



**TO: University Senate**  
**FROM: Bill Brantley, Rules Committee Chair**  
**DATE: April 16, 2015**  
**RE: Proposed changes to 3335-5-04**

**WHEREAS** there must be a well-defined hearing process for faculty members to respond to complaints of gross incompetence, grave misconduct, nontrivial financial fraud, and research misconduct, and

**WHEREAS** the appeal process for the faculty respondent to the decision of the executive vice president and provost needs to be clarified, and

**WHEREAS** the process of conveying the electronic recording of all proceedings before the hearing panel to the executive vice president and provost needs to be clarified, and

**WHEREAS** there is a need for uniformity in the rule for title of executive vice president and provost,

**LET IT THEREFORE BE RESOLVED** that the revision to Faculty Rule 3335-5-04 be approved by the University Senate and respectfully request concurrence of the Board of Trustees.

**3335-5-04 Hearing procedures for complaints against faculty members.**

(A) through (F) Unchanged

(G) Review of appeals by the executive vice president and provost.

(1) After reviewing the record of a case appealed by a respondent or referred by the dean, the executive vice president and provost may:

- (a) dismiss the complaint;
- (b) uphold the dean's decision and proposed sanction;
- (c) uphold the dean's decision with what would reasonably be interpreted as an equivalent or lesser sanction.
- (d) in the case of grave misconduct, research misconduct, or nontrivial financial fraud, increase the sanction.
- (e) in the case of grave misconduct, research misconduct, or nontrivial financial fraud, reverse the dean's decision and impose a sanction.



(2) The executive vice president and provost shall make every effort to reach a decision within fourteen days.

(3) If the executive vice president and provost upholds the dean's decision and proposed termination of employment, or if the executive vice president and provost modifies a sanction that is less than termination, the respondent may appeal to the faculty hearing committee. In all other cases, the executive vice president and provost's decision shall be final.

(4) An appeal by the respondent must be in writing and must be filed with the faculty hearing committee within twenty-one days after notice of the executive vice president and provost's decision was mailed.

(H) The faculty hearing committee.

(1) - (5) Unchanged.

(6) An electronic recording shall be kept of all proceedings at a hearing panel. The recording shall be conveyed by the chair of the faculty hearing committee to the office of the executive vice president and provost.

(7) At the conclusion of the proceedings, the hearing panel shall make separate written findings of fact with respect to each substantive issue raised at the hearing and a recommendation as to a sanction, if any, to be imposed. Such findings of fact and recommendation, together with a recording of the proceedings, shall be transmitted to the president of the university and to the respondent. Findings of the hearing panel shall be based on clear and convincing evidence.

(8) The hearing panel will not be bound by the findings of the college investigation committee or the executive vice president and provost.

(9) The hearing panel may recommend termination of employment of tenured faculty members only in demonstrated cases of gross incompetence, grave misconduct, research misconduct, or nontrivial financial fraud.

(10) The hearing panel shall make every effort to conclude the proceedings within sixty days.



**TO: University Senate**  
**FROM: Bill Brantley, Rules Committee Chair**  
**DATE: April 16, 2015**

**RE: Proposed changes to 3335-5-05**

**WHEREAS** there must be a well-defined hearing process for faculty members to respond to decisions about promotion, tenure and renewal, and

**WHEREAS** the time periods for selection of the hearing panel, the conclusion of the hearing, and the submission of the written report of the hearing by the chair of the hearing committee to the executive vice president and provost need to be clarified, and

**WHEREAS** the process of conveying the electronic recording of all proceedings before the hearing panel to the executive vice president and provost needs to be clarified, and

**WHEREAS** the details of the information contained in the written report from the hearing committee need to be clarified, and

**WHEREAS** the process of conveying the findings and recommendations of the hearing committee to the complainant needs to be clarified,

**LET IT THEREFORE BE RESOLVED** that the revision to Faculty Rule 3335-5-05 be approved by the University Senate and respectfully request concurrence of the Board of Trustees.

**3335-5-05 Procedures concerning faculty complaints about promotion, tenure and renewal decisions.**

(A) and (B) Unchanged

(C) The faculty hearing committee.

(1) Unchanged.

(2) Within 30 days of receipt of a complaint, pursuant to (B)(5) and (B)(6), the faculty hearing committee shall select a hearing panel according to the method provided in rule 3335-5-48.10 of the Administrative Code, to conduct proceedings in order to determine whether there is validity in the complaint. The hearing panel shall make every effort to conclude the hearing within 60 days, and the chair of the faculty hearing committee shall make every effort to submit the written report of the hearing to the executive vice president and provost within 30 days.

(3) Actions being challenged under this rule shall be responded to by the executive vice president and provost or designee.



