ALL,

12 — All non-regular faculty within an academic unit must be suspended
13 or terminated PLACED ON INVOLUNTARY LEAVE before any regular faculty may
14 be suspended or terminated in that unit.

15 — All probationary faculty within an academic unit must be suspended
16 or terminated before any tenured faculty may be suspended or terminated in that
17 unit.

18 (b) Care must be taken to protect the employment of women and
19 minorities. The Vice President must insure that the final plan does not reduce the
20 proportion of appointments with indefinite tenure held by women, AND
21 MINORITIES, the proportion of probationary appointments held by women, AND
22 MINORITIES, or the proportion of non-regular appointments held by women, AND
23 MINORITIES, in the University as a whole. Groups entitled to affirmative action
23a must be similarly protected.

24 11.63 Notice and Severance Pay. A faculty member whose appointment is to
25 be terminated or suspended is entitled to a minimum of one full academic year's
26 notice or to one year's salary as severance pay in lieu of notice, unless the
27 appointment would otherwise expire earlier.

28 11.64 Reemployment Rights. The University will make a good faith effort to
page 22 1 employ a faculty member whose position has been terminated in any position for
2 which that faculty member is qualified, which is vacant at the time of notice of
3 termination or which becomes vacant within two years after actual termination.

4 The University will not fill any faculty position for which a faculty member
5 with indefinite tenure who has been terminated is qualified for five years after
6 notice of termination, unless it first offers the position to each such faculty
7 member and gives a reasonable time for the faculty member to accept or reject it.

8 **11.7 Judicial Committee Review.** A faculty member whose appointment is
9 **terminated or suspended WHO IS PLACED ON INVOLUNTARY LEAVE OF**
10 **ABSENCE** may make a written request for review by the Judicial Committee. The
10a **review will be conducted in accordance with Section 14. The Judicial Committee**
11 **will not reexamine the determination that a fiscal emergency exists, nor will it**
12 **reexamine the educational policies and priorities pursued unless it finds a**
13 **substantial failure to follow the procedures established in this section. It will only**
14 **examine whether the action was taken in accordance with the procedures and**
15 **standards set forth in this section, whether the action was based on a violation of**
16 **academic freedom or constitutional or legal rights, or was substantially based on**
17 **immaterial or improper factors. It may consolidate cases involving common issues**
18 **for a single hearing.**

MOTION 23

The Tenure Committee will move to amend Section 11.4 page 18 as follows:

23 **11.4 Second Stage: Reduction or Postponement of Compensation.** ~~If the~~
24 **measures taken in the first stage are inadequate,** IF THE UNIVERSITY HAS
24a **IMPLEMENTED ALL OF THE MEASURES WHICH ARE REQUIRED TO BE**
24b **CONSIDERED IN THE FIRST STAGE, WHICH ARE CONSISTENT WITH ITS**
24c **CONTINUED OPERATION AS A QUALITY INSTITUTION, AND THEY ARE**
24d **INADEQUATE TO MEET THE SHORTFALL,** the President may, after consultation
25 **with the Faculty Consultative Committee, propose the temporary or permanent**
26 **reduction or postponement of faculty compensation, according to a mathematic**
27 **formula or similar device. The Faculty Consultative Committee will report on the**
28 **adequacy of the steps taken in the first stage and make its recommendations on the**
page 19 **proposal. If the Faculty Senate approves the proposed action (or any modification**
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of it) by an absolute majority of its membership or by a two-thirds vote of the members present and voting (a quorum being present), the Board of Regents may take that action (or any less stringent action) and, to that extent, modify the terms of the appointments of all faculty members. The Board of Regents may rescind the action at any time thereafter.

MOTION 24

The Faculty Consultative Committee will move to amend Section 11.51 page 19, as follows:

Page 19

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11.51 Preliminary Procedures. Before recommending to the Board of

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Regents that it declare a fiscal emergency, the President must meet with the

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Senate Consultative Committee to examine alternatives to and the consequences

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of such a declaration. The President will provide the Committee access to all

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available information. The President must provide a written report identifying the

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dollar amount to be saved by reducing faculty positions. The Faculty Consultative

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Committee will prepare a written report on the President's proposal, to which the

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Senate Consultative Committee may add additional comments. The Faculty Senate

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will first consider and act on the proposal and reports. Thereafter, the University

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Senate may consider them. The President must attend both Senate meetings to

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explain the proposal and to answer questions. After receiving the President's

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recommendation and the resolutions of the Senates, the Board of Regents may

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declare a state of fiscal emergency. BEFORE ACTION CONTRARY TO THE

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RECOMMENDATION OF THE UNIVERSITY SENATE IS SUBSEQUENTLY TAKEN

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THE PRESIDENT SHALL REPORT IN WRITING AND IN PERSON THE REASONS

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FOR THIS ACTION TO THE SENATE CONSULTATIVE COMMITTEE. The Board of

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Regents' resolution states the maximum amount to be realized from termination or

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suspension of faculty appointments.

MOTION 25

The Tenure Committee will move the amend Section 11.61 (e) on page 21 as

follows:

Page 20

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11.61 General Principles.

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(a) Savings achieved through resignations, retirements, renegotiation of contracts, inloading or other measures must be credited to the assigned shortfall before terminating or suspending faculty appointments.

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(b) A good faith effort should be made to use temporary suspensions or voluntary furloughs rather than terminations. Suspensions without pay for one quarter in any year may be ordered in accordance with objective criteria, provided that faculty members are given at least six months' notice.

