

SUMMARY AND EXPLANATION OF REVISIONS TO FACULTY CODE ADJUDICATION PROCEDURES

I. INTRODUCTION

The revisions to the adjudicatory procedures are primarily intended to address the following perceived problems with the existing Code:

- Resolution of a hearing can take too long and cost too much, creating frustration for everyone involved with the process.

- Under the existing Code, a dean can take disciplinary action against a faculty member, including revocation of tenure, before the faculty member has the opportunity to respond to the accusations at a hearing.

- The current Code is not in compliance with state law that specifies minimum requirements for hearings by state agencies.

- In cases where there is a "victim," such as a sexual harassment case, the victim often feels unfairly excluded from the process. In cases where the victim is a student or staff member, exclusive control of the decision making by faculty appears unfair.

The major changes that would be made by the revisions, meant to resolve these problems, are as follows:

- The administration could not take disciplinary action against a faculty member until a hearing has been held and a Hearing Panel finds that the disciplinary action should be taken.

- The process has been streamlined, with an attempt to serve both goals of efficiency and fairness. Mediation and conciliation are invited and encouraged throughout the Chapter to avoid the need for, or the continuation of, an adjudication. Informal procedures, called "Brief Adjudications," are used for minor controversies. These procedures generally resolve the issue in 30 days. The Comprehensive Adjudication, used for significant controversies, has been set within a specific timeline and a specific number of proceedings.

- All parties have the right to be represented by counsel at all stages, regardless of waiver of counsel by other parties. The current Code contains a waiver by the Administration of its right to counsel where a faculty member has waived

