**Discipline and Dismissal of Tenured Faculty for Cause (continued)**

**IV. ACADEMIC HUMAN RESOURCES POLICIES *(Cont.)***

**Dismissal of Tenured Faculty for Cause Appendices**

**Appendix I**
**Procedure for Empaneling Hearing Committees & Review Panels**

A standing panel of approximately 18-20 tenured faculty members, holding the same rank or higher, of the faculty member subject to the dismissal proceeding, will be selected by the Provost in consultation with the Chairs of the University Committee on Faculty Tenure (UCFT) and the University Committee on Faculty Affairs (UCFA). Panel members shall serve at the pleasure of the Provost, with vacancies filled in accordance with the procedure stated above.

Hearing Committee

1. The Chair of the UCFT, in consultation with the Office of the Provost, shall select from this panel a three-person Hearing Committee for each proceeding.  The members of the Hearing Committee will serve throughout the duration of the hearing and any appeal processes, if applicable. A list of three alternates will also be maintained for each proceeding in the event that a panel member is unavailable.  The Office of the Provost will arrange training about academic personnel policies and the dismissal for cause process for the Hearing Committee and alternates.
2. .  Three alternates will also be selected in the event a conflict of interest or other exceptional circumstance precludes a member of the Hearing Committee from serving.
3. No member of a Hearing Committee may serve on a hearing involving a faculty member from the same college in which the hearing member is appointed.
4. During the meeting referenced in Section VII(B)(1)(a) of the Policy, either party may challenge a member of the Hearing Committee on the grounds that the member has a conflict of interest.  The standard the Chair of the UCFT shall follow in ruling on the challenge is whether, in light of the challenged person’s knowledge of the case or personal or professional relationships with a party, the challenged person would be and be seen to be able to fairly and impartially hear the case and render a fair and impartial judgment. The Chair of the UCFT shall rule on any challenges.
5. After the selection of the Hearing Committee, the Hearing Committee shall elect its Chair from its membership. The Hearing Committee Chair shall be in charge of the hearing process from this point until the Hearing Committee has submitted its report and recommendations.
6. The University shall provide legal counsel for the Chair of the UCFT and for the Hearing Committee.

Review Panel to Determine Egregiousness

The Provost, in consultation with the Chair of the UCFT, shall select three individuals from the panel to consider whether the faculty member’s conduct is egregious and will be relieved from all duties without pay during the dismissal for cause proceedings, as outlined in Section VII(B) of the Policy.  The faculty members selected under Section VII(B) may not be from the same college as the faculty member against whom charges may be or are filed, or the dean filing the charges. The Provost will ensure that none of the three individuals have a conflict of interest as defined in (4) above.

**Appendix II
Procedure for the Hearing**

The Chair of the Hearing Committee shall be in charge of the hearing.

1. Legal counsel for the Hearing Committee may be present at all hearings and deliberations.
2. Hearing sessions may be scheduled, at the discretion of the Chair, on any weekday; weekends during the hours 8:00 a.m.–10:00 p.m.; or, by unanimous consent of the parties and Hearing Committee members, on University holidays.  Reasonable efforts shall be made to accommodate the scheduling requests of the parties and Hearing Committee members.
3. The hearing shall be conducted in an informal manner to the greatest extent possible.  Formal rules of evidence do not apply.
4. The Chair of the Hearing Committee may, in theirt discretion, exclude evidence, including witness testimony, if the Chair determines that such evidence is not relevant to the charges at issue.
5. The Chair of the Hearing Committee shall read the charges against the faculty member.
6. The Chair of the Hearing Committee shall request an initial statement summarizing the faculty member’s responses, which may be presented by the faculty member or his/her advisor or legal counsel.
7. The charging party (or their representative, advisor, or legal counsel) shall present documents/testimony to support the charges. The faculty member and their advisor or legal counsel have the right to cross-examine all witnesses. The Hearing Committee will normally withhold questions until the cross-examination of the witness has been completed.
8. The faculty member (or their representative, advisor, or legal counsel) shall present documents/testimony to refute the charges. The charging party and their legal counsel have the right to cross-examine witnesses. The Hearing Committee will normally withhold questions until the cross-examination of the witness has been completed.
9. After the faculty member’s witnesses have completed their testimony, including any cross-examination, the charging party may present rebuttal evidence. Rebuttal evidence shall be limited to new matters introduced in the faculty member’s case. Surrebuttal evidence (limited to evidence rebutting the charging party’s rebuttal evidence) shall also be allowed.
10. The charging party (or their representative, advisor, or legal counsel) shall present their closing argument.
11. The faculty member (or their representative, advisor, or legal counsel) shall present their closing argument.
12. The Hearing Committee shall deliberate to prepare its report and recommendations.