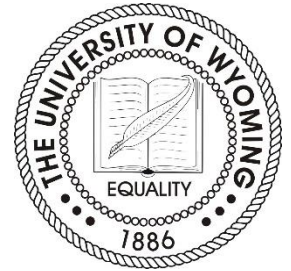


Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19



1
2
3 **UNIVERSITY OF WYOMING REGULATIONS**

4
5 **Subject:** Dismissal of Academic Personnel
6 **Number:** UW Regulation 2-6

7
8
9 **I. PURPOSE**

10
11 To establish dismissal procedures for Academic Personnel, including when it is alleged
12 that a dismissal action is motivated by inappropriate interference with "academic
13 freedom," as defined in UW Regulation 2-15.

14
15 **II. DEFINITIONS**

16
17 **Academic Personnel:** Academic Personnel shall have the meaning assigned to it in UW
18 Regulation 2-1.

19
20 **Cause:** Cause shall include conduct that seriously impairs the ability of the individual,
21 the department, the college, or the University of Wyoming as a whole to carry out its
22 professional functions. Such conduct includes, but is not limited to:

- 23
24 A. A lack of satisfactory work performance as determined by University
25 Regulation;
- 26
27 B. A substantial physical or mental inability to perform assigned duties,
28 provided that, consistent with laws prohibiting discrimination based upon
29 disability, the individual cannot perform the essential functions of the
30 individual's job with accommodations granted by the University through
31 the interactive process or there are no reasonable accommodations is
32 possible;
- 33
34 C. A academic misconduct or the substantial-serious or persistent violation of
35 professional ethical standards;
- 36

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

- 37 D. Neglect of duty, ~~gross unwarranted~~ insubordination or persistent truancy;
38
39 E. Serious or persistent violations of University Regulations, Presidential
40 Directives, or other University policies and procedures;
41
42 F. Serious or persistent work performance impairment associated with
43 alcohol or controlled substance use. Working while impaired under the
44 influence of alcohol or persistent work performance problems associated
45 with alcohol use;
46
47 G. ~~Working while impaired under the influence of controlled substances~~
48 used illegally Unlawful possession, use, or distribution of illicit drugs on
49 University property or as part of any University activity;
50
51 H. Forms of harassment according to University Regulations;
52
53 I. Recklessly or intentionally endangering the safety of other UW
54 employees or students;
55
56 J. Significant damage to or misappropriation of State or University property
57 due to intentional or reckless conduct;
58
59 K. Behavior that leads to the conviction of a felony; and
60
61 L. A lack of civility or collegiality that substantially interferes with a faculty
62 member's teaching, research, or service or with the department's
63 functions, or which renders the faculty member unable to work effectively
64 with colleagues or students. Mere curmudgeonliness, ~~or~~ egocentricity, or
65 conduct which is protected under UW Regulations does not satisfy this
66 sub-paragraph.
- 67 Extended-Term Appointment: Shall have the meaning assigned to it in UW
68 Regulation 2-1.
- 69 Faculty Conciliator: Shall have the meaning assigned to it in UW Regulation 2-
70 2.

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

71 **Unit Head:** S shall have the meaning assigned to it in UW Regulation 2-8.

72
73 **III. POLICY ~~AND PROCEDURE~~**

74
75 Tenured faculty members and Academic Personnel with five-year rolling contracts with
76 rolling contracts and who have achieved the rank of Associate Professor or higher, or
77 Fixed-term faculty with 5-year rolling contracts or extended term ~~Extended Term~~
78 Appointments who have successfully completed their probationary employment ~~faculty~~
79 may be dismissed (1) for Cause; (2) because of bona fide financial exigencies of the
80 University as described in UW Regulation 2-11; or (3) because of program
81 reorganization, consolidation, reduction or discontinuance as described in UW
82 Regulation 2-13. Per UW Regulation 2-13, tenured faculty members may only be
83 dismissed because of program discontinuance.

