

**Policy Archived. Please refer to the University Policy Library for current version**

## **146 Bylaws of the Faculty Senate**

**Last updated on: June 15, 2023**

**Authority: Approved by the Board of Trustees**

### **146.1 Faculty Senate Provisions**

#### **146.1.1 Deferral of University Faculty Senate Action**

On matter about which the University Faculty Senate has not received information at least one (1) week in advance, action may be deferred for as much as one (1) week by a vote of ten (10) members of the University Faculty Senate.

#### **146.1.2 Seating of Alternates on the University Faculty Senate**

**146.1.2.1 Alternate List** The alternate list promulgated as a result of the spring election shall remain in force from the first day of the academic year until the beginning of the next academic year.

**146.1.2.2 Leaves** Persons on leave for a given semester and persons not teaching during a given summer session will automatically be replaced for that period of time unless they respond affirmatively to the request of the Secretary of the University Faculty Senate that they be seated.

**146.1.2.3 Temporary Vacancies** Members of the University Faculty Senate unable to attend a meeting will not be permitted to send proxies. If they desire to be replaced temporarily due to illness, schedule conflicts, or other reasons, they must direct such requests to the Executive Committee. If extenuating circumstances exist which prevent an absent member of the University Faculty Senate from communicating with the Executive Committee, the latter will decide as to the disposition of the seat.

**146.1.2.4 Resolution of Disputes.** The University Faculty Senate will resolve any disputes that may arise in the seating of alternates.

#### **146.1.3 Temporary Faculty Advocate**

The Temporary Faculty Advocate (TFA) is a part-time or full-time Lecturer selected to serve a two-year term which begins at the start of the Fall Semester (the "return date" for Faculty).

**146.1.3.1 Selection.** The TFA is selected by the Provost from a list of no more than three (3) nominees provided by the Executive Committee of the Faculty Senate.

**146.1.3.1.1 Nomination Call.** The Chairperson of the Faculty Senate will send a call for nominations to all Department Chairpersons not later than

April 1st for a Fall term. Chairpersons will be allowed 5 days to nominate any part-time or full-time Lecturer for whom they have a reasonable expectation of reappointment during the next fall and spring terms.

**146.1.3.1.2 Statements of Interest.** Nominees will be asked to provide the Executive Committee a Statement of Interest within five (5) working days.

**146.1.3.1.3 Survey of Support.** By April 20th, an electronic survey of temporary faculty will be conducted to gauge support for each candidate. That survey will include all statements of interest. Temporary Faculty will be allowed 5 working days to respond.

**146.1.3.1.4 Role of the Officers of the Senate.** The officers may, using the statements of interest and the survey of support, conduct interviews with some or all of the candidates.

**146.1.3.1.5 Executive Committee Role.** With the results of the survey and interviews, if conducted, the Executive Committee will choose no more than three (3) nominees for consideration by the Provost. Preference should be given to temporary faculty where there is a reasonable expectation that the faculty member will be appointed for the next fall and spring terms.

**146.1.3.1.6 Provost Selection.** The Provost will appoint the Temporary Faculty Advocate prior to the Faculty return date for the fall semester or within five (5) working days of the Executive Committee's recommendation, whichever is later.

**146.1.3.1.6.1 Vacancy.** The Provost may fill a mid-term vacancy from the same nominee recommendations provided. If the viable nominees are exhausted, the Provost will ask the Officers of the Executive Committee to begin a new search for nominees to begin a 2-year term following procedures specified above.

**146.1.3.1.6.2 Ineligibility.** Candidates for the Temporary Faculty Advocate position who are not re-hired as a Temporary Faculty member shall be removed from further consideration (or service) as the Temporary Faculty Advocate during the period of separation.

**146.1.3.2 Duties.** The TFA is responsible for delivering a report and participating in meetings of the Senate as well as meetings of the Faculty Affairs Committee. The TFA is the point-person for temporary faculty concerns and is expected to make contact information available to the temporary faculty.

**146.1.3.3 Compensation.** The TFA will be compensated in an amount equal to the base temporary faculty compensation for one-credit hour of teaching. Compensation will be paid on 11/1, 3/1, and 6/1.

## **146.2 Standing Committees of the University Faculty Senate**

The standing committees of the University Faculty Senate are the first echelon for conduct of almost all of the legislative business of the University Faculty Senate, both in the area of the primary authority of the University Faculty and in that of the advisory authority. They serve also as judicial bodies for grievances, and disciplinary and dismissal matters. Only faculty eligible to serve on the Faculty Senate may serve as voting members of a standing committee

### **146.2.1 Legislative Standing Committees**

#### **146.2.1.1 General Provisions**

**146.2.1.1.1 Membership.** The membership of the standing committees is composed, except as noted below, of regular faculty selected by the Executive Committee and confirmed by the University Faculty Senate, of administrators, and of students appointed annually by the Student Government Association Senate.

##### **146.2.1.1.1.1 Administrative and Student**

**Members.** Administrative and student members shall participate in all privileges and duties of the committees, including the privilege of making and seconding motions, but excluding the privilege of voting.

**146.2.1.1.1.2 Temporary Faculty Advocate.** The temporary faculty advocate serving on the Faculty Affairs Committee shall have the same set of privileges and duties as the administrative and student representatives on that committee.

**146.2.1.1.1.3 Term.** Terms of service for these faculty members shall begin August 10 and continue until August 9 each year. Appointments shall be announced upon University Faculty Senate confirmation at the last meeting of the University Faculty Senate each academic year. Appointment to a standing committee, shall be for a period of two (2) years. Three (3) members will be appointed in even years or four (4) in odd years, depending on the committee; reappointment to a committee is not precluded.

**146.2.1.1.1.3.1 Vacancies.** The executive committee shall identify alternates, confirmed by the senate, to fill any vacancies arising on standing committees, and the duration of their service. To support continuity of effort of a committee's work, it is preferable that replacements to standing committees be appointed for a full academic year regardless of the actual duration of the vacancy.

**146.2.1.1.1.4 Officers.** Each standing committee shall elect its own officers, consisting of a Chair, Vice-Chair, and Secretary from among the faculty in its membership.

**146.2.1.1.1.4.1 Chair.** The Chair of the standing committee shall set regular meeting times for the committee; set and distribute the agendas for each meeting in a timely way; and ensure that agendas are posted to a Senate-designated web site accessible to University faculty and administrators; run each committee meeting; represent the committee at Executive Committee and Faculty Senate meetings; and complete a final report on activities for the year.

**146.2.1.1.1.4.2 Vice-Chair.** The Vice-Chair shall take the place of the Chair whenever the Chair cannot fulfill his/her duties.

**146.2.1.1.1.5 Regular Meetings.** Each committee shall meet at least once each month during the academic year at a regularly scheduled time and place which shall be published as soon as the schedule is established.

**146.2.1.1.1.5.1 First Meeting.** The first meeting of each Standing Committee shall be in August, prior to the first meeting of the Faculty Senate, if at all possible.

