



## COMMITTEE ON PRIVILEGE AND TENURE PROCEDURES

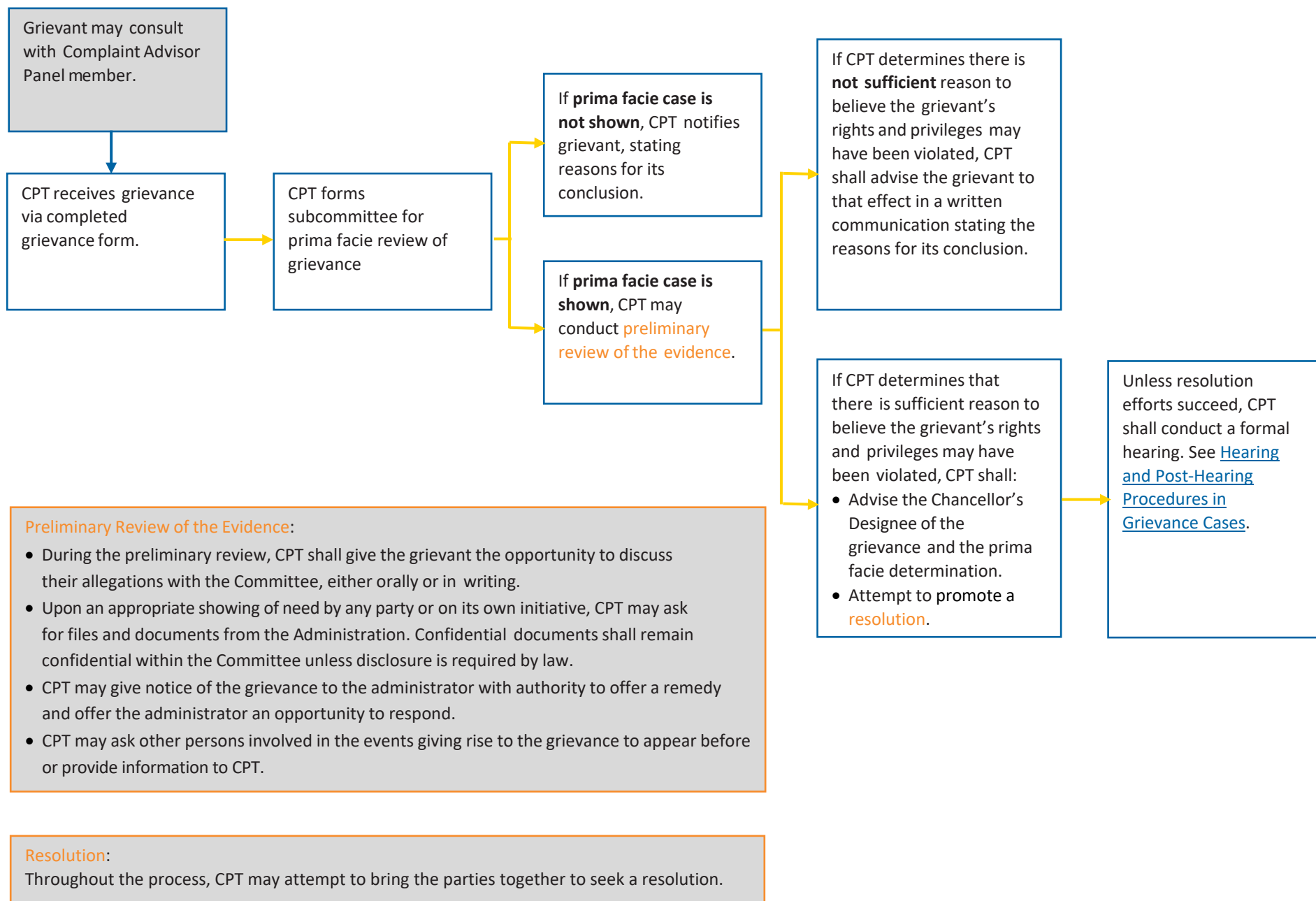
Grievance Cases: [Pre-Hearing](#) and [Hearing and Post-Hearing](#) Procedures

Disciplinary Cases: [Hearing and Post-Hearing Procedures](#)

