

Committee of Academic, Freedom and Tenure Rules and Procedures

Approved 1994

Revised October 14, 2020

University of Nebraska Kearney

Introduction

From the [Bylaws of the Board of Regents of the University of Nebraska](#), (June, 28, 2019, revised):

4.2 Academic Freedom. The University serves the people of Nebraska and the common good through learning, teaching, extension work, research, scholarship, and public service. Fulfillment of these functions requires the preservation of intellectual freedoms of teaching, expression, research, and debate. The right to search for truth, to support a position the searcher believes is the truth, and to disagree with others whose intellect reaches a different conclusion is the fiber of America's greatness. It is, likewise, the strength of a great University, and its preservation is vital. A teacher or researcher is entitled to freedom in research, and publication of the results of research, limited only by the precepts of scholarship and faithful performance of academic obligations. Members of the professional staff are entitled to freedom in the classroom in discussing their subjects. Members of the professional staff are entitled to exercise their right to speak and act as citizens of the United States and of the State of Nebraska. Members of the professional staff shall not suffer sanctions or be discriminated against with respect to the duration of association with the University, pay or other emoluments of their office, appointment, position, or their working conditions because of their enjoyment, or exercise, of their right of academic freedom, or in any case where such action would constitute a violation of federal or state civil rights laws or regulations. Staff members who violate laws prescribed by civil authorities may incur penalties attached to such laws. The University should not impose sanctions to duplicate the function of these laws. Where the University's interest as an academic community is clearly involved, the authority of the University may be asserted. The Board reaffirms belief in, pledges support of, and directs all segments of the University community to sustain and follow the foregoing principles of academic freedom. History: Amended, 49 BRUN 300 (16 June 1984) Several sections were consolidated and renumbered in the 1984 revised edition.

1. **Membership.** From the [University of Nebraska Kearney Faculty Senate, Constitution](#) (April, 3, 2014):

Article VII.C. Academic Freedom and Tenure Committee Acts on matters of general policy concerning academic freedom and tenure, pursuant to Section 4.14 of the By-Laws of the Board of Regents. The Committee will have oversight responsibilities to ensure that University-wide rank and tenure standards and procedures are applied uniformly by

the undergraduate colleges. The Chair, in conjunction with the Chair of the Grievance Committee, the Chair of the Professional Conduct Committee, and the President of the University of Nebraska at Kearney Education Association, shall receive and review issues relative to academic freedom, tenure, professional conduct, and grievances and decide on the appropriate Faculty Senate Standing Committee to which to refer the issues. COMPOSITION: One tenured faculty member holding the rank of associate professor or full professor from and elected by each undergraduate college and three tenured faculty members from the Senate holding the rank of associate professor or professor selected by the Faculty Senate. Total: 7 members.

2. DEFINITIONS

As used in these Procedures, terms are defined as follows:

- a. "Bylaws" shall refer to the [*Bylaws of the Board of Regents of the University of Nebraska*](#).
- b. "Faculty member" refers to someone who meets the definition of Professional Staff as given in the Board of Regents' Bylaw 3.1.1 and their terms of employment include teaching and/or research responsibilities. Professional staff serving in dual capacities as administrators shall be included under this procedure only insofar as it relates to their academic position as distinguished from their administrative status.
- c. "Academic freedom" shall refer to the principles contained in the *Bylaws*, Section 4.2.
- d. "Committee" shall mean the Committee on Academic Freedom and Tenure of the Faculty Senate of the University of Nebraska at Kearney or the hearing committee thereof established to act in a particular case. The term "Grievance Committee" shall mean the Grievance Committee of the Faculty Senate of the University of Nebraska at Kearney.
- e. "President" shall include the authorized representative of the President, of the NU System but such authorization to act shall not be extended to the Chancellor or a staff member of the University of Nebraska at Kearney, or to the Chancellor or a staff member of any other campus of the University of Nebraska.
- f. "Chancellor" shall mean the Chancellor of the University of Nebraska at Kearney and shall include the authorized representative of the Chancellor, but such authorization to act shall not be extended to a Dean with collegiate or divisional responsibility or to a staff member of any such college or division.
- g. "Tenure" and "tenured faculty member" shall refer only to persons holding continuous appointment acquired in accordance with the *Bylaws*.
- h. "Association" shall mean the legally recognized bargaining agent of the faculty, the University of Nebraska at Kearney Education Association.
- i. "Complainant" shall mean a Faculty member who files a written complaint before the Academic Freedom & Tenure Committee in accordance with these rules.