**146.2.1.1.1.5.2 Contemporaneous Participation.** Members of any Standing Committee of the Senate may participate and vote in person or electronically as long as they are present (in either manner for the meeting). Any member anticipating participation by electronic means will inform the Chairperson who will facilitate that participation.

**146.2.1.1.1.6 Open Meetings.** Meetings shall be open except when a committee for particular reasons declares a meeting closed.

**146.2.1.1.1.7 Agenda and Minutes.** Both agenda and (except for closed meetings) minutes shall be published at least to the membership of the University Faculty Senate, to appropriate administrators of the University and its colleges/library, to department chairpersons, and to the officers of the Student Government Association.

**146.2.1.1.1.8 Annual Report.** Each committee shall present a report of its activities for the year at the May meeting of the University Faculty.

**146.2.1.1.1.9 Jurisdiction.** The standing committees of the University Faculty Senate concern themselves with matters which are of significance to the University as a whole: policies which

apply to the entire institution; questions which arise between, or which affect several of the constituent colleges/library; and matters which, although arising within one (1) college/library, have an influence upon the character and destiny of the University.

**146.2.1.1.1.10 Other Matters.** Issues which pertain more narrowly only to the individual college/library will normally be dealt with by those autonomous subdivisions, unless appealed to the standing committees of the University Faculty Senate.

**146.2.1.1.1.11 Right of Review.** These committees retain, however, like the University Faculty and University Faculty Senate from which they derive their powers, a right of review and intervention in all matters within the primary and advisory authority of the University Faculty.

## **146.2.1.2 Administrative and Economic Affairs Committee**

### **146.2.1.2.1 Membership.**

**146.2.1.2.1.1 Faculty Representation.** Seven (7).

**146.2.1.2.1.2 Administrative Representation.** University President and Provost and Vice President of Academic Affairs or their designees.

**146.2.1.2.1.3 Student Representation.** Two (2) undergraduates, at least one of whom shall be a voting member of the Student Government Association Senate.

**146.2.1.2.2 Duties.** The purpose of this committee shall be to keep apprised of administrative policies and procedures and to fulfill the advisory functions of the University Faculty on such matters as:

**146.2.1.2.2.1 Administrative Services.** The organization and reorganization of administrative services.

**146.2.1.2.2.2 Compensation.** Analyzes and evaluates faculty and administrative staffing, salary and benefits policies and practices, and makes recommendations.

**146.2.1.2.2.3 Administrative Officers.** Selection and removal of principal administrative officers having university-wide responsibilities as well as the creation or abolition of such offices.

**146.2.1.2.2.3.1 Search Committee Membership Nominations.** Upon notification by the Chairperson of the University Faculty Senate, the Administrative and Economic Affairs Committee shall generate a pool of at least (15) fifteen faculty that represent each College/Library, each rank of the regular faculty, and the ethnic and gender composition of the faculty. From that pool, the Administrative and Economic Affairs Committee shall nominate two slates (without overlap) to serve on the

presidential or academic vice presidential search committees. The pool and the two slates will be forwarded to the Executive Committee of the University Faculty Senate for approval by the University Faculty Senate.

**146.2.1.2.2.3.1.1 Role of the Executive**

**Committee.** The Executive Committee of the Faculty Senate will review the two slates to ensure the search committee is broadly representative of the University faculty, and recommend one or both of the slates to the Faculty Senate. If the Executive Committee rejects both slates, it shall compose a third slate from the faculty pool generated by the Administrative and Economic Affairs Committee.

**146.2.1.2.2.3.1.2 Role of the Faculty Senate.** The Faculty Senate will act on the recommendation of the Executive Committee. If the Executive Committee has recommended more than one slate, an immediate single vote will be held between the two slates, with the one generating the higher number of votes to approve being adopted.

If the Executive Committee has recommended one of the original slates, but not the other, the Senate will vote to approve or reject this slate. If it is rejected, an immediate, single vote will be held between the two Administrative and Economic Affairs slates, with the slate generating the highest number of votes being the Senate's recommended slate.

If the Executive Committee has composed and recommended a third slate, an immediate, single vote will be held among the three slates, with the slate generating the highest number of votes being the Senate's recommended slate. If no slate receives a majority of the vote, a run-off vote will be held between the two slates receiving the highest number of votes, with the slate generating the higher number of votes being the Senate's recommended slate. The Chairperson of the Faculty Senate shall communicate the approved slate to the Chairperson of the Board of Trustees or the University President (or their designees).

**146.2.1.2.2.3.2 Number of Faculty Members on Search Committee.** Faculty representatives shall constitute at least one-third of each such search committee.

**146.2.1.2.2.3.3 Reports.** Periodic progress reports by the chairperson (or designee) of the search committee shall be made to the University Faculty Senate without violating the

confidentiality of the search. The members of the faculty elected to the search committee shall report to the Administrative Affairs and Economic Committee at the conclusion of the search.

**146.2.1.2.2.4** Campus Development and Physical Facilities.

**146.2.1.2.2.5** The Academic Calendar.

**146.2.1.2.2.6** Registration and Scheduling Procedures.

**146.2.1.2.2.7** Public Relations.

**146.2.1.2.2.8** University Publications.

### **146.2.1.3 Curriculum and Academic Affairs Committee**

#### **146.2.1.3.1 Membership**

**146.2.1.3.1.1 Faculty Representation.** Nine (9).

**146.2.1.3.1.2 Administrative Representation.** Provost and Vice President for Academic Affairs, Deans of the colleges, except the College of Graduate and Professional Studies, Dean of Library Services, and Associate Vice President for Student Success. All may send designees.

**146.2.1.3.1.3 Student Representation.** Two (2) undergraduates, at least one of whom shall be a voting member of the Student Government Association Senate.

**146.2.1.3.2 Duties.** The province of the Curriculum and Academic Affairs Committee shall be all undergraduate courses and curricula of the University, together with other University activities which are primarily educational in nature. This province includes, without being restricted to:

**146.2.1.3.2.1** Requirements for all bachelor's degrees and all degrees or certificates of inferior status.

**146.2.1.3.2.2** Requirements of all major and minor curricula and other programs of study, including programs of Foundational Studies.

**146.2.1.3.2.3** All courses of instruction, including those offered through the independent study program; and all workshops, travel courses, and other special offerings, whether with or without academic credit.

**146.2.1.3.2.4** Establishment and abolition, merger and subdivision of colleges, schools, departments, and other academic units of the University.

**146.2.1.3.2.5** The policies of the University Library.

**146.2.1.3.2.6** Convocations and all such conferences as are closely related to academic affairs.

**146.2.1.3.3 Entire University.** Since most of the academic units of the University will have committees governing their own curricula, the University Committee will in practice concern itself chiefly with matters which concern the entire University or which concern more than one (1) of the academic units.

**146.2.1.3.4 Right of Review.** The Committee retains the right of review and intervention in all matters within its province; but it will not ordinarily examine individual courses, or minor revisions of existing curricula and programs, or individual convocations and conferences.

