

reasonable time but not less than ten, or more than thirty, consecutive calendar days after the date of the receipt of the request for hearing. Not less than twenty days shall be allowed between the delivery of the Charge to the Respondent and the beginning of the hearing.

- b. Any request for continuance shall be made by the Respondent, Complainant or Relator in writing to the Chairman, who shall have discretionary authority to continue the hearing within the time limits fixed under Section 310.060 B.4.a upon determining that the request is timely and made for good cause. Any continuance beyond the time limit fixed must be by action of the Committee and approved by the Chancellor.
 - c. In accordance with standing University policy in personnel matters, such hearings shall not be open to the public.
 - d. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by the Relator, the Complainant, the Respondent, the Committee, or administrative officers will be avoided until the proceedings have been completed, including final appeal.
5. Conduct of Hearing -- The Chairman shall preside at the hearing, call the hearing to order, call the roll of the Committee in attendance, ascertain the presence or absence of the Respondent, the Complainant (when applicable) and the Relator, read the notice of hearing, read the Charge and Answer, verify the notice of the Charge to the Respondent, report any continuances requested or granted, establish the presence of any advisor or counselor of either party, call to the attention of the Respondent and Respondent's advisor any special or extraordinary procedures to be employed during the hearing, and permit the Respondent to suggest or object to procedures. Formal rules of evidence shall not be required.
- a. Opening Statements
 - (1) The Relator shall make opening remarks outlining the general nature of the case. Such remarks shall not be considered as evidence. The Relator may give evidence, but only if called to testify as a witness.
 - (2) The Respondent may also make an opening statement to the Committee about the charge, either at this time or at the conclusion of the Relator's presentation, at the Respondent's election. Such remarks shall not be considered as evidence. The Respondent may give evidence, but only if called to testify as a witness.
 - (3) The Complainant may make an opening statement to the committee about the allegation(s) in the Charge which were previously decided pursuant to the process in Section [600.030](#) or [600.040](#). Such remarks shall not be considered as evidence.
 - b. Evidence for Matters Previously Decided

!

!

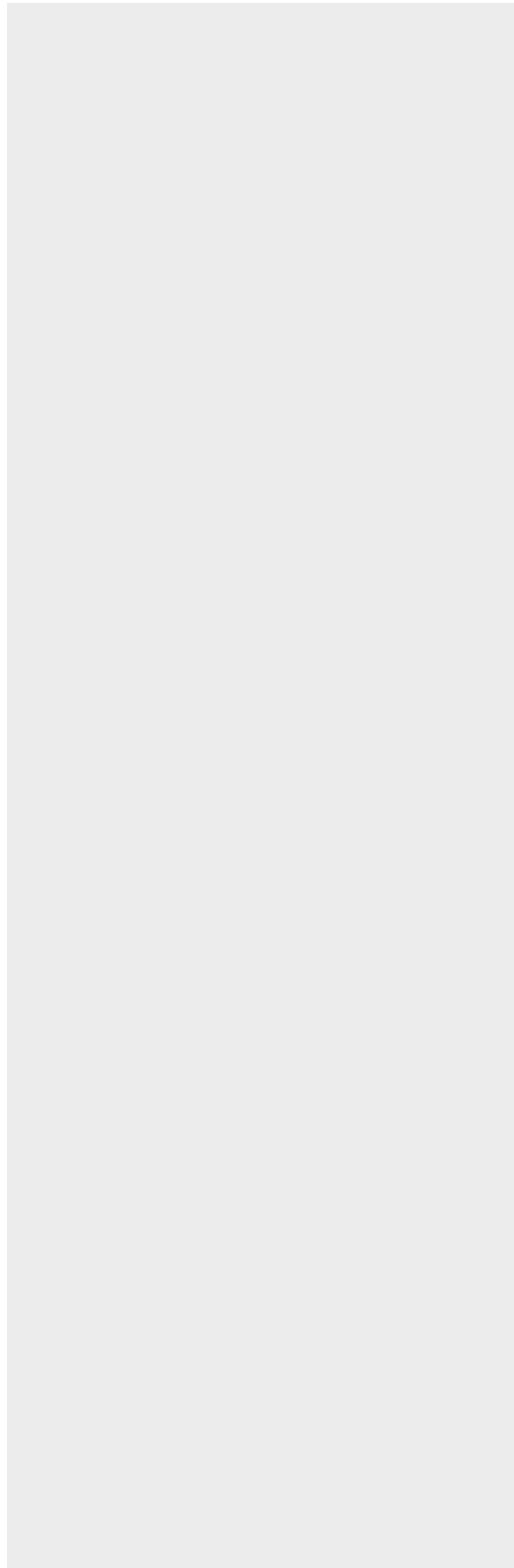
"#\$%&'#!

