

Professional Standards Committee Minutes
April 22, 2005

Members present: Bartanen, Breitenbach, Hannaford, Kirchner, Moore, Riegsecker, Ward, Weisz.

The meeting was called to order at 11:00

Minutes for the April 15, 2005 meeting were approved as altered.

Breitenbach noted that minutes for the October 28, December 9, and January 21 PSC meetings had not been posted on the web; members agreed to resend the minutes so that they could be posted. The committee then agreed to take up the review of the guidelines for evaluations for the Art Department and Environmental Studies program April 29 and also to begin revising the buff document at that meeting.

The Committee continued its discussion of Chapter III, sections 6 and 7 of the Code, reading through another draft of suggested language. Members agreed that the draft was sufficiently polished that it ought to be brought to the faculty as a whole to consider. This was deemed a task for next year's PSC. The committee will forward the draft to the Senate as appendix to the committee's year-end report. A copy of the proposed version is also included as an appendix to the current minutes.

The committee then discussed a draft of the committee's year-end report to the Senate. The final version is included as an attachment to these minutes.

The meeting adjourned at 11:55

Respectfully submitted,

Susannah Hannaford

**Report to the Faculty Senate
Professional Standards Committee
Academic Year 2004-2005
May 2, 2005**

The members of the Professional Standards Committee (hereafter PSC) are William Breitenbach (chair), Susannah Hannaford, Grace Kirchner, John Riegsecker, Sarah Moore, Keith Ward, Carolyn Weisz, and Kristine Bartanen (ex officio).

The PSC has met twenty-nine times and plans to meet at least once more before the end of the year. What follows is a summary of the most important work of the PSC in 2004-2005.

Code Amendment

Chapter II, sections 4 and 5: Reappointment and grounds for non-reappointment. (This amendment originated from the PSC in 2003-2004. It received its second reading and was adopted by the faculty on September 14, 2004. It was approved by the Board of Trustees at its meeting in October 2004. For the text of this amendment, see the minutes for the faculty meeting of September 14, 2004.)

Formal Interpretations of the Code

Revisions to the Code appendix that lists formal interpretations of the Code. (These revisions were necessitated by the amendments to the Code in 2002, which made many of the citations in the appendix inaccurate and some of the interpretations obsolete. The revisions were submitted to the Faculty Senate as formal interpretations of the Code on October 7, 2004; were published in the Senate minutes of November 1, 2004; and were approved by the Board of Trustees on February 17, 2005. Since that time we have discovered that at least one formal interpretation [approved by the Board of Trustees in May 1997] had not been added to the appendix after being approved. The PSC has taken steps to insure that no other formal interpretations are missing and that in the future the appendix will be regularly updated to reflect trustees' approval of formal interpretations of the Code.)

Interpretation of Chapter III, Section 2: Delaying a scheduled evaluation. (This formal interpretation gives the dean authority to grant a faculty member's request to delay an evaluation. It also establishes procedures to be followed in such cases. The formal interpretation was submitted to the Faculty Senate on November 18, 2004; was published in the Senate minutes of December 13, 2004; and was approved by the Board of Trustees on February 17, 2005.)

Interpretation of "working days." (This formal interpretation defines "working days," a phrase that appears many places in the Code. It also permits but does not require Code processes to go forward on non-working days, if all parties consent. The formal interpretation was submitted to the Faculty Senate on January 31, 2005; was published in the Senate minutes of January 31, 2005; and awaits approval by the Board of Trustees.)

Non-Formal Interpretations of the Code

The PSC has tried to be more open about publicizing its non-formal interpretations of the Code while at the same time maintaining the confidentiality it owes faculty colleagues in personnel matters, which inevitably occasion many of the inquiries that lead to non-formal interpretations. This year the PSC has consciously sought to make its minutes more detailed and transparent (see the discussion in the PSC minutes of September 30, 2004). The PSC also submitted to the Faculty Senate on October 21, 2004, a memorandum that explains the criteria used by the PSC in deciding whether an interpretation should take the form of a formal written interpretation or the form of a non-formal interpretation. This memorandum was published with the Faculty Senate minutes for November 1, 2004. The following list of non-formal interpretations reflects the PSC's ongoing effort to balance the competing demands of confidentiality and disclosure.

