



3344-11-15 Attachment C to Chapter 3344-11 of the Administrative Code

– 1958 - statement on procedural s (nd(c94<a)Tj 2.26 sW00340(zw 4.42 0 Td (s)T

(A) Foreword.

The following statement on dismissal proceedings has been representing the association American association of unive supplement the 1940 statement and tenure by providing a fo process” that should be obs However, the exact procedural intended to establish a norm statement of principles on acad presented rather as a guide... ? the association of American co American association of univer

(B) Introductory comments.

(1) use of removal process education as much as will t which dismissals rarely if o board of control or other go fiscal corporation of the academic entity. Historically the older. Faculty were fo managerial affairs either self by the parent church. Mo other hand, are part of a co requiring legal incorporation specifically appointed to disc

(2) Nonetheless, the faculty of a entity as real as that of the

terms of collective purpose and function. A necessary precondition of a strong faculty is that it have firsthand concern with its own membership. This is properly reflected both in appointments to and in separations from the faculty body.

- (3) A well-organized institution will reflect sympathetic understanding by trustees and teachers alike of their respective and complementary roles. These should be spelled out carefully in writing and made available to all. Trustees and faculty should understand and agree on their several functions in determining who shall join and who shall remain on the faculty. One of the prime duties of the administrator is to help preserve understanding of those functions. It seems clear on the American college scene that a close positive relationship exists between the excellence of colleges, the strength of their faculties, and the extent of faculty responsibility in determining faculty membership. Such a condition is in no way inconsistent with full faculty awareness of institutional factors with which governing boards shall be primarily concerned.
- (4) In the effective college, dismissal proceedings involving a faculty member on tenure or one occurring during the term of an appointment shall be a rare exception, caused by individual human weakness and not by an unhealthy setting. When it does come, however, the college should be prepared for it so that both institutional integrity and individual human rights may be preserved during the process of resolving the trouble. By the same token, presidents and governing boards shall be willing to give full weight to a faculty judgment favorable to a colleague.
- (5) One persistent source of difficulty is the definition of adequate cause for the dismissal of a faculty member. Despite the 1940 statement of principles on academic freedom and tenure and subsequent attempts to build upon it, considerable ambiguity and misunderstanding persist throughout higher education, especially in the respective conceptions of governing boards, administrative officers, and faculties concerning this matter. The present statement

formulated and the faculty member's response written before the time of the hearing. If the faculty member has not requested a hearing, the committee should consider the case on the basis of the obtainable information and decide whether the faculty member should be removed; otherwise, the hearing should go forward. The committee, in consultation with the president and the faculty member, should exercise its judgment as to whether the hearing should be public or private. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter set forth in the president's letter to the faculty member should be received.

- (b) The president should have the option of attendance during the hearing. The president may designate an appropriate representative to assist in developing the case, but the committee should determine the order of proof, should normally conduct the questioning of witnesses, and, if necessary, should secure the presentation of evidence important to the case.
- (c) The faculty member should have the option of assistance by counsel, whose function should be similar to that of the representative chosen by the president. The faculty member should have the additional procedural rights set forth in the "1940 statement of principles on academic freedom and tenure," and should have the aid of the committee, when needed in securing the attendance of witnesses. The faculty member or their counsel and the representative designated by the president should have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member should have the opportunity to be confronted by all adverse witnesses. Where unusual

witnesses' statements should, nevertheless, be disclosed to the faculty member. Subject to these safeguards, statements may when necessary be taken outside the hearing and reported to it. All of the evidence should be duly recorded. Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.

(6) Consideration of hearing committee.

The committee should reach its decision in conference, on the basis of the hearing. Before doing so, it should give opportunity to the faculty member or their counsel and the representative designated by the president to argue orally before it. If written briefs would be helpful, the committee may request them. The committee may proceed to decision promptly, without having the record of the hearing transcribed, where it feels that a just decision can be reached by this means; or it may wait the availability of a transcript of the hearing if its decision would be aided thereby. It should make explicit findings with respect to each of the grounds of removal presented, and a reasoned opinion may be desirable. Publicity concerning the committee's decision may properly be withheld until consideration has been given to the case by the governing body of the institution. The president and the faculty member should be notified of the decision in writing and should be given a copy of the record of the hearing. Any release to the public should be made through the president's office.

(7) Consideration by governing body.

The president should transmit to the governing body the full report of the hearing committee, stating its action. On the assumption that the governing board has accepted the

or both, by the principals at the hearing or their representatives. The decision of the hearing committee should either be sustained or the proceeding be returned to the committee with objections specified. In such case the committee should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before. Only after study of the committee's reconsideration should the governing body make a final decision overruling the committee.

(8) Publicity.

Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officer should be avoided so far as possible until the proceedings have been completed. Announcement of the final decision should include a statement of the hearing committee's original action, if this has not