- j. “Respondent” shall mean the person, persons or body which took the action or made the decision that is the subject of a complaint.
- k. “Supercommittee” shall refer to the group consisting of the Chairs of the UNK Academic Freedom & Tenure, Grievance, and Professional Conduct Committees and the President of the UNK Education Association as described in Section 1.
- l. “Working day” (also “Business day”) shall be any Monday thru Friday on which University classes are in session, examinations are being held, or when academic operations are ongoing using online resources during periods of emergency declared by the Chancellor.

3. BASIC POLICIES

Section 3.1. Rights of Academic Freedom, Statements on Tenured and Term Appointments

All faculty members are entitled to enjoy and to exercise, without penalty for such exercise, all the rights of an American citizen and the rights of academic freedom as these rights are specified in section 4.2 of the *Bylaws of the Board of Regents*. These rights carry with them attendant responsibilities as specified in section 4.1 of the *Bylaws of the Board of Regents*. A tenured faculty member is qualified to serve the University throughout his or her academic career, and an untenured faculty member serving on a term appointment is qualified to serve the University throughout the term appointment, unless the record, by a preponderance of the evidence, establishes adequate cause for dismissal. Adequate cause for dismissal shall be related, directly and substantially, to the fitness of the faculty member in his or her professional capability and performance as a member of the academic community. Failure to renew a probationary or term appointment is not a dismissal. A tenured faculty member, or an untenured faculty member serving a term appointment, may not be dismissed involuntarily, or prior to the expiration of the term appointment, unless the charges against that faculty member and the defense against those charges are subjected to a full review as set forth in these procedures.

Section 3.2. Faculty Suspension Not Permitted During a Dismissal Investigation

When a question arises concerning dismissal of a faculty member, that faculty member shall not be suspended from previously assigned institutional academic duties during the time necessary to resolve such question, unless continued discharge of those duties clearly constitutes a threat of physical harm to self or others, or of serious disruption of University programs. In such event the Chancellor shall reassign the faculty member to other duties that seem appropriate, if there be any available. Suspension is appropriate only pending a hearing; a suspension which is intended to be final is a dismissal and shall be dealt with as such. The faculty member shall be continued on salary while all proceedings are pending, but a person on probationary or term appointment shall not be continued on salary past the term of appointment.

Section 3.3. Time Limit for Filing a Complaint.

A complaint must be filed not later than one (1) calendar year after the date the complainant becomes aware of the action or decision which led to the complaint unless the Committee shall find that the complainant has shown good cause which prevented the filing of the grievance within the last stated time limitation.

Section 3.4. Initiation of Proceedings.

Proceedings involving the dismissal of a tenured faculty member are initiated by the President as described in Section 5.2. Other proceedings governed under Section 6, 7, or 8 may be initiated by any Faculty member filing a written complaint with the Committee Chair or the President of the UNK Faculty Senate.

Section 3.5. Determination of Jurisdiction.

Upon receiving a complaint that may be governed under Section 6, 7, or 8, the Chair will forward the complaint to the UNK Faculty Senate Supercommittee to determine if the complaint should be assigned to the Academic Freedom and Tenure Committee for adjudication. Once the Super Committee assigns the case to the Academic Freedom and Tenure Committee, the Chair will call a meeting of the Committee as soon as possible. The Committee will first review the complaint for the purpose of determining whether the complaint falls within the jurisdiction of the Committee as described in Section 6, 7, or 8. If the Committee finds that no actionable grievance has been stated, or if the Committee finds that the complaint for any other reason does not fall within its jurisdiction, it will return the complaint to the Super Committee for either reassignment to another committee or to the complainant stating the reasons for the Committee's finding. In making determinations as to jurisdiction, the Committee shall be guided by the *Bylaws* of the Board of Regents. In cases where the Committee has initially declined to accept a complaint as actionable, the complainant may within seven (7) working days after receipt of written notice of such action refile his or her complaint or file an amended complaint with the Committee, and request that the Committee reconsider its action. The Committee will reconsider the question of whether it should accept the complaint or amended complaint. If upon reconsideration the Committee finds that no actionable complaint within its jurisdiction has been stated, or that it does not have jurisdiction, such finding shall be final and there shall be no further proceedings before the Committee with regard to the original or an amended complaint.