Non-formal interpretation of Chapter III, Section 4. a, and Chapter I, Part C, Section 3: Participation in evaluations by colleagues with inveterate hostility for one another. (At its meeting on September 23, 2004, the PSC responded to an inquiry from the dean about the options available in an evaluation when two departmental colleagues have a long-standing hostility. The PSC came to the following conclusion: The Faculty Code repeatedly states the importance of participation in colleagues' evaluations as part of our acceptance of self-governance as professionals. Moreover, the Code emphasizes the importance of participating with fairness and integrity during such evaluations. The Code in Chapter III, Section 4, a (3) (e), does permit variations in the department, school or program evaluation process. This provision might be used to excuse or recuse an individual from a colleague's evaluation. Implementation of this provision involves a formal process that must be "mutually agreed to by the evaluatee, head officer, the dean, and the Advancement Committee" in advance of the evaluation process. If no agreement can be reached, an individual has the option of filing a grievance.)

Non-formal interpretation of Chapter III, Section 2: Delaying a scheduled evaluation. (At its meeting on October 21, 2004, the PSC interpreted this section as giving the dean discretionary authority to review a faculty member's request to delay a scheduled evaluation and to approve the request if the dean determined that circumstances warranted approval. This non-formal interpretation arose as a response to a time-sensitive request by a faculty member. The PSC later issued a formal interpretation on this topic [see above]).

Non-formal interpretation of Chapter I, Part B, Section 1: Definition of tenure-line faculty. (In response to an inquiry by a department about the definition of "tenure-line faculty," the PSC at its meeting on November 23, 2004, issued a non-formal interpretation stating that "it is not a violation of the Code to consider as a tenure-line faculty member a person who was hired into a tenure-line position and is in the final year of a terminal contract." At this same meeting, the PSC noted that the Code's definition of "tenure-line faculty" is "ambiguous and confusing." The PSC proposes to bring the issue to the faculty at some future date in the form of a Code amendment or a formal Code interpretation.)

Non-formal interpretation of Chapter III, sections 4. b (1) (c) and 4. b (2) (d): Head officer's minority recommendation in evaluations. (In response to an inquiry by a faculty member, the PSC at its meeting on January 28, 2004, interpreted these sections to mean that a head officer must submit a minority recommendation to the Faculty Advancement Committee if he or she votes in the minority when the department, school, or program reaches its recommendation in an evaluation of a faculty member. At its meeting on February 4, 2005, the PSC concluded that this interpretation should be a non-formal rather than formal interpretation. However, the PSC did

agree that it would be useful to mention this interpretation in the annual statement of “Faculty Evaluation Criteria and Procedures” [often referred to as the “buff document”].)

Non-formal interpretation of Chapter III, section 5. b, c, and d: Colleagues’ letters in streamlined five-year evaluations of full professors. (At its meeting on February 18, 2005, the PSC responded to an inquiry from a head officer about whether a head officer must include colleagues’ letters and/or summaries of colleagues’ letters when such letters are submitted to a head officer who is conducting a so-called streamlined five-year review of a full professor. The PSC concluded that the Code does not require the head officer to include such letters and/or summaries of the letters in the evaluation file when the file moves forward to the dean and the Advancement Committee. The decision to do so or not do so is at the discretion of the head officer. However, the PSC also noted that the faculty might wish to review this question in the future.)

Inquiries, Advice, and Applications of Existing Code Provisions or Interpretations

The following items arose in response to inquiries about the Code. The sense of the PSC is that in responding to these inquiries, it was not issuing new interpretations but rather applying the provisions of the Code and existing Code interpretations to particular situations. The PSC acknowledges, however, that the line between non-formal interpretations on the one hand and advice and applications on the other hand is a blurry one. So, in the interest of openness, the PSC is providing this list of its Code-related actions.

