4.3.2 Initiating the Process

Formerly Known As Policy Number:

4.3.B

(1) Charges will be brought on behalf of the University by the Provost, following whatever factual investigation he or she deems appropriate. If a conflict of interest prevents the Provost from being involved, the President will act in the Provost's place. When charges are to be brought against a faculty member, he or she must be notified of the charges in confidence, and given an opportunity to reply. If the matter cannot be settled by agreement (which would require the President's approval), and if the faculty member charged wishes to contest the charges, the Provost shall prepare a written statement of the charges and of the proposed sanction, which will be given to the faculty member and the Advisory Board. Even after the written statement has been forwarded to the Board?and at any time in the proceedings?the Provost and the faculty member (with the approval of the President) may seek to resolve the matter by agreement. Throughout the proceedings, all those involved should keep in mind that the procedures here are those of a University and not a court of law, and therefore should seek to avoid an excessively legalistic approach.

(2) The Advisory Board

If a member of the Advisory Board recuses himself or herself, the Board may, but need not, replace such member(s) with an alternate. Once the Board membership is set for purposes of considering a case, the members should continue with the case until its conclusion even if their terms have ended; if a member must withdraw during the process, he or she need not be replaced. For purposes of this Statement, "Advisory Board" shall refer to this group: that is, the Board sitting at the time the charges are filed, less any recusals and withdrawals, plus any alternates assigned.

(3) Framing the Issues

a. Promptly, within such time as the Advisory Board determines, the faculty member must file with the Board a statement setting forth the defenses proposed, any factual allegations that are specifically disputed, and any additional factual matters to which the faculty member will draw attention. The University ordinarily has ten days to reply to this statement.

b. The statements of both parties should be specific enough to enable the Advisory Board to make a determination about what issues of historical fact (if any) are relevant to the charges and are in dispute. Either party may include in its statement an argument that certain facts under discussion are irrelevant to the disposition of the case or are not properly classified as issues of historical fact.

c. If the Advisory Board determines that there is a dispute about material issues of historical fact, the Board will notify the parties of such issues(s) and will select a qualified Hearing Officer from outside the University to hold an Evidentiary Hearing at a date to be set by the Board. If the Board determines that there is no dispute about material issues of historical fact, the Board will proceed to schedule the Final Hearing.