Section 3.6. Committee Access to Personnel Records.

In connection with the formal investigation of a complaint it shall be considered a legitimate educational and institutional interest for the Committee to examine any University personnel records considered by any person or body in taking the action or making the decision which is the subject of a complaint. The Committee shall be subject to and shall observe all laws, policies, rules and regulations pertaining to preservation of the confidentiality of such records.

Section 3.7. Interference with Committee Investigation.

If there is a reasonable basis in fact for the Committee to believe that any individual is in bad faith impeding the Committee's investigation of a complaint pursuant to Section 4.13.2 of the

Bylaws of the Board of Regents, the Committee may refer such matter to the President, Chancellor or to the Professional Conduct Committee for remedial action.

Section 3.8. Standards for Consideration of a Complaint.

In its deliberations concerning any complaint, the Committee shall be guided by applicable state and federal law, the Bylaws of the Board of Regents, the Bylaws of the University of Nebraska at Kearney, the University of Nebraska Governance Manual, the bylaws, rules or regulations of the relevant administrative units (college, department, division, etc.), and general academic customs and standards. Refusal by any person to make documents available, testify, or take personal responsibility for testimony will prevent the Committee from receiving evidence which may be relevant to its investigation of a complaint. The Committee in its deliberations shall take any such refusals into consideration in making its findings of fact, decisions and recommendations in the Final Committee Statement on the Complaint.

4. INFORMAL PROCEDURES

Section 4.1. Referral of Complaint to the Department and College if Informal Resolution Attempts Have Not Been Made

When a complaint is accepted by the Committee, it is expected that there had been mutual efforts at the departmental and college levels to satisfactorily resolve the problem. If the complaint does not include sufficient evidence of these efforts, the Committee may suspend its investigation and refer the complaint to the complainant's department Chair and college Dean, respectively and sequentially, for up to ten (10) working days at each level. If there is no mutual resolution at either of these levels, the Committee will resume its investigation.

Section 4.2. Initiation of Proceedings that Involve Faculty Dismissal

If the informal efforts (Section 4.1) have failed to resolve satisfactorily a dismissal question (a complaint falling in a category described by Section 5 or 6), the matter should proceed to a higher administrative level. The Chancellor may seek a personal conference or conferences with the persons involved. Prior to any such personal conference and within fifteen (15) calendar days of notification of the dismissal matter, the Chancellor shall transmit in writing to the faculty member:

1. A clear statement of the facts which have given rise to the question, and
2. An invitation to the faculty member to attend a personal conference at a time, place, and date stated, and that he or she may, but is not required to, appear with such counsel or Association advisers as the faculty member deems necessary, and
3. A copy of these Procedures together with an admonition that any statement or arguments made in informal conferences may later be used as admissions at a formal hearing, and

4. A statement that a personal conference can be successful only if a bona fide effort is made to find a solution to a common problem. To this end, the Chancellor will present the University views and welcome the views of the faculty member.
5. Either party to the informal conference may request that a record (digital recording and/or written transcription) of the conference be made.

Section 4.3. Procedure After Resolution by Mutual Consent

If the dismissal matter referenced in Section 4.2 is concluded by mutual consent, the Chancellor shall set forth the settlement within fifteen (15) calendar days in a letter sent to the faculty member, unless the parties mutually agree that this is not necessary.

5. FORMAL PROCEDURES WHEN A TENURED FACULTY MEMBER IS DISMISSED.

Section 5.1. President Formally Initiates Proceedings

When the informal procedures in Section 4 have been exhausted or waived by either party, the President shall initiate formal procedures in keeping with section 4.14.2 of the *Bylaws*.

Section 5.2. Initial Procedures

A formal dismissal proceeding shall be started by sending a formal communication from the President to the faculty member and to the Chairman of the Committee on Academic Freedom and Tenure in the manner specified in the *Bylaws*, section 4.14.2 (b) (3) and (c) (1-6).

The Chair of the Committee on Academic Freedom and Tenure shall send to the faculty member:

A copy of the pertinent University regulations governing the faculty member's rights, including (1) the *Bylaws of the Board of Regents*, (2) a copy of the procedure and membership of the Committee and its powers, (3) the *Bylaws of the University of Nebraska at Kearney Faculty Senate*, and (4) a copy of any governance documents for the UNK college in which the faculty member's appointment resides.