600.040 Process will follow the process in Section 310.060.
(3) If the Committee determines that there is good cause to believe that there is new evidence, unavailable during Section 600.030 or 600.040

!

()# ' !*!+ (' , # ' -!*!. /00!

!"#\$%&'()*+(-,).:;!;



!

!

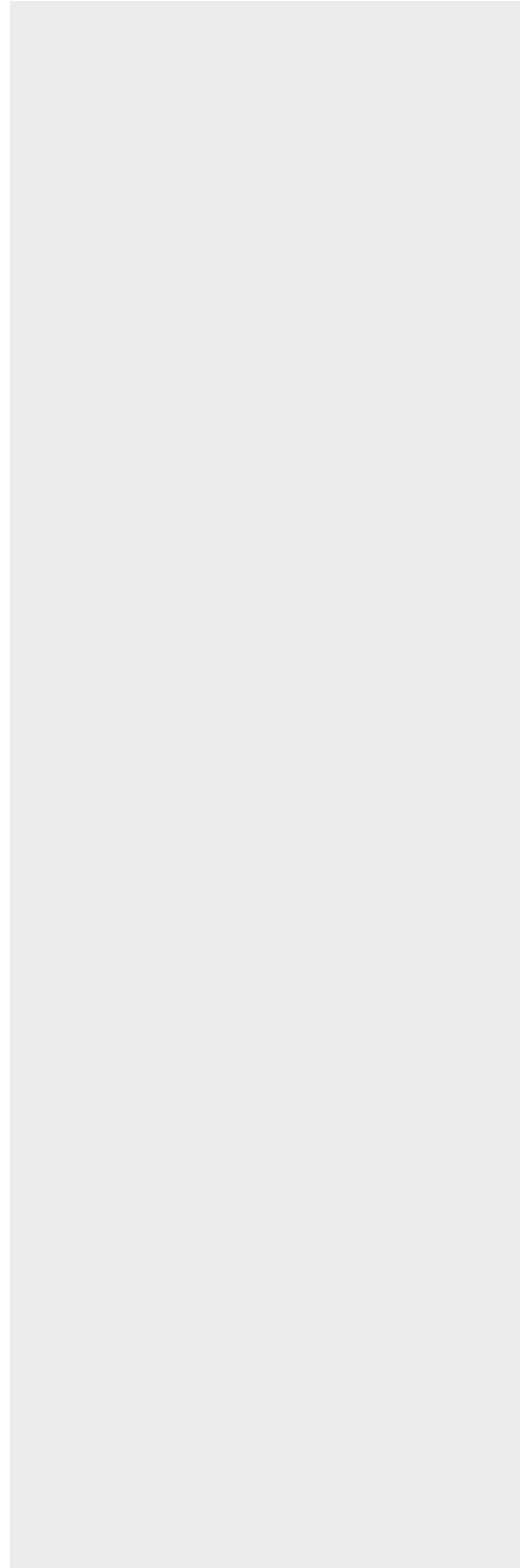
"#\$%&'#!

h.

!

()# ' !*!+ (' , # ' -!*!. /04!

!"#\$%&'()*~i(,) ,!



!

!

"#\$%&'#!

(5) To question witnesses present and testifying at the hearing for allegations contained in the Charge which were not previously within the jurisdiction of and not previously decided pursuant to the process in Section [600.030](#) or 600.040.

(6) To make any statement to the Committee in mitigation or explanation of the conduct in question.

