

Faculty Hearings Committee Annual Report November 2009

MEMBERS 2009-2010: James Donohue (Medicine, 2011); Robert Duronio (Biology, 2011); Rosann Farber (Pathology & Lab Medicine, 2010); Lynn Glassock (Music, 2012); Aimee Wall (School of Government, 2012); Richard Whisnant, Chair (School of Government, 2010).

MEMBERS 2008-2009: Larry Benninger (Geology, 2009); James Donohue (Medicine, 2011); Robert Duronio (Biology, 2011); Rosann Farber (Pathology & Lab Medicine, 2010); Zhi Liu (Dermatology, 2009); Richard Whisnant, Chair (School of Government, 2010).

COMMITTEE CHARGE: According to *The Faculty Code of University Government*, the Faculty Hearings Committee is composed of six faculty members with permanent tenure, serving three-year terms. The committee performs functions assigned to it in the *Trustee Policies and Regulations Governing Academic Tenure*. Those duties include conducting hearings (a) on the request of a faculty member who has been notified before the end of his or her tenure or term of appointment that the University intends to discharge him or her, and (b) on the request of faculty member for review of a decision not to reappoint him or her upon expiration of a probationary term of appointment.

NEW MATTERS REFERRED TO THE COMMITTEE IN 2009-10:

The Committee received a request in March 2009 for a hearing on the non-reappointment of a probationary (non-tenured) faculty member. The Committee requested additional information from the Chancellor and the petitioner and, after considering the additional information, concluded that the request did not meet the tenure regulations' standards for holding a hearing. In the case of non-reappointment of probationary faculty members, the standards provide:

Such review may be had solely to determine whether the decision not to reappoint was (1) based upon any of the grounds stated to be impermissible in subsection a. of this Section 4, or (2) affected by material procedural irregularities. Whether procedural irregularities occurred shall be determined by reference to those procedures which were in effect when the initial decision not to reappoint was made and communicated.

In the March 2009 case, the petitioner complained about the choice of outside evaluators for the reappointment package, but the procedure for selecting evaluators appeared to the Committee to match the University unit's stated procedures for reappointment review.

The Committee received a request in August 2009 for a hearing on discharge of a tenured faculty member. The petitioner, through counsel, requested additional time to work out apparently voluminous pre-hearing discovery issues with the University, and the University and Committee agreed to wait until document production was complete before setting a hearing date. To date, the Committee has not yet been advised that document production is complete.

RECOMMENDATIONS FOR ACTION BY FACULTY COUNCIL: NONE

Respectfully submitted,
Larry Benninger
James Donohue
Robert Duronio
Rosann Farber
Zhi Liu
Richard Whisnant, Chair