Evaluation letters from outside the university that are received after the deadline. (At its meeting on October 14, 2004, the PSC received an inquiry from the dean asking if a letter sent directly to the dean’s office by someone outside the university should be included in an evaluation file if it does not arrive ten days prior to the due date for submitting the file to the dean’s office. The PSC came to the following conclusion: Since the PSC’s interpretation of Chapter III, sections 4 a (1) and 4 a (1) (c), which appears on page 17 of the 2004-05 edition of “Faculty Evaluation Criteria & Procedures,” requires that outside letters be forwarded to the head officer, and that letters sent to the head officer should be received at least ten working days before the file is due at the Academic Vice President’s Office, the PSC voted that such a letter should not be included in the evaluation file.)

Request for a summary of a grievance hearing. (At its meeting on October 14, 2004, the PSC received a request from a participant in a grievance for a copy of the summary of the grievance hearing, as described in Chapter VI, Section 4. c (9). The PSC declined to provide a copy of the summary, noting that the summary is part of the final report, which the PSC is instructed to send to the president. Accordingly, the PSC asked the participant to direct the request for a summary to the president.)

Adequate classroom visitation. (At its meeting on October 7, 2004, the PSC received an inquiry from the dean about what constitutes adequate classroom visitation as called for in Chapter III, sections 4. a (1) (b) and 4. c (4). In particular, the PSC was asked the provenance of the frequently cited standard that a minimum of two visits by two faculty members is needed to constitute adequate classroom visitation. After some investigation, the PSC found the origin of this standard in a formal written interpretation of Chapter III, Section 4. a (1) (b), and in a memorandum sent by the PSC to the Mathematics Department on October 23, 1998, explaining this formal written interpretation. Accordingly, at its meeting on November 4, 2004, the current PSC decided not to issue another formal or non-formal interpretation, but rather to reaffirm the

existing interpretation and to include its reaffirmation in the next revision of the “Faculty Evaluation Criteria and Procedures” [the buff document].

The following is the PSC’s reaffirmation of the existing interpretation: The PSC reaffirms its past memoranda that adequate visitation would require more than one visit by more than one faculty member (i.e., *at least* two visits by two faculty members). The PSC also notes that the head officer is charged with evaluating the number and type of class visitations and determining the degree to which this pattern provides the basis for “adequate consideration.” In turn, the Faculty Advancement Committee judges whether or not this pattern is indeed adequate (Chapter III, Section 4 c [4]). Thus, although two class visits made by two faculty members from a given department or program may constitute a *minimum* number of required visits, this pattern might not necessarily amount to *adequate* consideration. The final determination of adequacy rests with the head officer and the Faculty Advancement Committee.)

Evaluation cycle and salary steps for Instructors. (At its meeting on January 28, 2005, the PSC received two inquiries from the dean concerning the effects of a change in the compensation arrangements for Instructors. In response to the first inquiry, the PSC concluded at this meeting that the dean has authority to coordinate the timing of the evaluation cycle to avoid evaluations in back-to-back years. In response to the second question, the PSC ultimately concluded that steps in the Instructors’ salary scale do not involve changes in status as defined by the Code and hence are the prerogative of the dean. See the PSC minutes for February 4 and 25, 2005.)

Disposition of the report of a hearing board for an appeal at the departmental level. (At its meeting on March 25, 2005, the PSC received an inquiry from the dean about Chapter III, Section 4. b and Section 6. d (3). The issue was how a hearing board reports a finding that probable cause for an appeal at the departmental level does not exist. The current Code language, which was applicable when all hearing board decisions went to the president and the Board of Trustees, is inconsistent with newer Code language, which allows appeals at the departmental level before the evaluation file has gone to the Faculty Advancement Committee. The PSC decided that Chapter III, Section 4. a (3) (e), which permits variations in evaluation procedures by agreement of the evaluatee, head officer, dean, and Faculty Advancement Committee, could be used to handle this problem until such time as the Code can be amended.)