**146.2.1.3.5 Procedures.** This Committee shall, however, establish such procedures as it deems proper for publication and approval of such courses, revisions, and functions; and formal notice of proposed courses, revisions, and functions is to be sent to the Committee.

**146.2.1.3.6 New Curricula.** New curricula and programs, and revisions sufficiently extensive that the curricula or programs are substantially new, must be examined by the Committee.

**146.2.1.3.7 Educational Philosophy of University.** The Committee will also properly concern itself with the educational philosophy of the University and with the relation of existing and future curricula and educational policies to that philosophy. (See 300 Level Policies related to Academic Affairs.)

#### **146.2.1.4 Graduate Council**

##### **146.2.1.4.1 Membership.**

**146.2.1.4.1.1 Faculty Representation.** Nine (9) members of the graduate faculty.

**146.2.1.4.1.2 Administrative Representation.** Provost and Vice President for Academic Affairs, Dean of the College of Graduate and Professional Studies, Assistant Dean of the College of Graduate and Professional Studies, Dean of Library Services, Deans of the colleges having graduate programs. All may send designees.

**146.2.1.4.1.3 Student Representation.** Two (2) graduate students.

**146.2.1.4.2 Duties.** The Graduate Council is responsible for the total academic policy of the College of Graduate Studies, its programs, and its faculty, particularly in these areas:

**146.2.1.4.2.1** Appointment to the graduate faculty.

**146.2.1.4.2.2** Admission of students to the College of Graduate and Professional Studies.

**146.2.1.4.2.3** Admission of candidates for graduate degrees.

**146.2.1.4.2.4** Requirements for graduate degrees.

**146.2.1.4.2.5** Approval of graduate curricula and courses.

**146.2.1.4.2.6** Standards for graduate study.

#### **146.2.1.5 University Faculty Affairs Committee**

##### **146.2.1.5.1 Membership.**

**146.2.1.5.1.1 Faculty Representation.** Seven (7).

**146.2.1.5.1.2 Administrative Representation.** University President and Provost and Vice President for Academic Affairs or their designees.

**146.2.1.5.1.3 Ex officio Member.** A temporary faculty advocate, to be appointed by the Executive Committee in consultation with Academic Affairs.

**146.2.1.5.2 Duties.** The Committee will formulate policies and procedures pertaining to the University Faculty, particularly in these areas:

**146.2.1.5.2.1 Appointment, retention, and tenure.** Ordinarily, these policies and procedures will be formulated by the colleges/library acting under the autonomy provision of the Constitution, Policy 145 Constitution of the Faculty of Indiana State University, Section 8.3, but subject to review by the University Faculty Affairs Committee.

**146.2.1.5.2.2 Promotion.** (See Policy 305 Faculty Appointment, Promotion, and Tenure).

**146.2.1.5.2.3** Facilitation of teaching and research, including teaching load.

**146.2.1.5.2.4** Leaves of absence.

**146.2.1.5.2.5** Freedom of expression and academic freedom.

**146.2.1.5.2.6** Faculty conduct and discipline.

**146.2.1.5.2.7** Professional ethics.

**146.2.1.5.2.8** Professional growth.

**146.2.1.5.2.9** Retirement.

#### **146.2.1.6 Student Affairs Committee**

##### **146.2.1.6.1 Membership.**

**146.2.1.6.1.1 Faculty Representation.** Five (5)

**146.2.1.6.1.2 Administrative Representation.** One (1) representative from each of the following areas: Academic Affairs, Registration and Records, Admissions, Financial Aid, Student Academic Services, Leadership, Student Activities and Greek Life, Residential Life, Hulman Memorial Student Union, Intercollegiate Athletics. All may send designees.

**146.2.1.6.1.3 Student Representation.** Four (4) undergraduates, two (2) of whom shall be voting members of the Student Government Association Senate.

**146.2.1.6.2 Duties.** Policies and procedures pertaining to the following matters related to undergraduate students are within the jurisdiction of this committee:

**146.2.1.6.2.1** General University policy dealing with:

**146.2.1.6.2.1.1** Admission, retention, and academic standards.

**146.2.1.6.2.1.2** Advisement and counseling of students not enrolled in the colleges.

**146.2.1.6.2.1.3** University scholarships, honors, and awards.

**146.2.1.6.2.2** Ordinarily the following matters shall be determined by the colleges acting under the autonomous provision of the Constitution, Policy 145.8.3, subject to the review of the Student Affairs Committee:

**146.2.1.6.2.2.1** Grading standards.

**146.2.1.6.2.2.2** Advisement and counseling of students enrolled in the colleges.

**146.2.1.6.2.2.3** Student behavior with respect to curriculum and instruction.

**146.2.1.6.2.2.4** Scholarships, honors, and awards granted by the colleges.

**146.2.1.6.2.3** The following matters are to be an exercise of the advisory authority of the faculty:

**146.2.1.6.2.3.1** Student housing, health, and welfare.

**146.2.1.6.2.3.2** Student organizations, social activities, and publications.

**146.2.1.6.2.3.3** Student employment, loans, and financial aid.

**146.2.1.6.2.3.4** Athletic programs and facilities.

## **146.2.1.7 University Arts and Research Committee**

### **146.2.1.7.1 Membership**

**146.2.1.7.1.1 Faculty Representation.** Nine (9). No fewer than 4 and no more than 5 faculty must be from faculty with an academic interest in the performance, literary, visual, and interpretive arts.

**146.2.1.7.1.2 Administrative Representation.** Provost and Vice President for Academic Affairs, Deans of the colleges, including the Dean of the College of Graduate and Professional Studies, and the Dean of Library Services. All may send designees.

**146.2.1.7.1.3 Student Representation.** One (1) graduate and one (1) undergraduate student.

**146.2.1.7.2 Duties.** The purpose of the committee is to further the development of the arts and research at the University. The committee shall:

**146.2.1.7.2.1** Recommend establishment or change of University arts and research policies and procedures.

**146.2.1.7.2.2** Administer the University Research Fund, the University Arts Endowment and such other funds as may be designated by the University administration. The respective funds may only be used in furtherance of their distinct purposes.

**146.2.1.7.2.3** Study methods of making available to faculty members information on sources of research funds.

**146.2.1.7.2.4** Study methods of aiding in the grant application process.

**146.2.1.7.2.5** Provide assistance to faculty on methods of applying for University Arts Endowment grants.

**146.2.2 Judicial Standing Committee Pools.** For judicial matters, pools of eligible faculty are generated and, only when matters require, are drawn from in order to compose judicial bodies.

**146.2.2.1 Grievance Pool.** Every three years, the Faculty Affairs Committee will establish and maintain a new pool of twenty (20) or more tenured faculty and senior instructors to serve 1-year, 2-year, or 3-year terms as Grievance Pool members. Members of the pool will be selected from volunteers to represent every college (except the College of Graduate and Professional Studies and the

University College) and the Library, and include some department chairpersons and some members of federally defined protected classes.

**146.2.2.1.1 Composition Review.** FAC is charged with reviewing the composition of the pool each year to ensure compliance with this Policy, namely presence of some chairpersons and some members of federally defined protected classes. All persons elected to serve as Grievance Pool members in a given cycle must participate in Training annually.