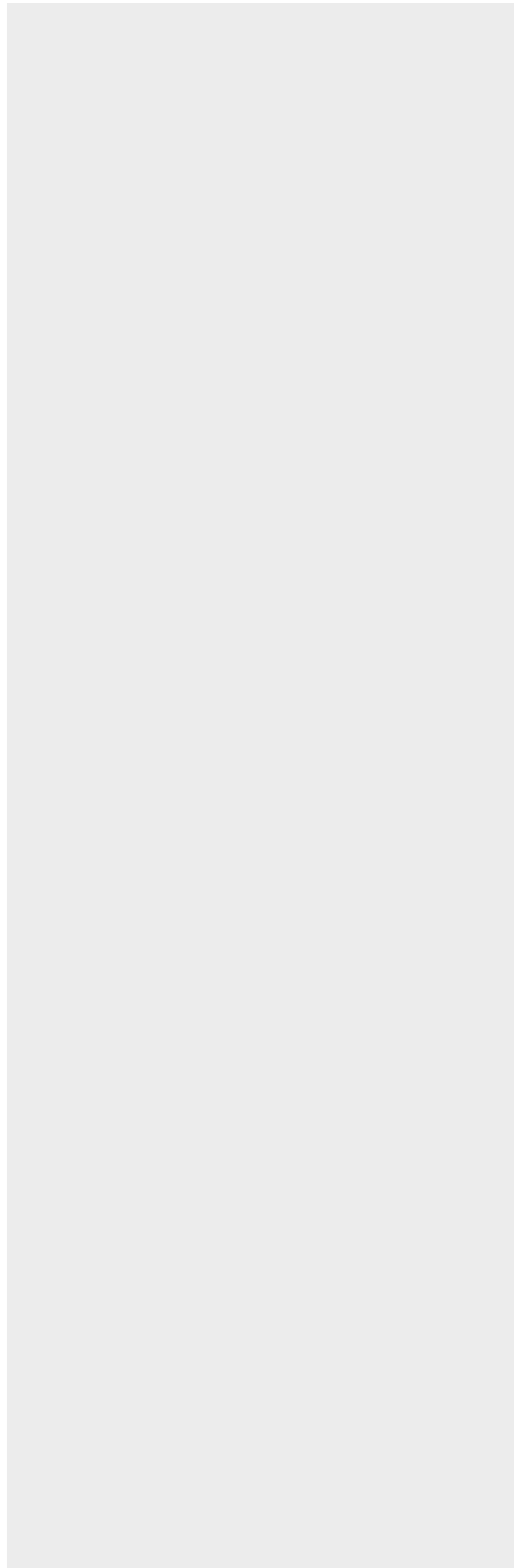
(7) To be informed in writing of the findings of the Committee and its recommendation on the Charge.

c.

!

()# ' !*!+ (' , # ' -!*!. /0.!

!"#\$%&'()*+(-),.!



the Relator and Respondent. Separate findings of fact are to be made as to each count of the Charge, and a recommendation made based upon the findings on all charges. Before recommending dismissal of the Respondent, the Committee shall be convinced by the evidence in the record considered as a whole that one or more counts have been sustained and that such count or counts warrant dismissal.

- a. Official Report of Findings and Determination -- Promptly after the hearing and, in any event, within ten consecutive days after receipt of the record, the Committee shall make its findings of fact and recommendations in writing and transmit them to the Chancellor, to the Relator, to the Complainant (when applicable and as it relates to the allegation(s) in the Charge previously decided pursuant to the process in Section [600.030 or 600.040](#)) and to the Respondent forthwith. If the Committee concludes that adequate cause for dismissal has not been established, and therefore tenure is not involved, but that some discipline or penalty less than dismissal may be appropriate, it may recommend that the Record of the Case be referred to the appropriate campus-level Committee for its recommendation to the Chancellor.
- C. Record of Case -- A taped or stenographic record of the hearing shall be taken and shall be maintained for five (5) years. The notice, exhibits, hearing record, a copy of the Record of the Case in [a Section 600.030 or 600.040](#) Process, when applicable, and the findings and determination of the Committee shall become the "Record of the Case," shall be filed in the Office of the President of the University, and shall be available only for official purposes, and for the purpose of appeal be accessible at reasonable times and places both to the Relator and the Respondent. In the event of an appeal, no new evidence shall be taken in the case, but the appellate authority may remand the matter for further evidence to the Committee. Either party may have any such record of the hearing reduced to writing for the purposes of appeal.
- D. Determination by Chancellor and Right of Appeal
 - 1. The Chancellor shall make a determination in the matter after giving due consideration to the findings and recommendations of the Committee and may remand the matter to the Committee or to the decision maker in the Section [600.030 or 600.040](#) Process, when applicable, for further proceedings. Upon reaching this determination, the Chancellor shall notify the Respondent, the Complainant (when applicable and as it relates to the allegation(s) in the Charge previously decided pursuant to the process in Section [600.030 or 600.040](#)) and Relator in writing of the determination and disposition. The Respondent, Complainant or Relator shall be entitled to appeal to the President of the University as provided in Section 310.060 D.3. The Complainant's right to appeal and have access to records related to the appeal in Section 310.060.D are limited to the allegation(s) in the Charge which were previously decided pursuant to the process in Section [600.030 or 600.040](#). When the allegation(s) in the Charge was previously decided pursuant to Section [600.030 or 600.040](#) and if the Chancellor determines that adequate cause for termination has not been established, the Chancellor, in consultation with the Provost, shall determine sanctions less than termination for cause. The determination of sanctions less than termination for cause is stayed pending the appeals related to the Chancellor's decision as to termination and are not part of those appeals.
 - 2. When permitted by these Regulations, the Respondent, Complainant or Relator may appeal a decision of the Chancellor by filing written notice of appeal