Other Code-Related Business

The PSC spent a good portion of the spring semester discussing in systematic fashion Chapter III, Sections 6 and 7, of the Code. These sections, which cover respectively the procedure for an appeal and the procedure for a hearing, were not adequately revised when the faculty and trustees amended the Code in 2002 to introduce a new opportunity for appeals at the departmental level of evaluation. In addition, questions have arisen about the function and the responsibilities of hearing boards. Rather than issue a series of piecemeal interpretations and proposed amendments, the PSC decided to draft a revision of these sections that could be brought to the faculty next year as a starting point for the faculty’s discussion of possible amendments to the Code. The PSC wants to emphasize that it is not the PSC but the faculty (with the concurrence of the Board of Trustees) that must ultimately decide what they want these sections of the Code to say. The PSC offers the draft as an invitation to faculty discussion, a discussion that should also draw on concurrent work being done by the Faculty Senate and the Senate’s Ad Hoc Committee on Evaluation, Tenure, and Related Topics. A copy of the PSC’s draft is appended to this report.

Administrative Business

Approval of the annual memorandum sent to all faculty members describing the guidelines for administration of student evaluations (September 2, 2004)

Approval of revised evaluation guidelines for the School of Occupational Therapy and Physical Therapy (October 21, 2004)

Approval of evaluation guidelines for the Program in International Political Economy (January 21, 2005)

Approval of revised evaluation guidelines for the Department of Comparative Sociology (March 4, 2005)

Confidential Matters

The PSC responded to an inquiry about professional ethics.

The chair of the PSC and the chair of the Faculty Senate formed a hearing board.

Miscellaneous Business

At the request of a faculty member, the chair of the PSC drafted a memorandum to the Faculty Advancement Committee expressing the faculty member's wish that the FAC might consider adopting clearer guidelines and a more formal process for recusing FAC members in cases that involve an apparent conflict of interest. See the PSC minutes for the meetings of February 25 and April 1, 2004.

Remaining Business for 2004-2005

The PSC would like to wrap up the following agenda items before disbanding at the end of the semester.

Approval of revised evaluation guidelines for the Department of Art.

Approval of evaluation guidelines for the Program in Environmental Studies.

Revision of the "Faculty Evaluation Criteria and Procedures" [the buff document] for 2005-2006.

Response to questions 1, 2, 3, 4, 5, 6, and 8a in Part A of the Faculty Senate's "working document" for the discussion of evaluation and governance.

Response to a request for an interpretation of Code provisions relating to departmental procedures in revising departmental evaluation guidelines.

Charges for Next Year's Committee

Continue efforts to facilitate faculty discussion of amendments to Chapter III, Sections 6 and 7, on procedures for appeals and procedures for hearings.

“Housekeeping amendments” to the Code to correct typos and inaccurate internal Code citations.

Revision of the formal Code interpretation of Chapter III, Section 6, in the old Code (“Whether a five-year evaluation of a full professor entails ‘altering the status of the evaluated faculty member’s appointment’ so as to be subject to appeals procedures”). This formal interpretation was approved in 1997, but was inadvertently omitted from the appendix of formal Code interpretations and consequently was not revised this year along with the other formal interpretations. The internal Code citations in this formal interpretation need to be updated.

Clarification of the definition of “tenure-line faculty” by a Code amendment or formal interpretation.

Consideration of amending the Code to replace “days” with “working days.”

Consideration of revising formal Code interpretations to include “partners” in places where “spouses” are mentioned.

Examination of Chapter III, Section 4. b (4), with reference to the relationship between the informal and the formal challenges that an evaluatee may make to an evaluation conducted by a department, school, or program.

Examination of Chapter III, Section 5, to consider questions that have arisen about the so-called streamlined five-year evaluations of full professors (for example, questions about classroom visitation and about the participation of departmental colleagues in these evaluations).

Consideration of how departments, schools, and programs in their statements of evaluation guidelines handle the assessment of an evaluatee’s teaching in non-departmental courses.

The completion of any unfinished business carried over from 2004-2005. (See the list of “Remaining Business for 2004-2005” above.)

