

December 16, 2011

Faculty Senate Committee on Academic Freedom and Tenure

Review of HOP 2.36 Hearing Procedures for Faculty Hearing Tribunals on Matters Relating to Nonreappointment of a Faculty Member

Concerns:

After reviewing the draft of HoP 2.36, the committee noted several concerns. In particular, the role of the Faculty Tribunal needs clarification for two reasons. First, the committee was concerned that the Hearing Tribunal, which is composed of faculty members, appears to be charged with making recommendations on legal issues when the faculty members are not experts with respect to these issues. Second, faculty Tribunal actually makes no "ruling" as the purpose of its findings and recommendations are advisory to the President, hence the term "Tribunal" may in fact be misleading as a tribunal has the power of judgment. Committee was also concerned that the input from faculty comes only after an initial decision is made by the President concerning the potential validity of the issues raised by the nonreappointed individual. However, these and other concerns are related to aspects of the policy that are required in order to comply with Regents Rule 31008. Overall, the committee is concerned that this policy conflicts with the broader functions of the faculty senate as outlined in Article I of the Bylaws of the Faculty Senate. At the same time, Regents Rule 31008 also requires that the procedures for appointing individuals to the standing committee must be approved by the Senate.

Recommendations:

Senate should vote on whether to endorse this policy.

As a separate action, Senate should established procedures for selecting members of the standing panel.