**146.2.2.1.2 Training.** The Provost and Vice President for Academic Affairs, in cooperation with the Office of Equality, Diversity, and Inclusion and the Executive Committee Chairperson, will provide formal training of the Grievance Pool members in mediation and grievance procedures annually.

**146.2.2.1.2.1 Required.** All persons selected to serve as Grievance Pool members in a given cycle must participate in Training.

**146.2.2.2 Faculty Discipline and Dismissal Pool.** Fifteen (15) full-time tenured faculty members shall be chosen for staggered 3-year terms with no more than one (1) member from any department serving concurrently.

### **146.3 Faculty Discipline and Dismissal Proceedings**

#### **146.3.1 Preliminary Proceedings Concerning the Fitness of a Faculty Member.**

When cause arises to discipline a regular faculty member beyond the measures set forth in Policy 350 Academic Department Chairperson, Section 2.9.1.3 Deficient Performance or when reason arises to question the fitness of a University regular faculty member who has tenure or whose term appointment has not expired, the appropriate administrative officers will ordinarily discuss the matter with him/her in an individual meeting. The matter may be resolved by mutual agreement at any point.

**146.3.1.1 Causes Giving Rise to Discipline.** Matters giving rise to a cause for discipline of a regular faculty member may include: 1) a failure to perform a duty described in Section 310.2) the violation of or refusal to follow a properly established policy of the University (without regard to the listing of such policy in the Policy Library), or 3) abandonment of teaching responsibilities.

##### **146.3.1.1.1 Purposeful Abandonment of Teaching Responsibilities.**

In the event that the Provost reasonably believes that a faculty member has abandoned their responsibilities for teaching, the Provost may present a recommendation to the Executive Committee of the Faculty Senate that the faculty member be terminated. The Provost's recommendation shall include or describe clear evidence of attempts by the Provost or the Provost's Designee to communicate with the faculty member in question and the faculty member's failure to adequately respond. The Executive Committee shall respond to the Provost's recommendation within ten (10) working days of receiving it, and in doing so shall communicate its decision of whether (a) to accept the Provost's recommendation, (b) to propose a different course of action, or (c) to reject the Provost's recommendation and to require formal disciplinary

and dismissal proceedings. If the Executive Committee accepts the Provost's recommendation or proposes a different course of action, the Provost may take the course of action approved or recommended by the Executive Committee, and may do so immediately, without further proceedings. If the Executive Committee rejects the Provost's recommendation, the Provost may only take termination-related action by means of the formal proceedings described below in Sections 146.3.3.3 through 146.3.3.10. This provision shall not limit the Provost's ability to impose measures short of termination during the time of the faculty member's abandonment, including but not limited to paid or unpaid leave.

**146.3.2 Faculty Reassignment/Suspension.** The Provost may invoke the authority described in 501.2 regarding the reassignment/suspension of a faculty member (with pay and benefits) at any point in this process.

**146.3.3 Initiation of Preliminary Proceedings.** If the matter is not resolved through mutual agreement at the individual meeting(s), the Provost shall request initiation of formal discipline and dismissal proceedings if the concerned faculty member desires that a proceeding be undertaken or if the Provost, after considering a recommendation of the appropriate administrative officer(s), expresses the conviction that a proceeding should be undertaken.

**146.3.3.1 Initiation of Formal Discipline and Dismissal proceedings.** The Provost will initiate discipline and dismissal proceedings within fifteen (15) working days after the individual meeting(s). The Provost will send to the Chairperson of the Faculty Senate, the charge within the scope of 146.3.3.1.1, a complete set of documentary evidence, the name of the independent investigator, and the name of the Provost's designee who will present the case to the appropriate bodies when called upon to do so.

**146.3.3.2 Independent Investigation.** The Provost will arrange for an internal or external, independent and impartial investigator. Without regard to a suspension of the faculty member under section 501.2, the faculty member may communicate with the investigator and provide documents to the investigator. The investigator will draw no conclusions in any report but will report relevant witness statements and documentary evidence gathered to all parties. After the report is provided, further facts gathered by the investigator will be provided to all parties as they are gathered. The investigator shall report all relevant facts to the University Attorney within the fifteen (15) working days (146.3.3.3.1) but leaving sufficient time for the Provost to initiate formal proceedings within those fifteen (15) working days.

**146.3.3.2.1 Redaction** During the fifteen (15) working days, the University Attorney may redact any portion of the report that is not potentially exculpatory.

### **146.3.3.3 Roles**

**146.3.3.3.1 Role of the Chairperson of the Faculty Senate.** The Chairperson of the Faculty Senate shall immediately advise the charged

faculty member and seek (directly or through a faculty intermediary) a resolution. If no resolution results in two working days, the Chairperson shall, at its next meeting, have the Executive Committee determine whether there is cause to empanel a Discipline and Dismissal Hearing Committee.

**146.3.3.3.2 Role of Executive Committee.** The Executive Committee of the University Faculty Senate shall be presented the case by the Provost's designee and determine whether there is cause to empanel a Discipline and Dismissal Hearing Committee. If the Executive Committee of the University Faculty Senate recommends that such proceedings should be initiated, or if the Provost, even after considering a recommendation of the Executive Committee of the University Faculty Senate favorable to the faculty member, expresses the conviction that a proceeding should be undertaken, or if the concerned faculty member desires that a proceeding be undertaken, action shall be commenced under the procedures that follow. Except where there is disagreement, a statement with reasonable particularity of the grounds proposed for the discipline or dismissal shall then be jointly formulated by the Provost and the Executive Committee of the University Faculty Senate. If there is disagreement, the Provost shall formulate the statement.

**146.3.3.3.3 Role of the Provost.** The Provost may commence formal proceedings (146.3.3.4), but shall have no further formal role in the proceedings until the Hearing Committee presents its report.

**146.3.3.3.3.1 Unrelated Matters or Mutual Agreements** Nothing in this policy constrains the Provost from engaging in direct or indirect discussions with the faculty member as long as the purpose of those discussions is wholly unrelated to the matter or related to affecting a resolution.**146.3.3.4 Commencement of Formal Proceedings.** The formal proceedings shall be commenced by a communication addressed to the faculty member by the Provost. This communication will include the statement detailing the grounds for the proposed discipline or dismissal and information that, if so requested, a hearing to determine whether they should be removed from their faculty position on the grounds stated will be conducted by the Faculty Discipline and Dismissal Hearing Committee at a specified time and place.

**146.3.4 Procedural Rights.** The faculty member shall have the additional procedural rights set forth in the 1940 A.A.U.P. Statement on Principles of Academic Freedom and Tenure (as amended) and shall have the aid of the Hearing Committee, when needed, in securing the attendance of witnesses.

**146.3.5 Empaneling a Hearing Committee.** Hearings will be conducted by a five (5) member committee, drawn from the Discipline and Dismissal pool and chosen by lot by the Faculty Senate Chairperson in the presence of at least one other Executive Committee member.