Respectfully submitted,

William Breitenbach
Chair, Professional Standards Committee

DRAFT REVISION OF CHAPTER III, SECTIONS 6 AND 7
Prepared by the Professional Standards Committee
April 28, 2005

Section 6 – Procedure for an Appeal

An appeal is decided by a hearing board. The function of a hearing board shall be to determine whether there have been violations of the code, as alleged by the appellant. Unless otherwise stated, the provisions of this section apply to all appeals authorized in Chapter III, Section 4.

a. Initiation of an Appeal:

- (1) An evaluatee may initiate a formal appeal to a hearing board at two stages in the evaluation process:
 - (a) after the evaluation by the department, school, or program
 - (b) after the evaluation by the Advancement Committee
- (2) Grounds and deadlines for formal appeals
 - (a) A formal appeal of the evaluation by the department, school, or program is limited to issues affecting fairness, completeness, and adequacy of consideration by the department, school, or program in conducting the evaluation. The appeal must be initiated within ten (10) working days after the evaluatee has completed reviewing the evaluation file that the department, school, or program forwarded to the dean and the Advancement Committee (Chapter III, Sections b. 3 and b. 4).
 - (b) A formal appeal of the evaluation by the Advancement Committee is limited to questions of fairness, completeness, and adequacy of consideration by the Advancement Committee in conducting the evaluation. It may not raise questions about the evaluation at the departmental level. The appeal must be initiated by the evaluatee within five (5) working days after receiving the Advancement Committee's recommendation (Chapter III, Section c. 6).
- (3) To initiate a formal appeal, the evaluatee must submit a list specifying alleged violations of the code to the chairperson of the Professional Standards Committee within the time limits provided.
- (4) The chairperson of the Professional Standards Committee shall provide a copy of the list of alleged code violations to the department, school, or program (if the

evaluee is appealing its evaluation) or to the Advancement Committee (if the evaluee is appealing its evaluation).

(5) Response to an appeal

- (a) In a formal appeal of an evaluation conducted by a department, school, or program, the head officer (or the person performing the functions of the head officer in the evaluation, as provided by Chapter III, section 4.a (3)(a)) will serve as the respondent for the department, school, or program. If the head officer (or the person performing the functions of the head officer in the evaluation) is unable to so serve, the dean will appoint a person to serve as the respondent for the department, school, or program.
- (b) In an appeal of an evaluation conducted by the Advancement Committee, the dean or the dean's designee will serve as the respondent for the Advancement Committee.
- (c) Any response from the department, school, or program to an appeal shall be submitted to the chairperson of the Professional Standards Committee within ten (10) working days of the receipt of the list of alleged code violations. In formulating this response, the respondent (as defined above) shall consult with the members of the department, school, or program who participated in the evaluation conducted by the department, school, or program. The document shall represent the response of the department, school, or program, and not the personal response of the respondent. Any member of the department, school, or program who participated in the evaluation and who dissents from the departmental response may submit a written dissent, which shall be provided to the respondent to forward, along with the response of the department, school, or program, to the chairperson of the Professional Standards Committee. The chairperson of the Professional Standards Committee shall transmit the response and any dissent to the appellant and to the hearing board.
- (d) Any response to an appeal from the Advancement Committee and any dissent to that response shall be submitted to the chairperson of the Professional Standards Committee within ten (10) working days of the receipt of the list of alleged code violations. The chairperson of the Professional Standards Committee shall transmit the response and any dissent to the appellant and to the hearing board.
- (e) The chairperson of the Professional Standards Committee and the chairperson of the hearing board may grant an extension for submission of a response or a dissent from either a department, school, or program or the Advancement Committee if a respondent or a dissenter demonstrates that he or she was unable, due to circumstances beyond his or her control, to complete the response or dissent within the ten (10) working day limit.

