

THE COMMITTEE ON PRIVILEGE AND TENURE

This Committee was appointed by the President of the University upon the recommendation of the Senate Council and charged as follows:

The Committee on Privilege and Tenure will consider matters that are referred to it by the President, the University Faculty (now University Senate), or individual staff members of the University. The President will refer to this Committee all cases of appointment termination, for cause, of a faculty member during a limited appointment, all cases of non-renewal of a probationary appointment with less advance notice than specified by the Governing Regulations, all cases of allegation by a faculty member on a non-tenure appointment that a decision for non-reappointment abuses his privilege as a faculty member, and similar cases. The Committee may, upon request, advise individual staff members on the interpretation of University privilege and tenure regulations, with copies of the interpretations being sent to the Faculty Council (Senate Council), Chairman of the Department, the Dean, and the President. The Committee is also charged with making a continuing study of privilege and tenure regulations, making recommendations to the University Faculty (University Senate), and to the President.

POLICIES AND PROCEDURES

1. Dismissal Cases

Dismissal proceedings against a tenured member of the faculty or against a member during a term appointment will be commenced by a communication addressed to him by the President of the University. The communication should inform the faculty member of the specific charges against him and remind him of his privilege of a hearing by the Committee on Privilege and Tenure. (The Communication should be in writing at least ten days before the date of the hearing).

If the faculty member requests a hearing, the Committee on Privilege and Tenure will set a time and place and will inform him in detail of the procedural rights that will be accorded him. An answer in writing to the charges contained in the President's communication should be filed with the Committee by the faculty member at least one week before the hearing.

The Committee will begin formal proceedings by considering the statement of grounds for dismissal formulated by the President and the faculty member's written response received before the time of the hearing. (If the faculty member does not request a formal hearing but wishes only to have his case reviewed, the Committee will consider the case on the basis of information available and make its recommendations.) The Committee, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter set forth in the President's letter to the faculty member will be received.

The President has the option of attendance during the hearing. He may designate an appropriate representative to assist in developing the case; but the Committee will determine the order of proof, and reserve the right to question witnesses, and, if necessary, to secure the presentation of evidence important to the case.

The faculty member will have the option of assistance by counsel and the aid of the Committee, when needed, in securing the attendance of witnesses. The faculty member or his counsel and the representative designated by the President shall have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member shall have the opportunity to confront all witnesses adverse to him. Where unusual and urgent reasons move the Committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as his statements, should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may when necessary be taken outside the hearing and reported to it. All of the evidence will be duly recorded. Unless special circumstances warrant, it will not be necessary to follow formal rules of court procedure.

The Committee will reach its decision in conference, on the basis of the hearing. Before doing so, it shall give opportunity to the faculty member or his counsel and the representative designated by the President to argue orally before it. If written briefs would be helpful, the Committee may request them. The Committee may proceed to decision without having the record of the hearing transcribed if it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing if its decision would be aided thereby. It shall make explicit findings with respect to each of the grounds of removal presented, and formulate a reasoned opinion upon which its recommendations will be based. The President and the faculty member shall receive copies of the recommendations by the Committee as well as copies of the record of the hearing. Any release to the public will be made through the President's office, not through the Committee.

II. Non-reappointment Cases

If a faculty member on probationary appointment alleges that a decision not to reappoint him is caused by considerations violative of academic freedom, his allegation shall be given preliminary consideration by the Committee. If the Committee concludes that there is probable cause for the faculty member's allegation, the matter shall be heard in the manner set forth in Part I, except that the faculty member will be responsible for stating the grounds on which he bases his allegations and the burden of proof will rest upon him. Insufficient notice of non-reappointment will be cause for a hearing, also. (See standards of notice for non-reappointment elsewhere in this bulletin.)

A less formal hearing for the non-reappointment case may be expected than that given to a dismissal case. However, the same rigorous examination of the evidence will be made.

III. Privilege Cases

A faculty member who believes that his privilege as a scholar has been abridged or abused may be heard by the Committee. The faculty member should address a statement to the chairman of the Committee and send a copy to the President setting forth in detail the reasons why he believes his privilege has been abused. The Committee will review the statement and determine whether conditions warrant further investigation. Upon investigation the Committee will make recommendations to the faculty member and file a copy with the President. Recommendations may be made also to the President with a copy sent to the faculty member.