

DRAFT – February 4, 2003

Appeal of an Action Against the Provost and Against the President

Background: The FSCA handbook subcommittee proposed changes to the current sections of the handbook dealing with the receipt of appeals from the FSCA. The Governance Council discussed the proposal of the FSCA handbook subcommittee on January 23, 2003, and offers to the Executive Board the underlined language for inclusion in the Faculty Handbook.

Proposal:

9.3.4.1. FSCA Reporting Procedures. The FSCA recommendations, including a tally of the vote, the investigative findings and attachments, the responses of the appellant(s) and appellee(s), and any concurring or dissenting opinions, shall be submitted by the FSCA chairperson to the provost within 45 B-base faculty working days from the date of the appointment of the Ad Hoc Committee. Adjustments may be made in the time schedule, provided the appellant(s), appellee(s) and the Ad Hoc Investigative Committee agree, or, in the event of no such agreement, with the approval of the FSCA chairperson.

The FSCA chairperson shall also inform the appellant(s) and appellee(s) of the committee's recommendations within five B-base faculty working days of the committee's meeting.

9.3.5. Limitation

Once considered by the committee, an appeal may not be reopened unless there is significant new evidence in the judgment of the FSCA.

9.3.6 Responsibilities of Provost and President

After review of the FSCA report and holding any additional necessary interviews, the provost or a designee shall prepare a written report on the final disposition of the appeal and the university's action in the matter. The FSCA recommendations may be accepted as submitted. If the provost rejects or only partially accepts the recommendations, written reasons must be provided to the FSCA. The provost's signed report shall be addressed to the appellant(s), with copies sent to the appellee(s), and the chairperson of the FSCA within 15 administrative working days (days the university is officially open) from the date of submission of the FSCA recommendations. The chairperson shall inform the FSCA of the response by the provost.

9.3.6.1. Appeal of an Action of the Provost

In cases where the faculty member is appealing an action of the Provost, the Provost's report will not be the final disposition of the appeal, but will be sent together with the FSCA report and recommendations to the Provost for reconsideration of the initial decision. If the Provost's decision is unchanged, the Provost's report and recommendation will be forwarded to the President within 15 working days of submission of the report. The President's report containing his/her decision shall be sent to the faculty member, the Provost, and the chairperson of the FSCA within 15 administrative working days from the date of submission to the President. If the President rejects the appeal, written reasons must be included in the President's report. The FSCA chairperson shall inform the FSCA of the response by the President.

9.3.6.2. Appeal of an Action of the President

In cases where the faculty member is appealing an action of the President, the FSCA recommendations will be submitted to the President, who will reconsider the initial action. If the President's initial decision is unchanged, the President will prepare a report containing written reasons for his/her decision. The FSCA report and the President's report will be forwarded to the Board of Regents within 15 administrative working days of the submission of the FSCA recommendations. The President's report shall be sent to the faculty member and the chairperson of the FSCA.

Delete the following section:

~~9.4 — Appeal to the Board of Regents~~

~~The faculty member's decision to use the FSCA shall not affect the right of said faculty member to appeal to the Board of Regents. Such an appeal should be directed to the Office of the Board of Regents and must be presented no later than 20 working days following the faculty member's receipt of the president's decision.~~