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Page 21

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(c) A good faith effort must be made to cover as much of the shortfall as possible by allowing non-regular appointments to lapse and by giving notice to probationary faculty in accordance with the terms of their appointments.

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(d) A good faith effort must be made to cover as much of the shortfall as possible by transferring faculty members to other positions for which they are qualified or by offering them retraining for available positions.

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(e) The selection of faculty members within an academic unit for termination must be made on objective criteria and may not involve the reevaluation of the professional attributes of these individuals. FOR EXAMPLE, FIELD OF EXPERTISE OR LENGTH OF SERVICE. IT MAY NOT INVOLVE A COMPARATIVE EVALUATION OF THE RELATIVE MERITS OF INDIVIDUALS OR A REPETITION OF THE TENURE-GRANTING PROCESS.

MOTION 26

The Tenure Committee will move to amend Section 11.64 at page 21, as follows:

Page 21
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Page 22
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11.64 Reemployment Rights. The University will make a good faith effort to employ a faculty member whose position has been terminated in any position for which that faculty member is qualified, which is vacant at the time of notice of termination or which becomes vacant within two years after actual termination.

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The University will not fill any faculty position for which a faculty member with indefinite tenure who has been terminated is qualified for five years after notice of termination, unless it first offers the position to each such faculty member and gives a reasonable time for the faculty member to accept or reject it.

MOTION 27

Mariah Snyder and Shiela Corcoran, Nursing will move to amend Section 13.2 page 23, as follows:

Page 23
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13.2 Procedures. Proceedings before the Judicial Committee will be conducted in conformity with these regulations. The Judicial Committee may adopt additional rules with the approval of the Tenure Committee FACULTY SENATE.

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In every case before the Judicial Committee the Vice President may designate the academic administrator who will represent the University as respondent.

MOTION 28

The Tenure Committee will move to amend Section 13 page 23, by adding a new Section 13.4 at page 23 after line 23 as follows:

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13.4 PANELS. THE JUDICIAL COMMITTEE MAY SIT IN PANELS TO HEAR INDIVIDUALS CASES. IN CASE UNDER SECTION I), THE PANEL MUST CONSIST OF AT LEAST FIVE MEMBERS. IN OTHER CASES, THE PANEL MUST CONSIST OF AT LEAST THREE MEMBERS.

MOTION 29

The Tenure Committee will move to amend Section 14.1 page 23 after line 27 as follows:

25 14.1 Right to Review. Any faculty member who claims that his or her
26 rights or status under these regulations have been adversely affected without his or
27 her consent may seek review before the Judicial Committee. CASES ARISING
27a UNDER SECTIONS 7, 8, 10, or 11 MAY BE BROUGHT DIRECTLY TO THE
27b JUDICIAL COMMITTEE. IN OTHER CASES THE FACULTY MEMBER MUST
27c EXHAUST ALL OTHER AVAILABLE UNIVERSITY REMEDIES BEFORE BRINGING
27d THE CASE TO THE JUDICIAL COMMITTEE; THE JUDICIAL COMMITTEE WILL
27e NOT PROCEED WITH SUCH A CASE UNTIL THE APPROPRIATE UNIVERSITY
27f BODY HAS EITHER CONSIDERED IT OR HAS REFUSED TO CONSIDER IT.

MOTION 30

The Tenure Committee will move to amend Section 14.3 at page 24, as follows:

Page 24

10 14.3 Hearings Before the Judicial Committee. The person seeking review
11 has the burden of proving by the preponderance of the evidence that the action
12 complained of was improper unless the Judicial Committee, for good cause,
13 otherwise directs. The Judicial Committee does not itself decide whether the
14 faculty member is professionally worthy of a faculty position, but only determines
15 whether the action was based in significant degree upon any of the factors
16 specified in Subsection 7.7 (Termination of Probationary Appointment) or Section 8
17 (Refusal of a New Appointment to a Non-Regular Faculty Member)

17a IN CASE INVOLVING SECTION 7 (TERMINATION OF PROBATIONARY
17b APPOINTMENT), 8 (REFUSAL OF NEW APPOINTMENT TO A NON-REGULAR
17c FACULTY MEMBER), OR 11 (FISCAL EMERGENCY), THE JUDICIAL
17d COMMITTEE HEARS THE MERITS OF THE CASE, AS PROVIDED IN THOSE
17e SECTIONS. IN OTHER CASES, IF THERE IS AN APPROPRIATE UNIVERSITY

17f BODY TO REVIEW THE MATTER, THE JUDICIAL COMMITTEE WILL ONLY
17g DETERMINE WHETHER THAT BODY HAS GIVEN THE FACULTY MEMBER DUE
17h PROCESS AND WHETHER, ON THE BASIS OF THE FACTS FOUND BY THAT
17i BODY, THERE HAS BEEN A VIOLATION OF THESE REGULATIONS OR OF THE
17j FACULTY MEMBER'S ACADEMIC FREEDOM. IF THERE IS NO APPROPRIATE
17k UNIVERSITY BODY TO HEAR SUCH A CASE, OR IF THE JUDICIAL COMMITTEE
17l FINDS THAT THAT BODY WHICH HEARD THE CASE DID NOT PROVIDE DUE
17m PROCESS, THE JUDICIAL COMMITTEE MAY HEAR THE MERITS OR MAY
17n APPOINT AN AD HOC TRIBUNAL TO HEAR THEM.