84
85 Section III shall not be interpreted as to constitute interference with academic freedom.

86
87
88 **IV. PROCEDURE**

89
90 **A.** ~~— Tenured faculty members or fixed-term faculty with 5-year rolling contracts~~
91 ~~or extended term faculty and Academic Personnel with five-year rolling~~
92 ~~contracts who have successfully completed their probationary~~
93 ~~employment with rolling contracts and who have achieved the rank of~~
94 ~~Associate Professor or higher, or Extended-Term Appointments~~

95 **B.** ~~—~~

96 **C.** ~~— Tenured faculty members may be dismissed (1) for Cause; (2) because of bona~~
97 ~~fide financial exigencies of the University as described in UW Regulation 2-11; or~~
98 ~~(3) because of program discontinuance as described in UW Regulation 2-13.~~

99 **D.A.** ~~—~~

100 ~~Fixed-term faculty with 5-year rolling contracts or extended term faculty may be~~
101 ~~dismissed (1) for Cause; (2) because of bona fide financial exigencies of the~~
102 ~~University as described in UW Regulation 2-11; or (3) because of program~~
103 ~~reorganization, consolidation, reduction or discontinuance as described in UW~~
104 ~~Regulation 2-13.~~

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

106 Proposed dismissals for Cause of tenured faculty members and Academic
107 Personnel with five-year rolling contracts who have successfully completed their
108 probationary employment with rolling contracts and who have achieved the rank
109 of Associate Professor or higher, or Extended Term Appointments, fixed term
110 faculty with a 5-year rolling contract, or extended term faculty must follow the
111 procedures set forth in Sections V through IX of this Regulation. The procedures
112 set forth in this Regulation do not apply to dismissals of faculty members because
113 of bona fide financial exigencies or because of program reorganization,
114 consolidation, reduction or discontinuance (see UW Regulation 2-14, which
115 provides a process for hearing the appeal of any faculty member whose
116 appointment is terminated pursuant to UW Regulation 2-11 or UW Regulation 2-
117 13).

118
119 **E.B. Other Full Time, Benefited Academic Personnel**

120
121 ~~Full time, benefited Academic Personnel other than tenured faculty members, fixed-~~
122 ~~term faculty with 5-year rolling contracts, or extended term faculty, may be~~
123 ~~dismissed (1) for Cause; (2) because of bona fide financial exigencies of the~~
124 ~~University as described in University Regulation 2-11; or (3) because of program~~
125 ~~reorganization, consolidation, reduction or discontinuance as described in~~
126 ~~University Regulation 2-13.~~

127
128 ~~Proposed dismissals for Cause of Academic Personnel other than tenured faculty~~
129 ~~members, fixed term faculty with 5 year rolling contracts, or extended term faculty~~
130 ~~must follow the procedures set forth in this Regulation. The procedures set forth~~
131 ~~in this Regulation do not apply to dismissals of faculty members because of bona~~
132 ~~fide financial exigencies or because of program reorganization, consolidation,~~
133 ~~reduction or discontinuance (see UW Regulation 2-14, which provides a process~~
134 ~~for hearing the appeal of any faculty member whose appointment is terminated~~
135 ~~pursuant to UW Regulations 2-11 or 2-13)~~

136
137 The Provost may dismiss ~~the a~~ faculty member under this Section B for Cause prior
138 to the expiration of the faculty member's contract ~~or probationary period~~ after
139 consultation with the appropriate administrative and/or academic officers by
140 following this procedure:
141

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

- 142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
1. The Provost shall inform the employee in writing of the notice of intent to take such an employment action and the reasons for the action.
 2. The employee shall have the right to respond in writing or meet with the Provost within three working days of the date of the notice of intent to take disciplinary action. The Provost may extend the deadline for the response or meeting in the Provost's sole discretion.
 3. For faculty ~~on three year rolling contracts~~ in their probationary period, the Provost ~~shall order instruct a review by~~ the University Reappointment, Tenure & Promotion Committee to review the matter. For other faculty covered under this Section B, the Provost ~~may order a review by~~ instruct the University Reappointment, Tenure & Promotion Committee to review the matter. The Committee shall notify the Provost in writing of its recommendations and rationale.
 4. A final decision shall be given to the employee within fourteen working days from the date of the notice of intent to terminate unless the Provost requires additional time to finalize the decision.

