

November 2000

Grievances, all persons directly or indirectly involved in the case are requested not to discuss the matter at issue or to express any opinions about it. If it appears desirable that any public statement be made about the case prior to the release of the Committee's Final Grievance Report, such a statement should be made only by the Chair and should be limited to what the Committee has authorized him/her to say.

- j. Upon receipt of the report, the provost will issue a statement to the Committee on Faculty Grievances and to the parties indicating the action which will be taken by the University, and, if the action is at variance with the Committee's recommendation, the reasons for such action.
- k. In any grievance or charge of violation of due process against the provost, s/he will recuse himself/herself, and the Committee on Faculty Grievances will deliver its Final Grievance Report, after formal hearings, to the president and the parties, and to no other persons. Similarly, when the provost has been substantially involved in negotiations to resolve a grievance, s/he will recuse himself/herself if the case still requires a formal hearing, and the Committee on Faculty Grievances will deliver its report to the president and to the parties. The president shall issue a statement to the Committee on Faculty Grievances, to the parties, and to the provost indicating the action which will be taken by the University, and, if the action is at variance with the Committee's recommendations, the reasons for such action.
- l. The final record of the Grievance, including the Formal Grievance, the transcript or recording, and documentary evidence, final or rebuttal statements of the parties, the Final Grievance Report and the provost's or president's statement will be retained by the Office of the Provost for four (4) calendar years from the Grievance Date.

20. Appeal Procedures for Recommendations or Final Action Involving Non-Renewal, Non-Promotion or Denial of Tenure for Tenure Track Appointments

If a faculty member has a grievance with respect to a recommendation or final action regarding non-renewal or non-promotion or denial of tenure for a tenure track appointment, the following procedures apply:

- a. If a faculty member disagrees with the recommendation of the Washington College of Law's Committee on Rank and Tenure, the faculty member should place a written statement in his/her file for action responding to the recommendation. The faculty

November 2000

member should be given one week to provide this written response before the file is forwarded to the dean.

- b. If a faculty member disagrees with the recommendation the dean of the Washington College of Law, the faculty member should place a written statement in his/her file-for-action responding to the recommendation. The faculty member should be given one week to provide this written response before the file is forwarded to the provost or dean of academic affairs.
- c. If a faculty member disagrees with the final action of the provost or dean of academic affairs, the faculty member may appeal to the Faculty Grievance Committee, which will present its findings to the president. The request for an appeal must take place within three weeks of the decision by the provost or dean of academic affairs. A faculty member may file an appeal for the following reasons: 1) improper procedure in handling of the grievance which adversely affected the faculty member and 2) new, relevant, and material evidence unavailable to the faculty member at the time of the original hearing can be presented which may tend to change the outcome of the hearing. The review will be based on the original file for action and the faculty member's written appeal. After receiving the report of the Faculty Grievance Committee, the president may meet with the faculty member or other persons if the president considers it necessary and the president will approve, reject, or amend the provost's decision. The president must state the grounds for his action in writing to the grievant, Faculty Grievance Committee, and the provost. The president's decision is final.

21. Disciplinary Procedures

a. Scope

Unfortunately, from time to time, a faculty member may be disciplined for incompetence, misconduct, or conviction of a felony. Disciplinary sanctions may include, but are not limited to reprimand, suspension, or dismissal. The University may terminate an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, for adequate cause shown.

Disbarment from any bar for professional or ethical misconduct raises a presumption of cause for dismissal. Adequate cause for dismissal will be related, directly and substantially, to the fitness or performance of the faculty member in his/her professional capacity as a teacher or researcher or creative member of