- a. A statement that the Committee will conduct a hearing on the complaint.
- b. A statement that the time and place of hearing will be set forth by the Committee and will be communicated to the faculty member and to the President. This statement shall specify that the faculty member will have not less than thirty (30) calendar days to prepare a defense.
- c. A statement that the faculty member is invited to attend the hearing accompanied by Association, academic, or legal counselors.

Section 5.3. Notification of Academic/Professional Organizations

Upon written request of the faculty member, a separate copy of the complaint shall be sent by the President to appropriate academic or professional organizations, accompanied by a formal invitation for the organization to send an observer to the proceedings, if it should so choose.

Section 5.4. Time Period for Faculty Response to Charges

In compliance with Section 4.14.2 (c) of the *Bylaws*, not less than twenty (20) calendar days from the date of service of the complaint, the faculty member shall submit to the President and to the Committee a written answer to the charges or a statement that he or she desires no hearing to be held.

Section 5.5. Faculty Response to Academic/Professional Organizations

Prior to the date set for the hearing, the faculty member shall submit a written answer to the charges to the appropriate academic or professional organizations that previously had received a copy of the complaint, or a statement to such organizations that he or she desires no hearing to be held.

Section 5.6. Committee Authority over Objected Evidence

If evidence is tendered during the hearing which is objected to on the ground that it is not within the issues raised either by the complaint or by the answer, the Committee will either 1) not allow the evidence or 2) may allow either the complaint or the answer to be amended, and shall do so freely, especially when the presentation of substantive issues will thereby be facilitated. Whenever an amendment has been allowed, and the other party so requests, the Committee shall grant the other party a reasonable time within which to prepare a response to the new issue or issues raised.

Section 5.7. Default Judgement for the University if the Faculty Member does not Respond

If the faculty member fails to answer the President's complaint, or states that he or she desires no hearing be held, the Committee shall find in favor of the University by default.

Section 5.8. Investigation Procedures

If the faculty member submits an answer to the complaint as provided in [Section 4](#), then the procedures that shall be followed are:

a. The President or the faculty member may by written request to the Chair of the Committee ask, at least seven (7) calendar days before the hearing is scheduled to begin, that certain named Committee members or alternates be disqualified from sitting on the case because there are reasonable grounds to believe that they are biased in the particular case, or have a personal interest in the case or its outcome. In addition, any Committee member or alternate may ask to be excused from participating in the case for the same reasons. After a hearing on this question of cause, the Committee shall determine whether reasonable cause has been shown, and such determination shall be made at least one working day prior to commencing the substantive hearing on the complaint. If reasonable cause is found, and the number of non-challenged regular members is reduced below five, then the challenged members shall be replaced by alternates chosen by lot from prior elected Committee members still-resident at UNK.

b. The Committee at its discretion shall call either of two types of prehearing conferences. In one type of conference the Committee confers with all parties concerned in an effort to delimit the specific charges to be heard. In the other type of conference both parties are offered a final opportunity to informally settle or withdraw the complaint.

c. The faculty member, at least one working day before the hearing is scheduled to begin, may ask the Committee that the hearing be private, and upon the showing of good cause, the Committee shall grant such request. In the absence of such a request, however, the hearing shall be public. If the hearing is closed, the record of the hearing shall be public and available for inspection after the disposition of the case.

d. The President or the faculty member, and their respective lawyers or advisors, shall have the right to be present at the hearings at all times, as may any observer who has been sent by a previously invited academic or professional association.

e. The Chair of the Committee shall preside over the hearing. The hearing shall proceed as follows: (1) the evidence submitted by the President in support of the complaint; (2) the faculty member's evidence in support of his or her answer; (3) the rebuttal evidence in support of the complaint; (4) the rebuttal evidence in support of the answer; (5) closing arguments. However, in rare cases, if the Committee decides that a clearer and more orderly way of exploring the issues can be achieved by varying the normal order of proceeding, it may so order.