162
163
164
165
166
167

Within ten working days after receipt of the Provost's final decision to terminate, the employee may submit a written statement of position to the President, asserting any grounds upon which the employee believes the President should accept, reject or suggest modification to the Provost's decision. The decision of the President shall be final and binding.

168
169
170
171

This Section B does not apply to at-will employees, including postdoctoral associates and academic administrators. An at-will appointment may be terminated at any time and for any reason except an unlawful one.

172
173

~~Section III shall not be interpreted as to constitute interference with academic freedom.~~

174
175
176
177

VII.V. PRELIMINARY PROCEEDINGS FOR TENURED FACULTY MEMBERS AND ACADEMIC PERSONNEL WITH FIVE-YEAR ROLLING CONTRACTS WHO HAVE SUCCESSFULLY COMPLETED THEIR PROBATIONARY EMPLOYMENT WITH ROLLING CONTRACTS AND WHO HAVE ACHIEVED

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

178 THE RANK OF ASSOCIATE PROFESSOR OR HIGHER, OR EXTENDED-
179 TERM APPOINTMENTS TENURED FACULTY, FIXED-TERM FACULTY
180 WITH 5-YEAR ROLLING CONTRACTS, OR EXTENDED TERM FACULTY
181

182 **A. Personal Conference**
183

184 If the unit head or Dean ("Administrative Officer"), ~~in consultation with~~ and the
185 Provost and Vice President for Academic Affairs ("Provost"), determines the need to
186 dismiss a tenured faculty member or an Academic Personnel who has successfully
187 completed their probationary employment with rolling contract and who has
188 achieved the rank of Associate Professor or higher, with a five-year rolling contract or
189 an Extended-Term Appointment ~~a tenured, fixed-term faculty member with a 5-year~~
190 ~~rolling contract, or extended-term faculty member~~ ("Employee"), the Administrative
191 Officer and the Provost, shall meet in person with the Employee to discuss the
192 matter in confidence. The matter may thereafter be concluded informally by mutual
193 consent of the Administrative Officer, the Provost and the Employee without the need
194 for further proceedings.
195

196 **B. Referral to the University Reappointment, Tenure & Promotion Committee for**
197 **Consultation Faculty Conciliator**
198

199 If, however, the Administrative Officer, the Provost and the Employee are unable to
200 reach a mutually satisfactory accord within seven calendar days after the initial
201 personal conference, or at such later time as all parties may agree, the Employee may
202 request that the Provost shall refer the matter to the University Reappointment,
203 Tenure & Promotion Committee Faculty Conciliator ("Conciliator"). The ~~Committee~~
204 Conciliator shall consult in confidence with all involved parties to explore informal
205 resolution of the potential dismissal proceedings. In the event the ~~Committee~~
206 Conciliator is able to achieve a resolution, the matter may thereafter be concluded
207 informally, by mutual consent of the Administrative Officer, the Provost, and the
208 Employee, without the need for further proceedings.
209

210 If, however, the ~~Committee Conciliator~~ is unable to negotiate a resolution within
211 fifteen calendar days of the Conciliator's receipt of the charge, or at such later time as
212 all parties may agree, the Conciliator shall recommend to the Provost whether, in ~~its~~
213 the Conciliator's judgment, the Provost should initiate formal dismissal proceedings.

