RESOLUTION A.

Motion For Consideration At The Senate Meeting in May, 1973.

WHEREAS an adequate grievance procedure is a necessary prerequisite for academic freedom and

WHEREAS internal disputes have arisen which have not been satisfactorily resolved within the University

BE IT RESOLVED THAT: 1) As the last step in appeal, contested cases be submitted to outside binding arbitration by either the Wisconsin Employment Relations Commission, upon mutual agreement, or the American Association of Arbitrators.

2) The request for such arbitration be submitted to the University Committee within 10 days of the Chancellor's final decision in the contested case.

3) The University Committee meet with the Chancellor and aggrieved party within 10 days of the receipt of the above request in order to determine the Arbitration body.

4) A hearing be scheduled by the selected Arbitration body at a time most convenient to all parties concerned.

5) The hearing body shall give at least 10 days notice of the time, place and nature of such hearing to all concerned parties.

6) Subpoenas by the Arbitration body requiring attendance of witnesses and documentary or tangible evidence be honored when authorized by law, upon request of concerned parties or the Arbitration body itself.

7) The Arbitration body, when authorized by law, shall have the powers:

a. To give notice of and hold hearings;

b. To administer oaths and affirmations;

c. To examine witnesses;

d. To issue subpoenas;

e. To rule upon offers of proof and receive evidence;

f. To regulate the course of the hearing, including the power to eject any person who in any manner interferes with the orderly procedure of a hearing;

g. To hold conferences, before or during the hearing, for the settlement or simplification of issues, with consent of the parties;

h. To dispose of procedural requests or similar matters;

i. To make initial decisions;

j. To take any other action proper under these rules, including the making of findings of fact.

8) Each party has the right to counsel.

9) An official record shall be made of the hearing and transcripts provided upon request.

10) Motions for continuance or postponement shall be granted for good cause.

11) Evidence will be obtained at such hearings by

a. The testimony of witnesses at a hearing shall be upon oath or affirmation administered by an officer of the Arbitration body authorized to administer oaths and shall be subject to cross-examination.

b. Any witness may, in the discretion of the Arbitration body, be examined separately and apart from all other witnesses except those who are parties to the proceeding.

c. The Arbitration body may limit oral argument in its discretion.
12) Every party shall have the right to present his case or defense by oral, documentary or other satisfactory evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and complete disclosure of the facts.

13) The party entitled as of right to the hearing shall have the burden of proof.

14) The rules of evidence and requirements of proof shall conform, to the extent practicable, with those in civil non-jury cases.

15) Heresay evidence shall not be admissible over an objection based on lack of opportunity to cross-examine.

16) Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

17) The stenographic or mechanical record of the testimony and exhibits, together with all papers, requests and rulings filed in the proceedings, shall constitute the exclusive record for decision.

18) The Arbitration body shall render its decision within sixty days after completion of the hearing. The decision shall be accompanied by findings of fact and conclusions of law. A copy of the decision and the accompanying findings of fact and conclusions of law shall be mailed to each party. Each party shall have fifteen days after receipt thereof to submit written exceptions to the proposed decision, to the Arbitration body and to request an opportunity for argument to the Arbitration body thereon. The Arbitration body shall grant such opportunity for argument as soon as it can reasonably be arranged. The Arbitration body shall render its decision, accompanied by findings of fact and conclusions of law, within sixty days after the presentation of the argument.

* The following is essentially from Section 41.400 - Contested Cases - of the Oregon State Law.

Kenneth M. Kapp
Assistant Professor, Dept. of Mathematics
RESOLUTION B.

Motion For Consideration At The Senate Meeting in May, 1973.

WHEREAS one of the fundamental responsibilities of the Chancellor and Higher Administrators is to their Faculty and

WHEREAS action on appeals within a reasonable time period is essential to insure a true protection of academic freedom.

BE IT RESOLVED THAT: 1) Appeals to Higher Administration on matters of appointments be made within 10 days of receipt of notification of adverse action from the Dean or from the last appropriate Administrative level.

2) A conference with the appropriate Administrator(s) be scheduled within 10 days of their receipt of appeal unless a later date is mutually agreed upon.

3) At such a conference the parties concerned decide on a format suitable to the resolution of the appeal with the proviso that the aggrieved party has the right to request a hearing (open or closed) before the Administrator. The hearing to take place within 10 days or later upon mutual agreement.

4) If a hearing is requested, that both parties have the right to summon witnesses and the right of cross examination.

5) The Administrative decision be made within 30 days of the hearing or subsequent conference unless a later date is mutually agreed upon in advance.

6) The Administrative decision be conveyed first orally and then in writing upon request.

7) The Administrative decision must be made upon the evidence adduced at the hearing or conference and explicitly founded therein.

8) Failure of the Administrator(s) to comply with the above will automatically call for review by the Senate upon the request of the aggrieved faculty member.

Kenneth M. Kapp, Senator
Asst. Professor, Dept. of Mathematics