**146.3.5.1 Method of Random Lot.** Each time a Hearing Committee is empaneled, each faculty member in the pool will be assigned an exclusive random number from 1 to 15. Members 1 through 5 will constitute the preliminary committee. Members 6 through 15 will constitute the alternates to be used in that order.

**146.3.5.1.1 Repeat Use of the Committee.** When deemed appropriate by the Faculty Senate Executive Committee to retain consistency of perspective of multiple cases of the same character, the committee and alternate order may be used for those cases.

**146.3.5.1.2 Recusal and Exclusion Process.**

**146.3.5.1.2.1 Mandatory Recusals.** If a member of the pool is in the faculty member's department or related to the faculty member, Provost's designee, or a potential witness by birth or marriage, they will be recused and the next alternate (not also subject to a mandatory recusal) will be placed on the preliminary panel.

**146.3.5.1.2.2 Voluntary Recusals.** A member of the committee may request to be removed because of a possible conflict of interest. The Chairperson of the Faculty Senate will determine whether to honor the request. The next alternate (not also subject to a mandatory recusal) will be placed on the preliminary panel.

**146.3.5.1.2.3 Exclusions.** The Senate Chairperson will notify both the Provost's designee and the faculty member that the process of constructing the Discipline and Dismissal Committee has begun and will provide the names of the currently composed committee (but not the alternate pool). The faculty member and the Provost's designee may exclude a member of the panel and (an) alternate(s) (not also subject to a mandatory recusal) will be placed on the final panel.

**146.3.5.1.3 Hearing Committee Officer Selection.** Once the Hearing Committee has been empaneled it will immediately convene to select a Chairperson, Vice Chairperson, and Secretary. Neither the faculty member nor the Provost's designee will be present. The committee will review the Discipline and Dismissal Procedures Document.

**146.3.5.2 Response by Faculty Member.** The Chairperson of the Hearing Committee shall promptly inform the faculty member of the procedural rights that will be accorded to them and shall provide the faculty member with the Discipline and Dismissal Procedures Document. The faculty member shall then be allowed five (5) working days to prepare their response. The faculty member's reply shall be in writing, addressed to the Provost's designee and the Chairperson of the Hearing Committee. It should state in the reply whether they: will be accompanied by an advisor, request a hearing, request that hearing be public, and require assistance garnering evidence or witnesses.

**146.3.5.2.1 Time for Hearing.** At least five (5) working days must pass between the receipt of the response and the hearing. The Chairperson of the Hearing Committee shall promptly inform the faculty member of the date, time, and place of the hearing once such matters have been decided by the Hearing Committee.

**146.3.5.2.2 No Response or a Declination of a Hearing.** If the faculty member fails to respond or declines a hearing, the Committee shall consider and make a recommendation on the case on the basis of the information provided. It may call the Provost's designee to present the case.

### **146.3.5.3 Roles in Prior to a Hearing.**

**146.3.5.3.1 Hearing Committee Chairperson.** The Chairperson of the Committee will, if requested, inform potential witnesses of the hearing and the importance of their testimony. The Chairperson will communicate to the University Attorney and the Provost's designee circumstances where witnesses decline to testify or where University offices refuse to provide relevant information to the faculty member. The Chairperson will convey to the committee the success or failure in garnering requested witnesses and documentation.

**146.3.5.3.2 University Attorney.** The University Attorney will make appropriate judgements regarding the requests for documents and witnesses and will report decisions and actions regarding the requests to the committee Chairperson.

**146.3.5.3.3 Provost's Designee.** The designee is wholly and solely responsible for gathering the administration's evidence, as well as assembling, presenting and defending it.

**146.3.5.3.4 The Faculty Member.** The faculty member is responsible for making efforts to arrange for an advisor, gathering evidence, making requests for assistance in gathering evidence, and communicating with the committee chairperson.

**146.3.5.3.5 The Hearing Committee.** Other than the role described for the Chairperson, the committee will receive the information presented by the Provost's designee and the faculty member. It will not seek to independently investigate, interrogate, or verify information.

**146.3.6 The Discipline and Dismissal Hearing.** The Discipline and Dismissal Hearing will be conducted in accordance with the Discipline and Dismissal Procedures Document that will be contemporaneously housed in the University Attorney's office, The Office of the President and Provost, and the Faculty Senate office. The document may only be changed with the agreement of each party.

**146.3.6.1 Principles of Due Process.** In addition to the aforementioned Procedural Rights, the following principles shall be understood by all parties.

**146.3.6.1.1 Witnesses.** The faculty member or their advisor and the representative designated by the Provost shall have the right, within

reasonable limits, to question all witnesses who provide oral testimony. The faculty member shall have the opportunity to be confronted by and question all witnesses. Where unusual and urgent reasons move the Committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as their statements, shall nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it.

**146.3.6.1.2 Recording of Evidence.** All evidence shall be duly recorded and a transcript produced.

**146.3.6.1.3 Academic Freedom.** A faculty member may assert academic freedom as an exculpatory defense or a mitigating circumstance when a policy violates the faculty member's academic freedom and it is that policy which they are accused of violating or failing to comply with. It is a matter for the committee to determine the applicability of that defense.

**146.3.6.1.4 Oral Arguments.** The Committee shall give opportunity to the faculty member or their advisor and the representative designated by the Provost to argue orally before it.

**146.3.6.1.5 Written Briefs.** If written briefs would be helpful, the Committee may request them of both parties prior to the hearing.

**146.3.6.1.6 Not a Court Proceeding.** Unless special circumstances warrant, it will not be necessary to follow formal rules of court procedure.

### **146.3.7 The Discipline and Dismissal Hearing Committee Deliberations.**

**146.3.7.1 Executive Session.** The Committee shall reach its decision, in executive session, on the basis of the hearing. The University Attorney may be present.

**146.3.7.2 Transcript.** The Committee may proceed to decision promptly, without having the record of the hearing when it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing if its decision would be aided thereby. Nevertheless, a transcript of the hearing will be produced and provided to the University Attorney.

**146.3.7.3 Findings and Disciplinary Options.** The Committee shall make explicit findings with respect to each of the grounds of discipline or removal presented and will provide its rationale for each. The Committee will also make a recommendation as to the level of discipline to be imposed, including dismissal or non-dismissal discipline. The Committee will forward the report to the faculty member and to the Provost for consideration and determination or recommendation.

**146.3.7.3.1 Options for Non-Dismissal Discipline.** Non-dismissal discipline may include suspension for up to 16 weeks without pay or reduction in rank with a commensurate reduction in salary. Non-dismissal

discipline must include a specific, measurable, attainable, and time-bound remediation plan to be monitored by the faculty member's direct supervisor.

**146.3.8 Faculty Member Response.** The faculty member will be permitted to submit a written response to the Committee's report to the Provost within five (5) business days.

**146.3.9 Determination by Provost.** Within ten (10) business days of the receipt of the report, the Provost shall consider the report provided by the Faculty Discipline and Dismissal Hearing Committee and determine whether to accept, reject, or modify the recommendation of the committee as to both findings and level of discipline. The Provost's recommendation and an accompanying rationale will be provided promptly to the faculty member.

