 Proposed revisions to University Rule 12.01.99.M2, University Statement on Academic Freedom, Responsibility, Tenure and Promotion

Legend: Faculty Senate approved revisions: blue (regular typeset, insertions underlined, deletions strikethrough) President/Provost suggested changes: red (italics, insertions bold, deletions strikethrough)

9.1.1.5 In the ensuing hearing, the burden of proving that the proposed dismissal is for good cause shall rest with the institution. Findings of the CAFR shall be limited to determining whether or not the decision to dismiss was for good cause. To establish that the dismissal is for good cause, the institution must submit sufficient evidence to show that the faculty member engaged in the alleged misconduct and that the alleged misconduct constitutes good cause for termination. Findings of the CAFR shall be limited to a determination of whether the institution has met its burden of proof. In cases involving University Rule 15.99.03.M1 (Responsible Conduct in Research and Scholarship) the burden of proving that the dismissal is based upon valid academic misconduct and dismissal is warranted also shall rest with the institution. In addition, the CAFT may make recommendations to the President regarding possible resolutions.

9.1.2.3 In the ensuing hearing, the burden of proving that the proposed dismissal is for good cause shall rest with the institution. The findings of the CAFR shall be limited to determining whether or not the decision to dismiss was for good cause. To establish that the dismissal is for good cause, the institution must submit sufficient evidence to show that the faculty member engaged in the alleged misconduct and that the alleged misconduct constitutes good cause for termination. Findings of the CAFR shall be limited to a determination of whether the institution has met its burden of proof. In cases involving University Rule 15.99.03.M1 (Responsible Conduct in Research and Scholarship) the burden of proving that the dismissal is based upon valid academic misconduct and dismissal is warranted shall also rest with the institution. In addition, the CAFT may make recommendations to the President regarding possible resolutions.

9.1.3.5 In the CAFRT hearing, the burden of proving a violation of the rights of non-tenured faculty members shall rest with the faculty member. The findings of the CAFRT shall be limited to determining whether the decision not to renew the appointment was in violation of such rights. In cases involving University Rule 15.99.03.M1 (Responsible Conduct in Research and Scholarship) the burden of proving that the dismissal is either not based upon valid academic misconduct or the dismissal is not warranted shall also rest with the faculty member. In addition, the CAFRT may make recommendations to the President regarding possible resolutions.

9.5.1 When a faculty member requests a hearing (in accord with 8.1, 9.1.1.4, or 9.1.2.2 above), or when the Preliminary Screening Committee recommends a hearing for a non-tenured faculty member in accord with 9.1.3.4 above), the CAFRT Hearing Committee shall then set a time for the hearing that will allow the faculty member a reasonable time in which to prepare for the hearing and shall notify the faculty member of the time and place. The faculty member and the University administration shall exchange witness lists indicating the general nature of the testimony of each witness prior to the hearing at a time specified by the CAFRT Hearing Committee. Witnesses should be present at the hearing so that the faculty member, the university, and the panel may question them. In the event that the presence of a witness is not possible, a conference call may be established by prearrangement with and approval of the chair. The committee may accept written documentation, including statements and depositions, at its discretion. In cases concerning University Rule 15.99.03.M1 (Responsible Conduct in Research and Scholarship) the CAFRT Hearing Panel shall consider review the entire final report and appendices from the Investigating Committee (IC) and accord to it the
prescribed weight it deserves, absent demonstrative showing by the faculty member that the IC report is faulty, and appendices from the Investigating Committee. Witnesses may be added at a later date for good cause.