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March 22, 2015

TO: Andrew Hippisley
Chair, University Senate

FROM: David Watt 
Chair, *ad hoc* Faculty Disciplinary Committee

RE: Report

On behalf of the *ad hoc* Faculty Disciplinary Committee, I have attached a revised draft Governing Regulation in response to the charge provided by the Senate Council and the letter of September 19, 2014, from President Capilouto. This attached draft is the final report of the Committee. For the record, of the six members of the Committee, five voted in favor of sending this draft to the Senate Council as its final report, and one voted against.

As you know, the Senate Council discussed a version of this draft at a recent meeting. This discussion and the subsequent amendments were discussed with the General Counsel on March 12. Shortly thereafter, the General Counsel provided his revisions to this draft. A subsequent series of email exchanges and a Committee meeting on March 20 led to a vote to reject most of the General Counsel's amendments.

The Committee now submits its final version of the draft GR as its final report. We recommend that the Senate Council discuss this draft, make changes that it deems appropriate, and send it forward to the University Senate for its consideration. To assist the Council in its deliberations, we have attached the following versions of the draft GR: [1] the original version discussed at the Senate Council meeting; [2] the amended draft from the General Counsel; and [3] the Committee's final report in the form of a draft GR.

We summarize the principal areas of disagreement between the Committee's efforts and those of the General Counsel as follows:

- We are uncomfortable with legal language (e.g., "constitutional provisions", "brief", "conclusions of law", etc.) that obfuscates, at least for faculty not trained in the law, the meaning of this draft GR. We are unaware of other ARs or GRs that rely on language not clearly understood by most faculty.
- We believe that this regulation should be applicable to every faculty member without qualification and certainly without exemption because of administrative responsibilities.



- We reject the notion that an accused faculty member, once found innocent of misconduct by the Faculty Hearing Panel, would be subject to a Dean's appeal leading potentially to a reversal.
- We reject the notion that a "preponderance of evidence" is sufficient for the Faculty Hearing Panel to find an accused faculty member guilty of misconduct

cc: Connie Wood
Elizabeth Debski
Marcy Deaton
David Pienkowski
John Wilson
