

Faculty Hearings Committee

Annual Report
November 2010

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 2010-2011: James Donohue (Medicine, 2011); Robert Duronio (Biology, 2011); Lynn Glassock (Music, 2012); Joanne Hershfield (Women's Studies, 2013); Melissa Saunders (Law, 2013); Aimee Wall (School of Government, 2012);

REPORT PREPARED BY: Aimee Wall, Chair 2010-11 and reviewed by the 2010-11 committee members.

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 or impose serious sanctions on 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 November 2009 for a hearing on the University's intention to discharge a tenured faculty member on the grounds of (1) neglect of duty and (2) misconduct. The Committee held a hearing in May 2010. At the conclusion of the hearing, the parties agreed to keep the record open for a limited period of time for the submission of additional witness statements and written closing arguments. The Committee issued a written decision on June 18, 2010 disagreeing with the University's decision to discharge the faculty member and recommending that the administration consider imposing sanctions instead. The Chancellor accepted the Committee's recommendation and reversed the University's decision to discharge.

The Committee received a request in February 2010 for a hearing on the University's intention to impose serious sanctions (suspension without pay for a period of time) on a tenured faculty member. The Committee scheduled a hearing, which was then postponed while the faculty member changed attorneys. The University settled with the faculty member just prior to the scheduled hearing, so the matter did not come to a hearing.

The Committee received a request in April 2010 for a hearing on a decision not to confer tenure on a professor with a probationary appointment. The Committee 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 require there to be an allegation of discrimination or material procedural irregularities to convene a hearing. In the April 2010 case, the petitioner complained about "material procedural irregularities," but the Committee concluded that the procedure followed by the unit appeared to match its stated process for review of junior faculty members.

RECOMMENDATIONS FOR ACTION BY FACULTY COUNCIL: NONE

Respectfully submitted,
James Donohue
Robert Duronio
Lynn Glassock
Joanne Hershfield
Melissa Saunders
Aimee Wall, Chair