#### **146.3.10 Process for Senior Instructors, Instructors, and Pre-Tenure Faculty Members**

**146.3.10.1 Determination of Non-Dismissal Discipline or Dismissal of Senior Instructors, Instructors, and Pre-Tenure Faculty Members.** If the Provost determines that non-dismissal discipline or dismissal is warranted for a senior instructor, an instructor or a pre-tenure faculty member, the Provost will provide the rationale for the determination as it relates to both findings and level of discipline or dismissal to the President. A copy of the Provost's recommendation will also be provided to the faculty member.

**146.3.10.2 Right to Respond.** The faculty member may provide a written response to the determination of the Provost to the President. Appeals must be submitted to the Office of the President within ten (10) business days of notification to the faculty member of the determination of the Provost. The President shall consider the Committee's report, the determination of the Provost, and the response submitted by the faculty member. The President may choose to review the full record. The President will make a decision to accept, reject, or modify the determination of the Provost. In all cases, the President will provide a clear rationale for their decision. If the President determines that discipline or dismissal of a non-tenured faculty member is appropriate, the discipline will be enforced and the matter will end.

#### **146.3.11 Process for Tenured Faculty Members**

**146.3.11.1 Dismissal or Reduction in Rank of a Tenured Faculty Member.** If the Provost determines that dismissal or reduction in rank is warranted for a tenured faculty member, the Provost will forward a written recommendation and accompanying rationale, along with the Committee's report, to the President. A copy of the Provost's recommendation will also be provided to the faculty member.

**146.3.11.1.1 Right to Respond.** The faculty member may provide a written response to the determination of the Provost to the President. Responses must be submitted to the Office of the President within ten (10) business days of notification to the faculty member of the determination of the Provost

**146.3.11.1.2 President's Recommendation.** The President shall consider the Provost's recommendation, the Committee's report, and any response(s) from the faculty member. The President may choose to review the full record. The President will make a decision to accept, reject, or modify the recommendation of the Provost. In all cases, the President will provide a clear rationale for the decision. If the President agrees with the recommendation of dismissal or reduction in rank, the matter will proceed to the Board of Trustees. If the President determines that another form of non-dismissal discipline (146.3.3.10.2) is warranted or that no further action be taken, the appropriate steps will be taken and the matter will end.

**146.3.11.1.3 Board of Trustees Decision.** If the President recommends dismissal or reduction in rank of a tenured faculty member, either as the result of a recommendation by the Provost or a determination of the President under 146.3.3.10.2.1, the President will transmit a letter of recommendation to the Board of Trustees. The letter of recommendation should include the Committee's report, the recommendation or determination of the Provost, and any response documentation from the faculty member. In the letter of recommendation, the President shall set forth the rationale for dismissal or reduction in rank. The faculty member will receive a copy of the entirety of the submission to the Board of Trustees and will be permitted to submit a written response for the consideration of the Board of Trustees within ten (10) business days of the faculty member's receipt of a copy of the submission to the Board of Trustees. The Board of Trustees may choose to accept or reject the President's recommendation. If the Board of Trustees accepts the President's recommendation, the matter will end. If the Board of Trustees rejects the President's recommendation, the matter may be addressed through other non-dismissal discipline (146.3.3.10.2). This process is exempted from the advance timing requirements of policy 126.2.2.

**146.3.11.2 Other Non-Dismissal Discipline.** If the Provost determines that non-dismissal discipline other than reduction in rank is warranted for a tenured faculty member, the Provost will provide the rationale for the determination as it relates to both findings and level of discipline to the President. A copy of the Provost's recommendation will also be provided to the faculty member.

**146.3.11.2.1 Right to Respond.** The faculty member may provide a written response to the determination of the Provost to the President. Responses must be submitted to the Office of the President within ten (10) business days of notification to the faculty member of the determination of the Provost. The President shall consider the Committee's report, the determination of the Provost, and the response submitted by the faculty member. The President may choose to review the full record. The President will make a decision to accept, reject, or modify the determination of the Provost. In all cases, the President will provide a clear rationale for their decision. If the President determines that another form of non-dismissal discipline is warranted or that no further action be taken, the appropriate steps will be taken and the matter will end. If the President determines that dismissal or reduction in rank is

warranted, the matter will proceed to the Board of Trustees in accordance with 146.3.3.10.1.3.

#### **146.3.12 Publicity.**

**146.3.12.1 During the Proceedings.** Except for simple announcements as may be required covering the time of the hearing and similar matters, public statements shall be avoided until the proceedings have been completed except where authorized by the President.

**146.3.12.2 Final Decision.** Announcement of the final decision shall include a statement of the Committee's original action, if this has not previously been made known.

**146.3.12.3 Release to Public.** Any release of information to the public shall be made through the Office of the President and shall take into consideration ISU policies and procedures and federal and state laws regarding personnel records.

**146.3.13 Personnel File.** The entirety of the record, including the transcript of the hearing, will be placed in the personnel file of the faculty member.

**146.3.14 Summative Report.** The Hearing Committee may elect to advise the Faculty Senate Chairperson of procedural recommendations that result from the hearing. Any written report shall avoid using the identities of the accuser, accused, or that of witnesses without their written consent.

### **146.4 University Faculty Grievances**

**146.4.1 Policy Statement on University Faculty Grievances.** The faculty of Indiana State University has primary responsibility for such fundamental areas as curriculum, methods of instruction, research/creativity, faculty status (i.e., promotion, performance review, and tenure), and those aspects of student life which relate to the educational process. All faculty members (tenured or untenured) who believe a decision adversely affects these responsibilities or the financial, intellectual, or pedagogical aspects of their appointments and results from a violation of University policy, (i.e., arbitrary, punitive, or capricious application of policies regarding work assignment, or other procedures except those exempted below), academic freedom, or inadequate consideration (this might be with regard to a working condition or assignment, except those exempted below), may petition the appropriate faculty committee for redress. All faculty members are entitled to due process, including a faculty hearing of record and the opportunity to confront any adverse witnesses and/or to respond to adverse information. Procedures other than this one exist in the University for faculty dismissal (tenured and untenured, but "dismissal" referred to here is different from the non-reappointment of a tenure-track faculty member, which is also addressed by a separate policy), appointment, tenure, and promotion, pay for performance, or conduct involving illegal discrimination.

**146.4.2 College/Library Level Grievances.** Each college/library shall maintain grievance procedures in writing that must grant faculty members the rights defined in Section 146.14.1 and ensure procedural due process. Grievances filed in the college/library may be brought on grounds defined above.

**146.4.3 University Level Grievances.** University level grievances fall into one of two categories, appeals or primary grievances:

**146.4.3.1 Appeals of College/Library Level Grievances:** An aggrieved faculty member may appeal the decision of the college/library grievance hearing to the Executive Committee of the University Faculty Senate for one or more of the following reasons but no other:

**146.4.3.1.1 Adequacy of Evidence:** The evidence presented in the previous hearing did not adequately support the decision reached.