f. Testimony of witnesses and other evidence shall be received by the Committee in accordance with Section 4.14.2(c) of the *Bylaws*. The University shall cooperate with the faculty member, and his or her lawyers and advisers, in obtaining pertinent information, in requesting the presence of witnesses, and in producing other evidence relevant to the issue of the hearing. The testimony of witnesses not available for the hearing may be presented by depositions taken in accordance with the statutory provisions applicable in the Civil Courts in the State of Nebraska. Other taking of depositions shall be decided upon by the Committee in prehearing conferences. In all prehearing matters, the Committee may, on its own motion, or at the request of any party, enter such orders in its discretion as justice requires to protect any party from annoyance, expense, embarrassment, or oppression.

g. The Committee shall have the right to summon and question witnesses. All parties, their representatives, and their counsel shall have the right to question all witnesses and to present other evidence relevant to the issues.

h. The Committee, in its discretion, may exclude witnesses from the hearing room except to testify.

i. If the charge is professional incompetence, individual testimony of cognate colleagues within and without the University may be admitted as evidence. If the faculty member so requests, formal departmental reports by colleagues in cognate departments within the University may also be admitted in evidence. All departmental reports shall include both majority and minority opinions. If the charges include classroom incompetency, testimony from students taught by the faculty member may be received. Any judgment by the

Committee of professional incompetency must be restricted to, and based upon, the evidence presented at the hearing, and not on any other consideration.

j. The Committee may proceed independently to secure the presentation of evidence at the hearing by directing the parties to produce evidence on specific issues that it deems significant.

k. The burden of proving the charges shall rest on the party bringing them, and proof of each charge shall be preponderance of evidence relevant to each charge.

l. A verbatim record of the proceeding shall be kept by a court reporter or by tape recording and a full transcript shall be made available to the Committee and to the parties. The cost of such a record and transcription shall be borne by the NU System.

m. The Committee may, in its discretion, adjourn the hearing from time to time to permit the parties to obtain further evidence.

n. The Committee may request written briefs from the parties, and shall accept them if they are offered.

o. The Committee shall have the right to select and hire a lawyer to assist it in conducting hearings. The lawyer selected must be agreed to by the General Counsel of the NU System, the President of the Faculty Senate (or designee), and the Chancellor of UNK (or designee).

Section 5.9. Committee Decision Basis, Deliberations in Executive Session

All Committee decisions shall be based solely upon the record made at the hearings, except as specified in Section 5.10. All deliberations shall be conducted in executive session with only members of the Committee, and if the Committee so decides, its lawyer.

Section 5.10. Hearing Record Required before Final Decision is made, Party with Burden of Proof

The Committee shall await the availability of the verbatim record of the hearing before proceeding to its decision, unless the Committee believes that it can render a just decision in the absence of such a record. In all cases, the Committee shall render its decisions with full consideration of the fact that the burden of proof rests upon the party bringing the charges.

Section 5.11. Justification of Committee Decision

In all cases the Committee shall provide specific findings of fact to support its conclusions on each of the charges submitted as grounds for dismissal. A copy of the opinion setting forth the Committee's disposition of each issue in the case with its accompanying reasons to justify such disposition shall be made available to each of the parties, and to any invited observer of a professional association, at the time when the Committee announces its decision in the case.

Section 5.12. Committee Report Filing, Conditions for Reconsideration

The filing of Committee reports and recommendations and their disposition by the Board of Regents shall be in accordance with Section 4.14.2 paragraphs (e), (f), (g), and (j) of the *Bylaws*. The Committee shall not reconsider the case unless new evidence is presented.

Before any such reconsideration is granted, the requesting party must show that additional relevant evidence has been discovered or has developed that was not available and which could not have been produced at the prior hearing.

Section 5.13. No Public Statements about Cases In Progress

Except for such simple announcements as may be absolutely required, such as the time and place of meetings and similar matters, no public statements by involved parties about the case shall be made until after the final decision has been rendered.

6. TERMINATION OF SERVICES OF UNTENURED FACULTY MEMBERS ALLEGING VIOLATION OF ACADEMIC FREEDOM

The University has wide discretion to terminate an untenured faculty member at the end of the contractual term. If a faculty member without tenure is given notice of termination or failure to achieve tenure, and if, by written communication to the Chancellor with a copy to the Chairman of the Committee, the untenured faculty member alleges that a decision to terminate is caused by considerations that violate academic freedom, then the following procedures shall apply.

Section 6.1. Faculty Statement

The faculty member shall prepare a statement for consideration by the Committee providing reasons and evidence to support the allegation.

Section 6.2. Informal Resolution

The matter shall be submitted to informal review as governed by the procedures set forth under Section 4.

