Faculty Rights and Responsibilities Committee

(1) Membership.

The Faculty Rights and Responsibilities Committee (hereinafter committee) shall consist of seven (7) members of the faculty, no more than two (2) of whom shall be from a single faculty division. Each member shall serve a term of three (3) years on a staggered basis. Members who have been elected to a full three-year term are not eligible for re-election until two (2) years have elapsed.

(2) Nominations and Elections.

Nominations for election to the committee shall be by the Nominations Committee and by the faculty in accordance with the regular procedures for elected faculty committees. Elections shall be conducted in the same manner as for other faculty committees.

(3) Chairperson.

The committee shall annually elect a chairperson from among its members.

(4) Powers.

(a) Upon referral by the University Committee, conducts fact-finding concerning allegations of misconduct made against one or more faculty members or against a faculty body and makes recommendations to the Chancellor concerning disciplinary action, or appropriate corrective non-disciplinary action. The Committee may consult informally with individuals concerning questions which may lead to allegations of misconduct prior to the filing of formal complaints with the University Committee.

(Document 1088, 4/20/78; UWM Administration approval, 4/26/78; Regent approval, 7/14/78)

(b) The committee may dismiss the complaint, or refer it to the department or other equivalent administrative unit, or to the faculty member for disposition if the committee does not judge the allegation to be serious enough to warrant its further action.
(c) Upon determination by the committee that misconduct of sufficient magnitude to warrant consideration of dismissal for cause might have occurred, the committee shall refer the matter without further consideration to the Chancellor.

(d) When the Chancellor has brought dismissal charges against a faculty member against whom a complaint has been filed under 5.23 above, the provisions of 5.21 through 5.29 supersede, and any proceedings under 5.40 through 5.46 shall be suspended immediately.

5.45 Committee Procedures

(1) Any person may file a written complaint with the committee, setting forth specifically the alleged misconduct.

(2) Notification.

The committee shall examine all complaints to determine whether a prima facie case exists. When a written complaint is lodged with the committee, the faculty member involved shall be notified. If the committee decides on any action other than dismissal of the complaint, the faculty member concerned shall be informed at once.

(3) Legal Counsel.

At the request of the committee the University shall provide it with legal counsel.

(4) Fair Hearing.

Whenever it is decided to utilize formal fact-finding procedures, the concerned faculty member shall be assured of a fair hearing, including the right to present testimony or evidence in the faculty member's behalf, to cross-examine witnesses, and to be represented by any person of the faculty member's choice. The departmental executive committee shall be consulted, and shall have an opportunity to present evidence through its chairperson or other representative. The provisions for a fair hearing shall include:

(a) Service of notice of hearing with a specification of the complaint at least twenty (20) days prior to the hearing.

(b) A right to the names of the parties bringing the complaints and of access to any documents which may be relevant to the complaint. Adjournments shall be granted to investigate evidence to which a valid claim of surprise is made.
(c) A right to be heard in his/her own defense by all bodies passing judgment.

(d) A right to counsel or other representative and to offer witnesses.

(e) A right to confront and cross-examine witnesses against him/her.

(f) A tape recording shall be made of the hearing. A copy of the tape shall be made available without cost, upon request, to the concerned faculty member.

NEW

1. 5.44 (4): Change the title from "Powers" to "Functions".

2. Add a new 5.44 (4) (a):

   Any person may file a written complaint with the University Committee for referral to the Faculty Rights and Responsibilities Committee or other appropriate faculty standing committee.

3. Renumber current (4) (a) as (4) (b).

4. Add a new heading (5) Powers and change subheadings (b), (c), and (d) to (a), (b), and (c).

5. Eliminate 5.45 (1) and change subheadings (2) through (7) to (1) through (6).

RATIONALE

This amendment will correct a contradiction between current 5.44 (4) (a) and 5.45 (1). The first section requires complaints to first be submitted to the University Committee. The second permits complaints to be sent directly to the Faculty Rights and Responsibilities Committee. The new wording makes clear that all complaints must first be sent to the University Committee for assignment to the proper faculty standing committee.
University Committee
Barbara Borowiecki
Frank Cassell (Chair)
Robert Ingle
Fred Landis
Moises Levy
Erika Sander
Jack Waldheim

Satisfies the Codification Committee's criteria of clarity, internal consistency, and relationship to other policies and procedures governing UWM.