- (4) In matters involving allegations under paragraph (A)(3)(b) of this rule, the hearing panel shall conduct its proceedings in a collegial manner in accordance with the following guidelines:
- (a) The complaint shall be set forth in writing and a copy furnished to the party or parties that are alleged to have committed the infringement.
  - (b) The hearing panel may restrict the attendance of persons at the proceedings, provided that the complainant shall not be denied the right to have one observer of his or her choosing present at all times.
  - (c) Both complainant and respondent shall have the right to be accompanied and advised by any person of their choice, to present witnesses and evidence on their own behalf, and to examine witnesses and evidence.
  - (d) The hearing panel shall receive such testimony and other evidence as it deems to be material and relevant to the issues before it.
  - (e) An electronic recording shall be kept of all proceedings ~~before~~ at a hearing panel. The recording shall be conveyed by the chair of the faculty hearing committee to the office of the executive vice president and provost.
- (5) Unchanged.
- (6) At the conclusion of a hearing, the hearing panel shall make every effort to prepare a written report within 30 days that:
- (a) Makes separate findings of fact with respect to each substantive issue raised at the hearing.
  - ~~(a)~~ (b) Dismisses the complaint if it determines that there has been no improper evaluation.
  - ~~(b)~~ (c) When it has found that an improper evaluation has been made, submit its findings to the dean of the college in which the complainant is a member and to the executive vice president and provost. The executive vice president and provost, in consultation with the hearing panel and the chair of the faculty hearing committee, shall take such steps as may be deemed necessary to assure a new, fair, and impartial evaluation. A copy of the hearing panel's findings shall also be sent to the president. makes a recommendation as to steps that could be taken to assure a new, fair, and impartial hearing.
  - (d) Shall be submitted to the dean of the college in which the complainant is a member and to the executive vice president and provost. The executive vice president and provost, in consultation with the hearing panel and the chair of the faculty hearing committee, shall take such steps as may be deemed necessary to assure a new, fair, and impartial evaluation. A copy of the hearing panel's findings shall also be sent to the president.
- (7) If a decision is remanded under paragraph (C)(6)(~~b~~c) of this rule, it shall be reconsidered promptly. Within thirty days of the receipt of the hearing panel's decision, the executive vice president and provost shall respond in writing to the hearing panel and the president, stating what action has been taken and the reasons therefor.
- (8) AHA copy of all findings and recommendations of a hearing panel shall be made in writing and a copy shall be provided to the complainant.



**TO: University Senate**  
**FROM: Bill Brantley, Rules Committee Chair**  
**DATE: April 16, 2015**  
**RE: Proposed changes to 3335-5-37**

**WHEREAS** the voting membership of the university senate undergoes changes as the university evolves, and

**WHEREAS** there is no longer a freshman senate,

**LET IT THEREFORE BE RESOLVED** that the revision to Faculty Rule 3335-5-37 be approved by the University Senate and respectfully request concurrence of the Board of Trustees.

**3335.5-37 Membership.**

There shall be a university senate, a unicameral body constituted as follows:

(A) Voting members: the voting members of the senate (throughout this document the word "senate" shall be taken to mean the university senate) shall consist of:

Twenty-six administration members

Seventy faculty members

Forty-one student members, consisting of twenty-six undergraduate, ten graduate, and five professional student members.

Any change in the number of members representing one of three primary categories shall necessitate an adjustment in the total membership in order to maintain to the nearest percentage the ratio of these numbers.

(B) Non-voting members: senate members not entitled to vote on the floor of the senate, but otherwise to participate in all senate deliberations, shall include the chair of faculty council (if not a member of the senate), the president of the alumni association, the secretary of the university senate, ~~the president of the freshman senate~~, the president of the undergraduate student government, the president of the council of graduate students, and the president of the inter-professional council, and the chair of the university staff advisory committee.



**TO: University Senate**  
**FROM: Bill Brantley, Rules Committee Chair**  
**DATE: April 16, 2015**  
**RE: Proposed changes to 3335-5-47.1**

**WHEREAS** the membership of the steering committee has been increased from fourteen to seventeen, and  
**WHEREAS** there is a need for clarification of the voting and nonvoting members of the steering committee,  
**LET IT THEREFORE BE RESOLVED** that the revision to Faculty Rule 3335-5-47.1 be approved by the University Senate and respectfully request concurrence of the Board of Trustees.