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

214 ~~The Committee shall submit its findings and recommendations to the Provost within~~
215 ~~fifteen calendar days of the Committee's receipt of the charge, or at such later time as~~
216 ~~all parties may agree.~~

217
218 Upon receiving the recommendation of the ~~University Reappointment, Tenure &~~
219 ~~Promotion Committee~~Conciliator, the Provost shall determine whether to initiate
220 formal dismissal proceedings against the Employee no later than ten calendar days
221 from the Provost's receipt of the ~~Committee's~~Conciliator's recommendation.
222

223 **C. Request for Formal Proceedings**

224
225 At any time during the informal, preliminary proceedings set forth above, the
226 Administrative Officer or the Employee may opt to initiate formal dismissal
227 proceedings by directing a written request to the Provost. The Provost shall initiate
228 formal proceedings within ten calendar days of receipt of the request. The Provost
229 may also opt to initiate dismissal proceedings at any time during the informal,
230 preliminary proceedings set forth above.
231

232 ~~VIII.VI.~~ **FORMAL PROCEEDINGS FOR TENURED FACULTY AND ACADEMIC** 233 **PERSONNEL, WHO HAVE SUCCESSFULLY COMPLETED THEIR** 234 **PROBATIONARY EMPLOYMENT**~~FIXED-TERM FACULTY WITH ROLLING~~ 235 **CONTRACT AND WHO HAS ACHIEVED THE RANK OF ASSOCIATE** 236 **PROFESSOR OR HIGHER, WITH ROLLING 5-YEAR CONTRACTS, AND** 237 **EXTENDED TERM FACULTY**

238 239 **A. Initiation of formal proceedings**

240
241 The Provost shall initiate formal proceedings by hand-delivering a written Statement
242 of Particulars to the Employee. The Employee shall acknowledge receipt of the
243 Statement of Particulars by signing a receipt upon delivery. If the Employee refuses
244 to acknowledge receipt of the Statement of Particulars, the person attempting to
245 deliver the Statement to the Employee shall sign a statement documenting the attempt
246 to deliver the Statement and the refusal of the Employee to acknowledge receipt
247 thereof, and shall nevertheless leave the Statement of Particulars with the Employee.
248 All time constraints for further proceedings listed below shall be measured from the
249 date of delivery or attempted delivery of the Statement of Particulars, as reflected on

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

250 the receipt signed by the Employee or the statement signed by the person attempting
251 to deliver the Statement.

252

253 **B. Statement of Particulars**

254

255 The Statement of Particulars shall include the following:

256

257 1. An indication of the intent to dismiss with the specific grounds for dismissal
258 ("dismissal charges") as set forth by the Provost.

259 2. A declaration advising the Employee that:

260 a. A formal hearing on the dismissal charges will be conducted solely
261 upon the Employee's written request;

262 b. Employee has thirty calendar days from the date of the delivery of
263 the Statement of Particulars to submit, to the Provost, a written
264 request for a hearing and a written answer to the dismissal charges;

265 c. If the Employee does not submit a written request for a hearing and
266 a written answer within the time period specified in sub-paragraph
267 b, the Employee will be dismissed effective on the 31st day after
268 the delivery of the Statement of Particulars;

269 d. If the Employee does submit a written request for a hearing and a
270 written answer, the Provost has five calendar days to forward the
271 written request for a hearing to the Faculty Senate Executive
272 Committee, who will select a Hearing Committee from the Faculty
273 Dispute Resolution Panel as established in UW Regulation 2-2.

274 3. A declaration that the purpose for holding a formal hearing is to determine
275 whether dismissal should occur on the grounds stated.

276 4. A copy of UW Regulation 2-2 and Appendix A thereto governing the Faculty
277 Dispute Resolution Panel and hearing procedures, as well as a copy of this
278 UW Regulation 2-6.

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

279 5. An initial list of witnesses whom the Provost would expect to testify in
280 support of the dismissal charges at a formal hearing.