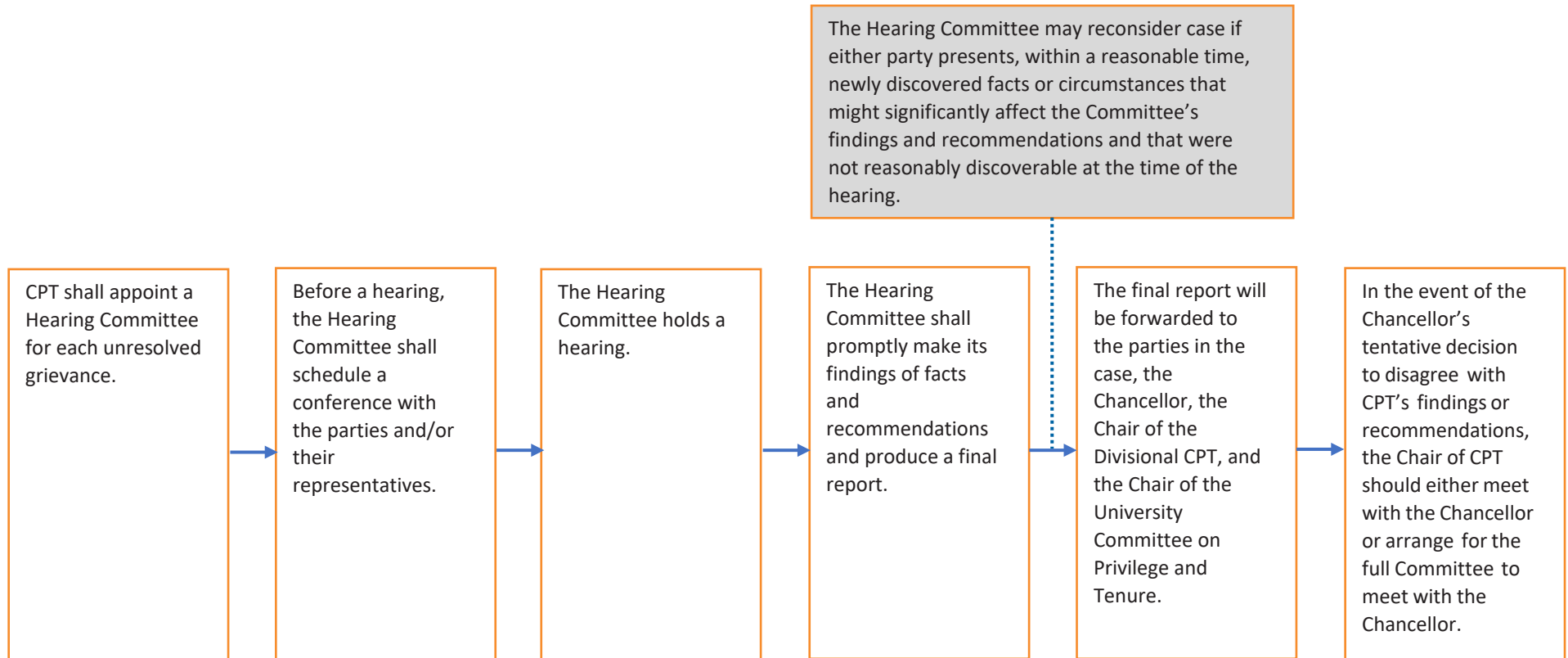
Early Termination Cases: [Hearing and Post-Hearing Procedures](#)

Grievance, Disciplinary, and Early Termination Cases: [Comparison Chart](#)

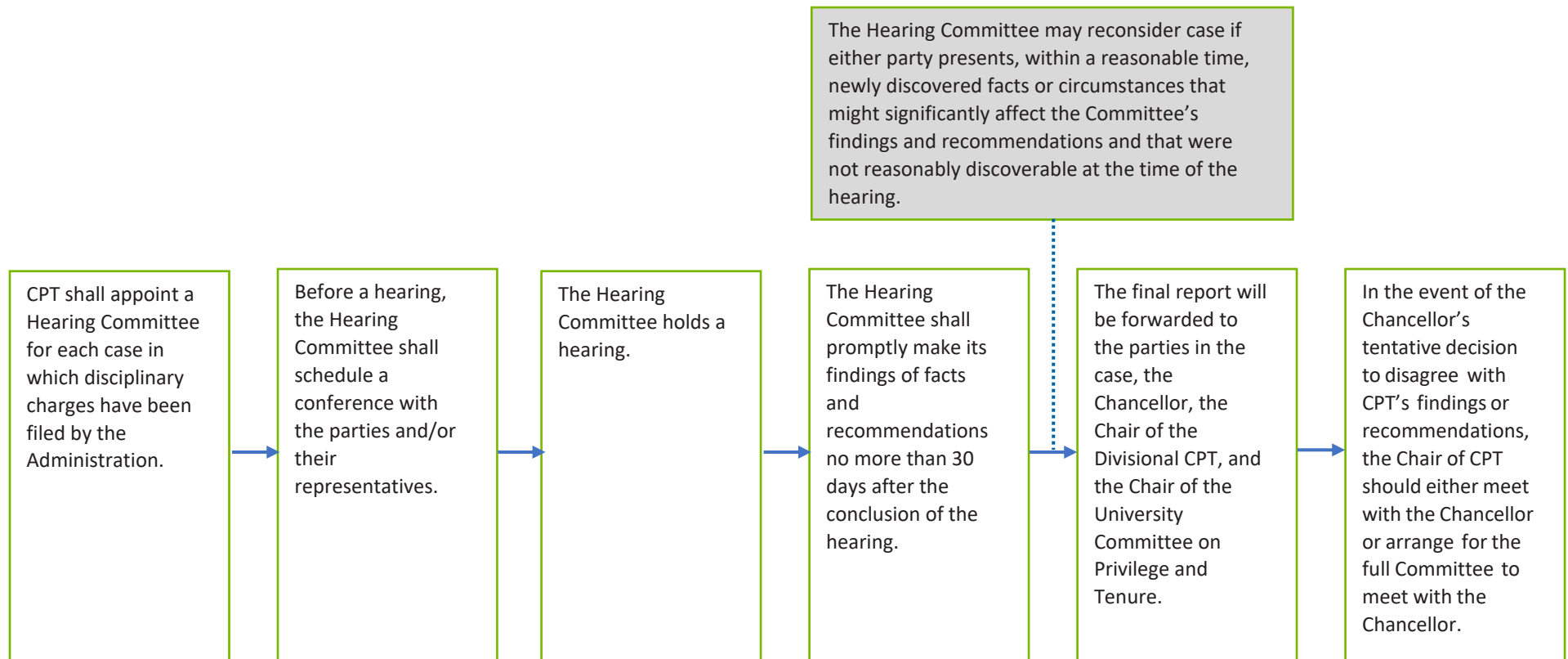
## PRE-HEARING PROCEDURES IN GRIEVANCE CASES (SENATE BYLAW 335)