- b. **Hearing Board Roster:** A hearing board roster will be established annually by the Faculty Senate executive officers. The hearing board roster will consist of all tenured members of the faculty, subject to their consent and to the following exclusions and exemptions. The chairperson of the Faculty Senate, members of the Faculty Advancement Committee, and members of the Professional Standards Committee are excluded from the hearing board roster. Faculty members who are on leave are exempted from service on a hearing board.
- c. **Formation of a hearing board:** Upon receipt of the list of alleged code violations, the chairperson of the Professional Standards Committee shall meet with the chairperson of the Faculty Senate, the appellant, and the respondent within five (5) working days to form a hearing board composed of five (5) members from the hearing board roster.
 - (1) Excluded from the hearing board will be members of the appellant's department, school, or program, and all others with direct interest in the matter as determined jointly by the chairperson of the Professional Standards Committee and the chairperson of the Faculty Senate (or by a designated member of the appropriate body if its chairperson may be affected by the exclusion principle). If either chairperson (or designee) votes for elimination, the faculty member is not selected to the hearing board.
 - (2) Exempt from selection are members of the hearing board roster in current service on another hearing board.
 - (3) If in the same evaluation process an evaluatee appeals the evaluation conducted by the department, school, or program *and* the evaluation conducted by the Advancement Committee, faculty members who served on the first hearing board are exempt from service on the second hearing board.
 - (4) The following process shall be used to constitute a hearing board:
 - (a) Eight names shall be selected at random by the chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee from those names remaining on the hearing board roster after the exclusions and exemptions noted above have been taken into account.
 - (b) The appellant and the respondent may then challenge any name on the list of eight on account of interest or bias. The order of challenge shall be determined by lot, with each side alternating. Challenges on account of interest or bias shall be ruled upon jointly by the chairperson (or designee) of the Professional Standards Committee and the chairperson (or designee) of the Faculty Senate. If either votes for elimination, the faculty member is eliminated, and an additional name is selected from the hearing board roster. The additional name may also be challenged on account of interest or bias.

- (c) The appellant and the respondent may then exercise no more than two challenges against the eight names remaining on the list without stating cause. If any person is eliminated, an additional name shall be selected from the hearing board roster. The additional name may be challenged on account of interest or bias. The appellant or the respondent may also challenge the additional name without stating cause, until the two permitted challenges without stating cause have been exercised.
 - (d) The first five faculty members selected to the list shall constitute the hearing board. The sixth, seventh, and eighth named faculty members will stand, in that order, as alternates. Alternates will not participate in the appeal unless one or more of the five hearing board members cannot serve from the beginning of the hearing board process.
- (5) The normal presumption is that the faculty members will serve on a hearing board to which they are selected. The chairperson of the Faculty Senate and the chairperson of the Professional Standards Committee may, if both agree, exempt a faculty member from service based on a self-disclosed conflict of interest, hardship, or other good cause shown.
 - (6) In the event that one member of a hearing board is unable to complete service after the hearing board process has begun, the hearing board shall continue with four members if the appellant and the respondent agree. If either the appellant or the respondent objects, a new hearing board will be formed. If more than one member is unable to complete service, a new hearing board will be formed, using the process outlined above.
 - (7) The hearing board shall hold its first meeting within five (5) working days of its selection and shall elect a chairperson. At this initial meeting the hearing board shall also elect a secretary to record the actions of the hearing board. The chairperson of the Professional Standards Committee shall attend this initial meeting and shall give the appellant's list of alleged code violations to the chairperson of the hearing board as soon as that person is elected.
 - (8) Members of a hearing board shall make no public statements, directly or indirectly, about matters presented in an appeal or a hearing.
- d. Determination of probable cause:
- (1) The hearing board shall meet without the presence of the appellant and respondent in order to determine whether there exists probable cause for an appeal. In making that determination, the hearing board shall review the appellant's list of alleged code violations, the respondent's response, and any dissents, and shall have access to all files and records involved in the evaluation process.

- (2) Within ten (10) working days of receipt of the respondent's response and any dissents, the hearing board shall determine, based on its review of the written materials, whether there exists probable cause for an appeal.
- (3) If two (2) or more members of the hearing board determine that probable cause for an appeal exists, a hearing shall be held by the hearing board pursuant to Chapter III, Section 7.
- (4) If the hearing board determines that probable cause for an appeal does not exist, it shall so notify the appellant, the respondent, the dean, and the chairperson of the Professional Standards Committee. The hearing board's written determination of no probable cause shall be included in the evaluation file, along with the appellant's list of alleged code violations, the respondent's response, and any dissents. The evaluation file, with these items included, then moves to the next stage of the evaluation process.