281
282 **C. Hearing Committee**

283
284 The Faculty Senate Executive Committee shall choose a Hearing Committee ("HC")
285 from the Faculty Dispute Resolution Panel. The functions, powers, composition of,
286 and challenges to the HC are as follows:

287
288 **1. Functions:** The HC shall conduct the hearing, make findings, and submit to
289 the President its written conclusions and recommendations.

290
291 **2. Powers:** The HC is a fact-finding body and serves solely in an advisory
292 capacity.

293
294 **3. Selection of the Hearing Committee**

295
296 a. The Faculty Senate Executive Committee shall randomly draw the
297 names of 12 members of the Faculty Dispute Resolution Panel. The
298 names shall be assigned a number from 1 to 12 according to the order in
299 which the names were randomly selected.

300
301 b. If any of the initial 12 persons selected is a member of the same
302 academic department as the Employee, that person will be excused and
303 another name will be selected at random from the remaining members of
304 the Faculty Dispute Resolution Panel. The new name will be assigned
305 the same number as the person who had been excused.

306
307 c. If there are two or more members of the same academic department on
308 the initial list of 12 persons, the later-chosen person or persons will be
309 excused and another name or names will be selected at random from the
310 remaining members of the Faculty Dispute Resolution Panel. The new
311 name or names will be assigned the same number as the person or
312 persons who had been excused.

313

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

- 314 d. Once a list of 12 members of the Faculty Dispute Resolution Panel has
315 been chosen, and which includes no members of the Employee's
316 academic department, and no more than two members from the same
317 academic department, the persons numbered one through five shall be
318 designated tentative committee members, and the remaining seven
319 persons shall be designated tentative alternates.
320
321 e. The list of 12 tentative committee members and alternates will then be
322 submitted to the Employee and the Provost.
323
324 f. *Dismissal for cause.* If either the Employee or the Provost objects to any
325 of the twelve persons on the list, the Employee or the Provost shall
326 notify the Chair of the Faculty Senate Executive Committee of their
327 objection, no later than four days after receiving the list. The only
328 grounds for objection are that the proposed HC member has a clearly
329 demonstrated personal animosity toward either the Provost or the
330 Employee; that the proposed HC member may be a witness or otherwise
331 has close involvement with or non-public knowledge of the event or
332 events which form the basis of the dismissal proceeding; or that there
333 exists other serious and compelling reason why the proposed HC
334 member is unfit to serve on the HC. The Chair of the Faculty Senate
335 Executive Committee will rule on any objections for cause under this
336 paragraph within three days after receiving them. If the Chair agrees
337 with any dismissals for cause, another name or names will be chosen
338 from the then-remaining members of the Faculty Dispute Resolution
339 Panel, and added to the bottom of the list of twelve. If one or more of the
340 tentative committee members has been dismissed for cause, alternates
341 shall be moved up on the list into tentative committee members in the
342 rank order in which they appear.
343
344 g. *Peremptory dismissals.* After all dismissals for cause have been
345 resolved, the final list of five tentative committee members and seven
346 alternates will be provided to the Employee and the Provost. The
347 Employee and the Provost will then meet with the Chair of the Faculty
348 Senate Executive Committee within seven days after receiving the final
349 list to exercise any peremptory challenges to the list. Both the Employee

