

M E M O R A N D U M

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Date: April 29, 1993
 From: John M. Junker *J.M.J.*
 To: Senate Executive Committee
 Subject: Suggested Amendments to the Proposed Revisions to Chapter 28 - Adjudicative Proceedings

Section 28-32.A (p.3, line 28). This section authorizes the Provost to initiate a proceeding to "adjudicate charges of wrongdoing." So far as I can discover, the content of the word "wrongdoing" is not specified or defined. In contrast, the following section, 28-32.B, permits a faculty member to initiate an adjudication only if the dispute "falls within one or more" of the categories specified in subsection B.1 through B.3 (pp.4-5). I think that the grounds for taking "disciplinary or punitive action" against a faculty member should be carefully defined. At a minimum the definition would include violations of university regulations and of state or federal laws pertaining to the faculty member's performance of her or his duties. Such a definition would incorporate any applicable rule of conduct set forth in the University Handbook, including Section 25-51, which limits the reasons for removal of a tenured faculty member to seven specified grounds. Any other law violation would amount to "wrongdoing" only if (1) it pertained to the faculty member's duties, or (2) resulted in a conviction for a felony, as provided by Section 25-51.6. While there may be other legitimate bases for charging a faculty member with wrongdoing, I think that they should be specifically stated. As a starting point, I suggest the following amendment.

In line 28 of page 3, strike "of wrongdoing brought against a faculty member" and substitute "that a faculty member has violated university regulations or state or federal laws pertaining to the faculty member's performance of her or his duties".

Section 28-34 (p. 13). This section provides that the standard of proof for all adjudications shall be a preponderance of the evidence. I think that standard is not appropriate for adjudications that may result in the dismissal of a tenured or nontenured faculty member for the grounds stated in Section 25-51. I suggest the following amendment:

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