**146.4.3.1.2 Due Process:** Procedural errors in the previous hearing or evidence that should have been heard was not allowed or evidence that should not have been allowed was presented.

**146.4.3.1.3 New Evidence:** New and fully documented evidence has arisen since the previous hearing that is sufficient to suggest a major change in evaluation of the matter.

**146.4.3.2 Primary Grievances:** When a grievance does not fall within the jurisdiction of any one college/library, it shall be addressed directly by the Executive Committee. In cases when the parties disagree as to the jurisdiction of the grievance, the Executive Committee shall make the final determination.

**146.4.4 Procedures for University Level Grievances.** The following procedures apply to both appeals and primary grievances in the subsequent language defining procedures:

**146.4.4.1 Initiation of Grievance.** To initiate a University level grievance, be it an appeal or primary grievance, the faculty member must file a formal complaint within twenty (20) working days after final conclusion of the original grievance if the complaint constitutes an appeal, and within twenty (20) working days after the grievable event if the complaint constitutes a primary grievance (using Grievance Form A) with the Executive Committee Chairperson through the University Faculty Senate Office.

**146.4.4.1.1 Definition of Working Day.** For the purposes of these Bylaws, working days are defined as Mondays through Fridays when classes are in session on campus except during the summer sessions. Exceptions to this guideline may be made only in special circumstances as determined by the Executive Committee.

**146.4.4.2 Notification to Executive Committee.** The Chairperson will notify the Executive Committee of the complaint at its next meeting following filing of the complaint. The Executive Committee must determine whether or not the grievance is within its jurisdiction and warrants mediation and a formal hearing.

**146.4.4.2.1 Mediation When No Hearing.** Grievances that the Executive Committee determines do not warrant a hearing may still be forwarded for mediation.

**146.4.4.3 Notice and Response by Respondent.** To facilitate that decision, the Executive Committee will notify the respondent(s) of the complaint and supply the respondent(s) with a copy. The notification of the respondent(s) should take place within one Executive Committee session after having received the

complaint. The Executive Committee will request that the respondent(s) formally submit a written response to the complaint within seven (7) working days.

**146.4.4.4 Time for Review.** The Executive Committee should evaluate the set of materials at the session immediately following receipt of the materials at the session.

**146.4.4.4.1 Notice.** The response(s) will also be forwarded to both parties.

**146.4.4.4.2 Process of Mediation.** The process of mediation should begin within seven (7) working days of the date the materials are received by the Faculty Affairs Committee Chairperson. Once the process of mediation begins, no more than ten (10) working days should be allowed to resolve the dispute by mediation.

**146.4.4.5 Discrimination Complaints.** In discrimination complaints, if contacted first, the Executive Committee Chairperson will direct the faculty member to the Director of Equal Opportunity.

**146.4.4.6 Mediation Process.** The Chairperson of the University Faculty Affairs Committee shall seek to arrange for resolving the conflict through mediation.

**146.4.4.6.1 Process of Mediation.** The process of mediation shall be voluntary, private, and confidential, led by an impartial third faculty member who has had mediation training supported by the Office of the Provost and Vice President for Academic Affairs.

**146.4.4.6.2 Grievance Pool.** In practice, this individual could be selected from the existing Grievance Pool, since all members of the Grievance Pool will have received training.

**146.4.4.6.3 Report of Successful Mediation.** Upon completion of the mediation process, the mediator will submit to the Faculty Affairs Committee Chairperson any agreement, in writing, reached by the primary parties. If agreement is reached, the Faculty Affairs Committee Chairperson will report the agreement to the Executive Committee and the Provost and Vice President for Academic Affairs.

**146.4.4.6.3.1 Record.** The matter will be considered complete, and a record of it will be filed in the participating members' personnel files and in the files of the University Faculty Senate Office.

**146.4.4.6.4 Report of Unsuccessful Mediation.** If no agreement is reached within ten (10) working days, the Faculty Affairs Committee Chairperson will report this result to the respondents, and to both the Executive Committee Chairperson and the Provost and Vice President for Academic Affairs.

**146.4.4.6.5 Hearing.**

**146.4.4.6.5.1 Grievance Committee.** If the mediation is unsuccessful, and the Executive Committee has previously

determined that the grievance warrants a hearing, the Faculty Affairs Committee Chairperson shall convene a grievance committee drawn from a grievance pool as set forth in Section 146.14.5.1 within the time period set forth in Section 146.14.5.3 of this bylaw.

**146.4.4.6.5.2 Waiver of Hearing.** Either the complainant(s) or the respondent(s) may elect not to participate in a hearing, but neither may waive the right of the other to have a hearing. Only if both elect to waive a hearing, will the Grievance Committee base its findings solely on evidence submitted by the parties involved in the allegations.

**146.4.4.6.5.3 Procedure for Hearing.** If either the complainant or the respondent elects a hearing before the Grievance Committee, the specific procedures for the hearing are outlined in Section 146.14.5 of this Bylaw.

**146.4.4.6.5.4 Findings by Grievance Committee.** After the hearing, the Grievance Committee will deliberate and submit its findings and recommendations in writing to the Executive Committee, the Provost and Vice President for Academic Affairs, and the University President using Grievance Form A.

#### **146.4.5 University Level Grievance Hearings.**

**146.4.5.1 Grievance Pool Members.** Every three years, the Faculty Affairs Committee will establish and maintain a new pool of twenty (20) or more tenured faculty and senior instructors to serve 1-year, 2-year, or 3-year terms as Grievance Pool members. Members of the pool will be selected from volunteers to represent every college (except the College of Graduate and Professional Studies and the University College) and the Library, and include some department chairpersons and some members of federally defined protected classes.

**146.4.5.1.1 Composition Review.** FAC is charged with reviewing the composition of the pool each year to ensure compliance with this Policy, namely presence of some chairpersons and some members of federally defined protected classes. All persons elected to serve as Grievance Pool members in a given cycle must participate in Training annually.

**146.4.5.2 Training.** The Provost and Vice President for Academic Affairs, in cooperation with the Office of Equality, Diversity, and Inclusion and the Executive Committee Chairperson, will provide formal training of the Grievance Pool members in mediation and grievance procedures annually.

**146.4.5.2.1 Required.** All persons selected to serve as Grievance Pool members in a given cycle must participate in Training.

**146.4.5.3 Time for Hearing.** For cases that the Executive Committee has determined warrant grievance hearings, a grievance committee shall be constructed and its first meeting held within fifteen (15) working days of the reported failure of the mediation pursuant to Section 146.14.4.6.4.1.

**146.4.5.4 Construction of Grievance Committee.** Within the first five (5) days, the Faculty Affairs Committee Chairperson shall notify both parties that the process of constructing the Grievance Committee has begun. The Chairperson will begin the construction by randomly selecting nine (9) persons from the grievance committee pool for possible membership on the Grievance Committee. Any person selected may remove himself/herself from consideration because of a possible conflict of interest. Should this occur, the Faculty Affairs Committee Chairperson will select another name from the pool, offering the newly chosen person the opportunity to remove himself/herself for possible conflict of interest. This process will be repeated, if necessary, until nine (9) potential Grievance Committee members are named.