## HEARING AND POST-HEARING PROCEDURES IN GRIEVANCE CASES (SENATE BYLAW 335)



## HEARING AND POST-HEARING PROCEDURES IN DISCIPLINARY CASES (SENATE BYLAW 336 AND APM 016)



# HEARING AND POST-HEARING PROCEDURES IN **EARLY TERMINATION CASES** (SENATE BYLAW 337 AND APM 075)

**NOTE:** If the hearing has not started by the end of the faculty member's term of appointment, the faculty member no longer has a right to an early termination hearing pursuant to SBL 337. Instead, the faculty member may seek a grievance hearing by grieving the non-reappointment pursuant to SBL 335 in the case of Senate faculty or the Academic Personnel Manual in the case of non-Senate faculty.

The Hearing Committee may reconsider case if either party presents, within a reasonable time, newly discovered facts or circumstances that might significantly affect the Committee's findings and recommendations and that were not reasonably discoverable at the time of the hearing.

CPT shall appoint a Hearing Committee for each request to hold a hearing from a Senate or non-Senate faculty member to determine whether the proposed early termination (a) is for a good cause and (b) has been recommended in accordance with a procedure that does not violate the privileges of the faculty member.

Before a hearing, the Hearing Committee shall schedule a conference with the parties and/or their representatives.

The Hearing Committee holds a hearing.

The Hearing Committee shall promptly make its findings of facts and recommendations and produce a final report.

The final report will be forwarded to the parties in the case, the Chancellor, the Chair of the Divisional CPT, and the Chair of the University Committee on Privilege and Tenure.

In the event of the Chancellor's tentative decision to disagree with CPT's findings or recommendations, the Chair of CPT should either meet with the Chancellor or arrange for the full Committee to meet with the Chancellor.

## CHART COMPARING GRIEVANCE, DISCIPLINARY, EARLY TERMINATION CASES

	GRIEVANCE CASES	DISCIPLINARY CASES	EARLY TERMINATION CASES
<b>INITIATION OF PROCEEDINGS</b>	By Senate member filing grievance with CPT	By the Administration filing written charges with CPT	By Senate or non-Senate faculty member requesting a hearing before CPT
<b>TIME LIMITATIONS</b>	Grievance cannot be considered if filed more than three years after grievant knew or should have known about the violation of rights and privileges and resulting injury	Disciplinary action cannot commence if more than three years have passed between the time when the Chancellor or Chancellor's designee knew or should have known about the alleged violation of the Faculty Code of Conduct ( <a href="#">APM 015</a> )	If the hearing has not begun before the faculty member's term of appointment ends, member loses the right to an early termination hearing and can file a grievance instead
<b>DETERMINATION OF PRIMA FACIE CASE (AND PRELIMINARY REVIEW)</b>	Yes	No	Not applicable
<b>BURDEN OF PROOF</b>	Borne by grievant	Borne by Chancellor or Chancellor's designee	Borne by Chancellor or Chancellor's Designee
<b>STANDARD OF PROOF</b>	Preponderance of the evidence	Clear and convincing evidence (Preponderance of the evidence for SVSH cases)	Clear and convincing evidence
<b>BASIC ISSUE(S) TO BE DETERMINED AT THE HEARING</b>	<ul style="list-style-type: none"> <li>Whether Senate member's rights or privileges were violated</li> <li>In cases involving tenure, promotion, or reappointment, the only issues which may be reviewed are:                             <ul style="list-style-type: none"> <li>(a) whether the procedures were not in consonance with the applicable rules and requirements of the University or any of the Divisions, or</li> <li>(b) whether the challenged decision was reached on the basis of impermissible criteria, including race, sex, sexual orientation, gender identity, or political conviction</li> </ul> </li> </ul>	Whether Senate member or other qualifying faculty member violated the Faculty Code of Conduct ( <a href="#">APM 015</a> )	Whether the proposed early termination is for good cause and has been recommended in accordance with a procedure that does not violate the privileges of the faculty member