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

- 350 and the Provost shall have the right to strike two tentative committee
351 members each, without providing any basis for such disqualification.
352 The Provost will make the first strike (if desired), followed by the
353 Employee (if desired). The Provost may then make his or her second
354 strike (if desired), and the Employee may then make his or her second
355 strike (if desired). After each strike (if any), the next person listed as an
356 alternate will move up the list into a position as a tentative member of
357 the HC.
358
- 359 h. The five members remaining as members of the HC at the end of the
360 peremptory strikes shall be appointed as the HC. Any members still
361 listed as tentative alternates at the end of the peremptory strikes shall be
362 designated alternate members of the HC.
363
- 364 i. The five HC members shall be notified of their selection as a member of
365 the HC to consider the appeal filed by the Employee. They shall be
366 asked to report to the Chair of the Faculty Senate Executive Committee,
367 no later than 3 days after receiving the appointment, whether they accept
368 the appointment. The only grounds for failing to accept the appointment
369 shall be a good faith belief that personal considerations may interfere
370 with reaching an unbiased decision. If the Chair of the Faculty Senate
371 Executive Committee accepts that member's belief, the member shall be
372 excused and replaced with the next alternate member.
373
- 374 j. Any member designated an alternate in step h above shall be notified
375 only that he or she has been listed as a potential alternate in a dismissal
376 proceeding. The name of the Employee involved in the dismissal
377 proceeding shall not be given to that alternate, unless and until that
378 alternate is placed on the HC due to the unavailability of a member of
379 the HC under steps i or k.
380
- 381 k. Once all five members of the HC have accepted their appointments
382 under step i, the Provost and the Employee shall be notified of the final
383 composition of the HC. The HC will then proceed to schedule a hearing
384 and conduct the pre-hearing and hearing processes listed below. If,
385 however, unforeseen circumstances arise after the final appointment of

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

386 the HC and the beginning of the hearing that make it impossible for any
387 member of the HC to participate in the hearing, that member or members
388 may be replaced on the HC by the next remaining alternate.
389

390 **D. Scheduling the Formal Hearing**

391
392 Within thirty calendar days after final formation of the HC, the HC shall meet and
393 select from among its members a Chairperson. The function of the Chairperson shall
394 be to coordinate with the Provost, the Employee, and the members of the HC the
395 selection of a time, date and place for the formal hearing, and for any proceedings
396 ancillary to the formal hearing; notify all involved parties of such times, dates and
397 places; and to preside at the formal hearing.
398

399 **E. Pre-Hearing Conference**

400
401 A pre-hearing conference shall be scheduled fourteen calendar days prior to the
402 formal hearing, or at such other time as all parties may agree, to exchange evidence
403 and witness lists.
404

405 **F. Performance of Duties During Dismissal Proceedings**

406
407 Suspension of the Employee during the pendency of dismissal proceedings lies within
408 the discretion of the Provost. Any such suspension, however, shall be with pay,
409 except in the event suspension is based on a criminal conviction or on an
410 abandonment of employment. In the absence of suspension during the pendency of
411 dismissal proceedings, the Provost may reassign the Employee to any duties
412 reasonably suited to the Employee's skills and abilities that the Provost deems
413 warranted. Any such reassignment shall be with pay.
414

415 **IX.VII. COMMITTEE PROCEEDINGS FOR TENURED FACULTY AND** 416 **ACADEMIC PERSONNEL, WHO HAVE SUCCESSFULLY COMPLETED THEIR** 417 **PROBATIONARY EMPLOYMENT, FIXED-TERM FACULTY WITH ROLLING** 418 **CONTRACT AND WHO HAS ACHIEVED THE RANK OF ASSOCIATE** 419 **PROFESSOR OR HIGHER WITH 5-YEAR ROLLING CONTRACTS, AND** 420 **EXTENDED-TERM FACULTY** 421

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457

A. Hearing procedure

1. The HC shall hold the hearing in confidence unless the Employee requests, in writing, a public hearing. In that event, the HC shall allow a public hearing.
2. The Employee has the option of being represented by counsel, or by any other individual. If the Employee chooses to be represented by counsel, he/she is responsible for all costs of that counsel.
3. The HC shall determine the order of proof, is entitled to conduct the questioning of witnesses, and shall determine the relevance of evidence.
4. The HC shall attempt to resolve factual disputes by receiving witness testimony and other relevant evidence offered by the parties.
5. All witnesses shall testify under oath or affirmation. All parties have the right to hear and confront witnesses. Parties or their representatives, if any, have the right to question all witnesses testifying in connection with the hearing in person. At the sole discretion of the HC, testimony may be received by deposition upon good cause shown, so long as both the Employee and the Provost have had the opportunity to participate in the deposition and to ask questions during the deposition. Witnesses may be permitted to participate by electronic means so long as the electronic participation is synchronous with the formal hearing and the electronic method allows all participants at the formal hearing to hear each other and ask questions.
6. The HC may direct the parties to produce evidence on specific issues and may call witnesses and introduce evidence on its own motion.
7. All evidence is part of the hearing record. All HC decisions are based solely on the hearing record. The burden of proof that there is adequate cause for dismissal rests at all times with the Provost and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
8. The HC may allow the parties to object to evidence on relevance grounds.