**3335-5-47.1 Steering committee.**

~~(A) Membership.~~

~~(1) Six faculty.~~

~~(2) Four students.~~

~~(a) The president of the council of graduate students. The vice president of the council of graduate students may attend steering committee meetings with full voting privileges if the president cannot attend.~~

~~(b) The president of the inter-professional council. The vice president of the interprofessional council may attend steering committee meetings with full voting privileges if the president cannot attend.~~

~~(c) Two undergraduate students, one of whom is the president of the undergraduate student government. The vice president of the undergraduate student government may attend steering committee meetings with full voting privileges if either student cannot attend.~~

~~(3) Four administrators.~~

~~(a) The executive vice president and provost.~~

~~(b) The senior vice president for business and finance.~~

~~(c) The secretary of the university senate (non-voting).~~

~~(d) A dean.~~

(A) Membership.

The steering committee shall consist of seventeen members.

(1) Fifteen voting members

(a) Six faculty members elected by faculty council as specified in the faculty council bylaws.

(b) The chair of faculty council.

(c) Four student representatives:



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(i) The president of the council of graduate students. The vice president of the council of graduate students or another designee who is a member of the university senate may attend steering committee meetings with full voting privileges if the president cannot attend.

(ii) The president of the inter-professional council. The vice president of the inter-professional council or another designee who is a member of the university senate may attend steering committee meetings with full voting privileges if the president cannot attend.

(iii) The president of the undergraduate student government. The vice president of the undergraduate student government or another designee who is a member of the university senate may attend steering committee meetings with full voting privileges if the president cannot attend.

(iv) An undergraduate student who is a member of the university senate and who is appointed by the vice president of the undergraduate student government.

(d) Three administrators. \_\_\_\_\_

(i) The executive vice president and provost.

(ii) The senior vice president for business and finance.

(iii) A dean appointed by the president.

(e) The chair of the university staff advisory committee.

(2) Two nonvoting members

(a) The secretary of the university senate.

(b) The chair-elect of faculty council.

(B) and (C) Unchanged.



**TO: University Senate**  
**FROM: Bill Brantley, Rules Committee Chair**

**DATE: April 16, 2015**

**RE: Proposed changes to 3335-8-27.1**

**WHEREAS** undergraduate students may encounter challenges that affect their academic performance at any point during their academic careers, and

**WHEREAS** the increasing numbers of first-year students who enter the university with more than 30 credit hours already completed may experience the same transitional challenges as any first-year student, and

**WHEREAS** the current Freshman Forgiveness Rule, in permitting students to repeat a course and replace the original grade in the calculation of the GPA, arbitrarily and unfairly limits that opportunity to students who earned grades of "E," "D," or "D+" while having completed fewer than 30 credits, and

**WHEREAS** few other institutions limit grade-replacement policies to courses taken during the first year, and

**WHEREAS** proposed changes will extend more equitably the benefits of repeating a course under the provisions of the rule; limit a student's use of the rule to three courses; and require that students petition with their college or enrollment unit before repeating a course under the rule;

**LET IT THEREFORE BE RESOLVED** that the revisions to Faculty Rule 3335-8-27.1 be approved by the University Senate and respectfully request concurrence of the Board of Trustees.

~~3335-8-27.1 Freshman forgiveness rule.~~

~~(A) If a course in which an undergraduate student receives a grade of "D+," "D," "E," or "EN," taken during the freshman year (the period during which the first twenty nine credit hours are accumulated on the student's official permanent record) is repeated before the end of that student's sophomore year (when the student will have accumulated a total of fifty nine credit hours), the original course credit and grade will be automatically excluded from the calculation of the student's cumulative point hour ratio and deficiency points, but will remain on the student's official permanent record. This action will be subject to the following conditions:~~

~~(1) If the grade in the original course was a "D+" or "D," a student may repeat the course for credit only upon the recommendation of the authorized representative of the dean, or director of the student's enrollment unit. Such recommendation must be obtained before noon of the second Friday of the semester or summer term in which the repeated course is taken.~~

~~(2) The same course may be repeated only once under this rule.~~

~~(3) This rule may be applied for a maximum of fifteen credit hours.~~

~~(B) The graduate school and graduate professional colleges may formulate appropriate modifications of paragraph (A) of this rule, subject to the approval of the council on academic affairs, and publish the rule in their bulletins.~~



**3335-8-27.1 Grade forgiveness rule.**

- (A) Undergraduate students may petition the authorized representative of the dean or director of their enrollment unit to repeat a course and, after completing the course the second time, have the original course credit and grade excluded from the calculation of the student's cumulative point-hour ratio, but remain on the student's official permanent record. This action will be subject to the following conditions:
- (1) Permission to apply this rule must be obtained by the second Friday of the semester or summer term (the second Friday of a session during autumn or spring semesters, or a summer session; or the first Friday of a May session) in which the repeated course is taken.
  - (2) The same course may be repeated only once under this rule.
  - (3) This rule may be applied for a maximum of three courses.
- (B) The graduate school and graduate professional colleges may formulate appropriate modifications of paragraph (A) of this rule, subject to the approval of the council on academic affairs, and publish the rule in their bulletins.