Judicial Committees: Dismissal & Faculty Appeals: FSH 1640.36 & 43

- review function/structure/process e.g. no alternates, have all as large panel to draw upon
- ensure/add neutral party to provide guidance to chair as ex officio non-voting member who serves the purpose of providing advice to the chair(s) on process of hearings i.e. Ombuds
- ensure chair understands he/she schedules and runs the meetings
- training at Senate Retreat/Chair Workshop -- include Ombuds with General Counsel
- Faculty Secretary will also meet at beginning of year to ensure chair understands their role
- Faculty Secretary will also meet with any chair who seems to be struggling understanding their role
- Don will meet with Ellen to discuss these suggestions for Ombuds involvement

1640.36

DISMISSAL HEARINGS COMMITTEES

[This section was removed from FSH 3910 D-3.b. and placed here in July 2008]

A. FUNCTION. This committee will conduct a hearing at the request of a faculty member who has been terminated to determine whether their termination was properly based on the grounds stated (see FSH 3910 D-3 and 3920 D.)

B. STRUCTURE AND MEMBERSHIP: The DHC is composed of four faculty members and one administrator at the departmental level or above, six faculty members and three administrators as alternates. Committee members, including alternates, are chosen on the basis of their objectivity and competence and the high regard in which they are held in the UI community. In appointing members the Committee on Committees should attempt to reflect the diversity of the UI faculty. Due to the possibility a case may be appealed to the Faculty Appeals Hearing Board care should be taken in appointing members to both Faculty Appeals Hearing Board and Dismissal Hearings Committee. The term of membership is three years. [rev. 1-09, 4-11]

C. SELECTION: The faculty member requesting a hearing has the right to substitute up to two members appointed with two others from the alternate list. The provost also has the right to substitute two members appointed with two others from the alternate list. If as a result of substitutions and conflicts of interest there are an insufficient number of faculty members or administrators on the alternate list, the Committee on Committees will be asked to appoint more members to the alternate list as needed. Once the panel for an individual hearing has been determined, it will meet at the direction of the chair of the Dismissal Hearings Committee and to elect its own panel chair. [rev. 1-09]

C-1. Panel Chair’s Role: Once a panel chair has been selected, he/she will request a meeting with the Faculty Secretary at their earliest opportunity to discuss and review process. The Faculty Secretary and Ombuds offices will be available at any time for advice throughout the hearing. The panel chair may also request assistance from the Faculty Secretary, Ombuds or General Counsel’s office throughout the hearing.

C-2. Observers: Both parties may have an advisor, or neutral party, present at the hearing.

1640.43

FACULTY APPEALS HEARING BOARD

[This section was removed from FSH 3840 C & D and placed here in July 2008]

A. FUNCTION. This board will conduct a hearing at the request of a faculty member who wishes to appeal an institutional decision under FSH 3840 A. In each case referred to it, the board has the following responsibilities: [ed. 4-12]

A-1. To review all documentary evidence submitted by the parties prior to the hearing and all evidence submitted by the parties at the hearing. The board may require the parties to submit evidence deemed relevant by the board.

A-2. To determine whether there has been any (1) failure to comply with prescribed procedures, (2) application of inappropriate considerations, (3) abuse of discretion, or (4) abuse of the appellant’s academic rights and privileges.

A-3. To make recommendations to the president.
B. STRUCTURE AND MEMBERSHIP: Five faculty members, one of whom is a departmental administrator, are principal members. In addition, five other faculty members, two other departmental administrators, and three off-campus faculty members are appointed as alternate members of the board. In appointing members, including alternates, the Committee on Committees must ensure that the majority of the members are tenured and each of them have been employed at the UI for longer than two years. Since a case for dismissal is appealable to the Faculty Appeals Hearing Board, care should be taken in appointing members to both Faculty Appeals Hearing Board and Dismissal Hearings Committee. The term of membership is three years, with initial terms staggered to form a rotation pattern. The off-campus alternates will serve, in place of principal faculty members chosen by lot, when an appeal by an off-campus faculty member is to be heard. The other alternate members will serve, as appropriate, when a principal member is deemed to have a conflict of interest. Once the panel for an individual hearing has been determined, it will meet at the direction of the chair of the Faculty Appeals Hearing Board and elect its own panel chair. [rev. 7-99, 1-09, 4-11]

B-1. Panel Chair’s Role: Once a panel chair has been selected, he/she will request a meeting with the Faculty Secretary at their earliest opportunity to discuss and review process. The Faculty Secretary and Ombuds offices will be available at any time for advice throughout the hearing. The panel chair may also request assistance from the Faculty Secretary, Ombuds, or General Counsel’s office throughout the hearing.

B-2. Observers: Both parties may have an advisor, or neutral party, present at the hearing.

C. SPECIAL CONSIDERATION: Faculty members serving on the Faculty Appeals Hearing Board (FAHB) should take careful note of the following additional considerations and conditions for service:

1) appeals usually occur following tenure, promotion, and salary decisions in the middle of the Spring semester,
2) appeal hearings usually require a 2-4 hour time block which will require meeting on a weekday evening or Saturday to accommodate the schedules of all of the parties involved in a hearing,
3) the term of office of a member of the FAHB ends when the last active case final report is submitted. Faculty members not willing to abide by these conditions should not apply for service on the Faculty Appeals Hearing Board, and