!

!

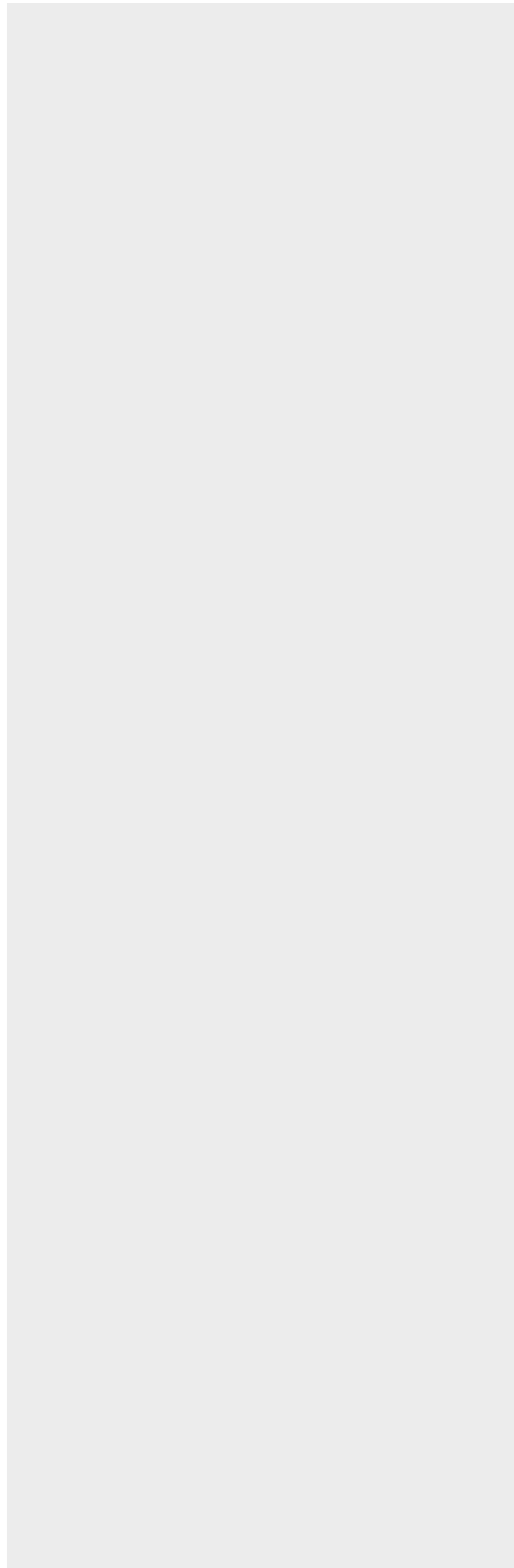
"#\$%&'#!

within seven (7) consecutive calendar days after notice of the decision of the Chancellor with the President. A copy of the Notice of Appeal will

!

()# ' !*!+ (' , # ' -!*!. /06!

!"#\$%&'()*+,-,./



!

!

"#\$%&'#!

!

()# ' !*!+ (' , # ' -!*!. /07!

!"#\$%&'()*~i(,) ,!