Section 7 – Procedure for a Hearing

- a. A hearing may extend over more than one meeting of a hearing board. The appellant and the respondent may be present at all meetings of a hearing. The appellant and the respondent may be assisted at a hearing by legal counsel or by non-lawyer counsel. The appellant may also be assisted by an academic colleague.
- b. Hearings shall not be open to the public. The only persons present shall be those persons whose presence is allowed by the sections of this chapter pertaining to appeals and hearings. However, at the request of either the appellant or respondent, and subject to the concurrence of the hearing board, a representative of an educational association or other appropriate association shall be allowed to observe a hearing.
- c. In all cases, the university shall make an electronic record of a hearing. If requested by the appellant or respondent, the university shall provide a copy of the electronic record or a verbatim transcript of the hearing paid for by the requesting party. The electronic record made of a hearing shall be retained by the university for six years after the hearing board makes its report.
- d. No person involved in a hearing shall make public statements, directly or indirectly, about matters presented in a hearing.
- e. The chairperson of the hearing board shall preside at a hearing and shall handle administrative duties, such as giving notices and speaking for the hearing board. He or she shall rule on matters of procedure and evidence, subject to being overruled by a majority of the hearing board.
- f. The hearsay rule or other exclusionary rules of evidence used in courts of law shall not apply.

- g. The hearing board shall confine its review and its judgments to the stage of evaluation that is under appeal. The evidence on review in a hearing shall be substantially confined to the written record on which the department, school, or program or the Advancement Committee made its decision. This evidence should not be significantly expanded at the hearing by the admission of testimony and information not previously considered by the department, school, or program or by the Advancement Committee. The appellant or the respondent may offer to present additional evidence deemed relevant, and the hearing board at its discretion may hear or decline to hear such additional evidence. If witnesses testify, they may be cross-examined by the opposing party. Witnesses may be permitted to testify by signed written statements if, in the hearing board's judgment, that is the most feasible way of presenting their evidence and if the opposing party is not substantially prejudiced by the lack of opportunity to cross-examine. The hearing board shall have no duty to seek or to present evidence but may do so if, in its judgment, justice requires it.
- h. Insofar as practicable, each party shall assist the other in obtaining witnesses and evidence when the party's assistance is necessary or helpful. Each party shall make specifically requested and relevant documents or other tangible evidence in its possession available to the other party for presentation to the hearing board.
- i. After completion of a hearing, the hearing board shall meet to deliberate and come to a decision. Deliberative meetings shall be conducted without the appellant and respondent present and without making an electronic record. The decision of the hearing board will be limited to questions of the fairness, completeness, and adequacy of consideration in the evaluation conducted by the department, school, or program or by the Advancement Committee. The decision shall be based on whether the evidence in the written record and the evidence received during the appeal process and the hearing clearly show that there have been violations of the code as alleged by the appellant.
- j. Within ten (10) working days after completion of a hearing, the hearing board shall render its decision. The decision of the majority of the hearing board and any dissent by a minority of the hearing board shall be transmitted in writing to the appellant, the respondent, and the dean. The hearing board's majority decision, any minority dissents, and any exhibits received in the hearing, along with the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee, are added to the evaluation file, which moves forward to the next stage of the evaluation process.
- k. If a hearing board determines that the code has been violated, it has the option of referring the matter to the school, department, or program or to the Advancement Committee, as appropriate, for correction of deficiencies. A hearing board may suggest, but cannot dictate or enforce, methods for correction of deficiencies. A hearing board is disbanded once it has performed its function of deciding whether

there have been violations of the code, as alleged by the appellant. It is the responsibility of the body or individual at the next stage of the evaluation process to insure that correctable deficiencies have been corrected.

1. The chairperson of the hearing board shall deliver to the dean in a sealed envelope the electronic record of the hearing and copies of the hearing board's majority decision, any minority dissents, any exhibits received in the hearing, the appellant's list of alleged code violations, the respondent's response, and any dissents by members of the department, school, or program or by members of the Advancement Committee. The dean shall retain these materials for six years after the hearing board makes its report.