**146.4.5.5 Exclusion Process.** The Faculty Affairs Committee Chairperson will then offer each party to the dispute the opportunity to exclude up to two (2) persons from the Committee. If more than five (5) persons remain after this exclusion process is completed, the FAC Chairperson will select names at random from the remaining group in order to reduce the Committee to five (5) members.

**146.4.5.6 Role of Faculty Affairs Committee Chairperson.** Once the Grievance Committee has been established, the Faculty Affairs Committee Chairperson will conclude his/her formal involvement in the grievance process by convening an initial meeting of the Grievance Committee, transmitting the complainant's grievance materials to the Committee and to the respondent, and transmitting the respondent's materials to the Committee and to the complainant (see Section 146.14.5.8 of this Bylaw), and informing the complainant and respondent of the Committee's membership. The Committee will elect its own Chairperson.

**146.4.5.7 Presence of Committee Members Required.** A Committee member must be present at both the grievance proceedings and the final Committee deliberations in order to cast a vote.

**146.4.5.8 Materials from Complainant and Respondent.** During the same fifteen (15) working days as in Section 146.14.5.3 of this Bylaw, the complainant and respondent shall prepare and submit materials to the Faculty Affairs Committee Chairperson. Materials submitted by the parties should contain everything deemed relevant to the dispute, including a list of witnesses which the Committee shall call and suggested questions to ask of both sides.

**146.4.5.8.1 Additional Materials.** The Grievance Committee has the right to request additional materials and to call additional witnesses.

**146.4.5.8.2 Right to Materials.** All written materials submitted to the Grievance Committee shall be shared with both parties by the Faculty Affairs Committee Chairperson immediately following the fifteen (15) working day period allowed for submission.

**146.4.5.9 Time for Hearing.** The Grievance Committee Chairperson will call for a hearing within fifteen (15) working days of the Committee's receiving a formal complaint. If needed, the Committee may decide to extend this period up to five (5) working days.

**146.4.5.9.1 Hearing Date Notice.** The Chairperson will notify the respondent(s), and the complainant(s) in writing of the date of the hearing, and will obtain confirmation from those individuals that they have been notified.

**146.4.5.10 Commencement of the Hearing.** The Grievance Committee Chairperson will call the meeting to order. The meeting will be recorded and transcribed for the record by a qualified person hired from outside the University community.

**146.4.5.10.1 Closed Proceedings; No Right to Counsel.** These proceedings will be closed and no legal representation will be present.

**146.4.5.10.2 Notice of Rules and Procedures.** Both sides in the dispute shall be apprised in writing of the rules and procedures to be followed, including statements that these are not proceedings at law.

**146.4.5.10.3 Faculty Advisor.** Each party to the dispute may choose one (1) tenured current or emeritus faculty member as an advisor and may confer with that advisor before answering questions during the hearing.

**146.4.5.11 Complainant's Case.** The complainant will have ten (10) minutes per respondent up to a maximum of thirty (30) minutes to present his/her case. The Grievance Committee will then direct questions to the complainant.

**146.4.5.12 Respondent's Case.** The respondent(s) will each have ten (10) minutes to present his/her case up to a maximum of thirty (30) minutes. When there is more than one (1) respondent, the respondents may elect to consolidate their allotted time and choose a spokesperson. The Grievance Committee will then direct questions to the respondent(s).

**146.4.5.13 Witnesses.** The Chairperson of the Grievance Committee will then call witnesses. No advisor will be allowed to be called as a witness. Only one (1) witness shall be present in the hearing room at a time. The Committee will recall witnesses if needed.

**146.4.5.13.1 Notarized Statement in Lieu of Witness.** The Committee may accept a written, notarized statement if necessary. The statement must be made available to the Committee before the date of the hearing. Included in the statement should be an explanation of why the witness is unable to appear in person.

**146.4.5.13.2 Questions by Committee Members.** Only questions by Grievance Committee members will be permitted during the proceedings. The members have the right to use or disregard questions previously submitted by the parties concerned and ask questions not suggested by the parties.

**146.4.5.13.3 Additional Questions.** The parties have the right during the proceedings to suggest additional questions. These suggestions should be passed to the Chairperson, who shall have the responsibility of determining whether the questions should be asked. The Chairperson may solicit advice on these matters from other members of the

Committee. The Chairperson may limit such suggestions if they appear excessive. These rules hold as well for the questioning of witnesses.

**146.4.5.14 Case Summation.** The respondent(s) will each have ten (10) minutes to summarize his/her case up to a maximum of thirty (30) minutes. When there is more than one (1) respondent, the respondents may elect to consolidate their allotted time and choose a spokesperson. The complainant will then be allowed ten (10) minutes per respondent up to a maximum of thirty (30) minutes to summarize his/her case.

**146.4.5.15 Findings.** Within seven (7) working days after completion of the hearing, the Grievance Committee will meet to render its findings, conclusions, and recommendations.

**146.4.5.15.1 Majority Rule.** The results shall be reached on the basis of a simple majority of the Grievance Committee.

**146.4.5.15.2 Dissenting Opinions.** Dissenting opinions may be included in the Committee's report.

**146.4.5.16 Notice of Written Decision.** The Chairperson of the Grievance Committee shall immediately forward its written decision, through the University Faculty Senate Office to each party and to the Executive Committee, the Office of the Provost and Vice President for Academic Affairs, and the University President.

**146.4.5.16.1 Notice to Parties.** The University Faculty Senate Office should forward the decision to the fore-mentioned parties within seven (7) working days of having received the decision.

**146.4.5.17 Completion of Grievance Process.** Once the findings, conclusions, and recommendations have been forwarded to the Provost and Vice President for Academic Affairs, and the President, the grievance process is complete.

**146.4.5.18 Final Determination.** The President will consider the material forwarded and will make a final written determination. If the President's decision is counter to any or all of the recommendations of the governance committees then such written determination shall include an articulated basis for the President's decision.

**146.4.5.18.1 Notice of Determination.** Within ten (10) working days of the material's delivery to the President, his or her written determination should be forwarded to the Executive Committee Chairperson, the Chairperson of the Grievance Committee, and the complainant(s) and respondent(s).

**146.4.5.19 Hearing Materials.** All materials connected with the hearing shall be kept in the University Faculty Senate Office for five (5) years after the decision.

## **146.5 Interpretation**

**146.5.1 Interpretation.** All questions regarding the Bylaws to the Faculty Constitution shall be directed to the Faculty Senate Chairperson. The Faculty Senate Chairperson shall immediately consult the other Senate officers and the Provost on all such questions

of interpretation. Their agreed-upon interpretation shall be communicated to the person or body asking for it and shall be considered the only valid interpretation of these sections. If they fail to agree on an interpretation, they will present both the question and their respective interpretations to the University President who shall render the final interpretation. The ISU Board of Trustees retains all authority as designated by Indiana law and the University Policy Library.