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

- 458 9. The HC may grant reasonable continuances, especially when required in the
459 interests of justice to meet newly presented evidence for which a party could
460 not reasonably have been prepared.
461
462 10. The HC shall not be bound by formal rules of procedure or evidence
463 otherwise applicable in civil litigation.
464
465 11. The Provost's office shall secure the cooperation of witnesses insofar as
466 feasible.
467
468 12. Every administrative office of the University shall make available to the
469 Employee and the Provost any requested documents over which the
470 University has control, and which are not privileged from disclosure by law.
471
472 13. The University shall produce a written verbatim record of the hearing at its
473 expense.
474

475 **B. Order of Proceedings**
476

- 477 1. The parties shall have the opportunity to present opening statements.
478
479 2. The Provost shall present evidence in support of the charges and stated
480 grounds for dismissal.
481
482 3. The Employee shall present evidence in opposition to the charges and stated
483 grounds for dismissal.
484
485 4. The HC shall permit the parties such rebuttal evidence as is not cumulative,
486 repetitious, or irrelevant.
487
488 5. The parties shall have the opportunity to present closing arguments.
489
490 6. The HC may vary the order of proceedings if circumstances warrant, and may
491 admit any evidence probative of the issues in dispute. The HC is not bound
492 by formal rules of evidence.
493

Draft 3-8-19
Endorsed by the Trustees AA/SA Committee 2-28-19
Endorsed by the Trustees Regulation Committee 3-6-19
Revisions proposed by Faculty Senate subcommittee 9-20-19
Revisions per FSE 9-30-19
Revisions per meeting with GC 10_8_19
Revisions from AA/GC 10-15-19
Revisions per FSE 11-11-19
FINAL APPROVED BY FACULTY SENATE 12-2-19

494 **C. Written Recommendations, Findings, and Rationale**

495
496 Within thirty calendar days of the close of hearing, the HC shall notify the Employee,
497 the Provost, and the President in writing, of its recommendations, findings and
498 rationale in support of the decision and shall provide all parties with the official
499 record upon which the decision was based.
500

501 **X.VIII. CONSIDERATION BY THE PRESIDENT**

502
503 The President shall review the HC's recommendations, findings, and rationale and the
504 record of the underlying proceedings and shall submit his or her written recommendation
505 to the Board of Trustees within thirty calendar days of receipt of the HC's
506 recommendations, findings and rationale. The President shall provide all parties with a
507 copy of his or her written recommendation.
508

509 **XI.IX. CONSIDERATION BY THE BOARD OF TRUSTEES**

510 The Board of Trustees shall review the President's written recommendation and the
511 record of the underlying proceedings, and if practicable, shall render its final decision on the
512 dismissal within thirty calendar days of its receipt of the President's recommendation. The
513 Board of Trustees shall provide all parties with a copy of its final decision.
514

Responsible Division/Unit: Office of the Provost and Vice President for Academic Affairs

Source: None

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: None

History:

University Regulation 801, Revision 1 and Change 1; adopted 7/17/2008 Board of Trustees meeting
Revisions adopted 3/23/2012 Board of Trustees meeting
Reformatted 7/1/2018: previously UW Regulation 5-801, now UW Regulation 2-6