Section 6.3. Formal Hearing Requisition

If the informal review does not resolve the issue, the faculty member may then request a formal hearing before the Committee.

Section 6.4. Committee Pre-Hearing Conference

The Committee shall call a prehearing conference to determine whether sufficient evidence exists to constitute a case of infringement of academic freedom as defined in section 4.2 of the *Bylaws*.

Section 6.5. Initiation of Formal Proceedings

If the Committee determines that sufficient evidence exists, The Committee chair shall notify the President that the faculty member should be afforded a formal hearing governed by the procedures set forth under Section 5, except that the faculty member shall be responsible for stating the grounds on which the allegations are based, and the burden of proof shall rest upon the faculty member. In all other respects, procedures shall be as outlined in Section 4.14.2 of the *Bylaws*.

7. COMPLAINTS OF FACULTY MEMBERS ALLEGING VIOLATION OF ACADEMIC FREEDOM THAT DO NOT INVOLVE TERMINATION

If a faculty member alleges that a sanction decision short of termination is caused by considerations that violate academic freedom, then the procedures in this section shall apply after the informal procedures in Section 4.1. Such sanctions may include, but are not limited to, suspension, an unsatisfactory performance review, and a formal reprimand in the faculty member's personnel file.

Section 7.1. Complainant's disclosure or waiving of attorney/advocate.

The Committee's investigation must abide by the stipulations in Section 4.14.2(c) of the *Bylaws*. This language assumes that the complainant will be represented by an attorney or other advocate. For complaints in this category, following informal resolution attempts (Section 4.1), the Committee Chair will request the complainant to provide contact information for his or her attorney/advocate or to waive such representation before the Committee proceeds with the investigation. The complainant may take up to five (5) working days to respond.

Section 7.2. Adoption of the Initial Committee Statement of the Complaint.

If the Committee accepts a complaint governed by Section 7 as described in Section 3.5, it will then proceed to adopt an Initial Committee Statement of the Complaint. The Initial Committee Statement of the Complaint shall contain (a) the name of the complainant, (b) the name of each respondent, and (c) a statement in ordinary and concise language of the allegations of fact relating to the complaint, including the action or decision which led to the complaint. The Committee shall first prepare a draft Initial Committee Statement of the Complaint. A copy of the draft Initial Committee Statement of the Complaint shall be delivered to the complainant via e-mail. The complainant will then have five (5) working days from the response described in Section 7.1 to deliver to the Chair written recommendations for amendments or revisions to the draft Initial Committee Statement of the Complaint. The Committee shall meet as soon as reasonably possible thereafter in accordance to Section 4.14.2 of the *Bylaws* to investigate the complaint and adopt a Final Committee Statement of the Complaint, in which one or more opinions and/or recommendations are put forward by the Committee regarding the complaint.

Section 7.3. Flexibility to divide investigative work among subcommittees.

For the purpose of conducting a formal investigation of a complaint, the Committee may either delegate responsibilities among one or more Subcommittees of at least two Committee members each, or it may act as a whole. Regardless of any responsibility division, all Committee members will be granted the opportunity for input on the Final Committee Statement on the Complaint.

Section 7.4. Investigation guidelines

Meetings may be conducted separately with the complainant, each respondent, and any other persons called by the Committee to meet with it concerning the complaint, or the committee may request that the complainant, respondent, or other witnesses attend meetings jointly. All persons meeting with the Committee will be requested to respond to questions by the

Committee and give testimony relevant to the complaint. Any person meeting with the Committee may in addition to his or her oral testimony submit a written statement. The Committee will interview all witnesses suggested by the parties except where it appears that the testimony of a witness would be (a) unduly repetitious of evidence already presented to the Committee, or (b) irrelevant to the complaint. The Committee may also call other witnesses which it believes may have relevant testimony.

Section 7.5. Service of the Final Committee Statement on the Complaint.

Upon concluding the investigation, the Committee shall compose a written Final Committee Statement on the Complaint consisting of the Committee's findings and recommendations. Copies of this will be sent to each respondent, the complainant, the Chancellor, the Vice Chancellor for Academic Affairs and the President of the Faculty Senate. The Committee shall also send to each respondent a copy of the written complaint originally filed with the Committee by the complainant. All copies and documents required in these procedures may be sent via UNK e-mail systems unless otherwise indicated in these procedures.

8. COMPLAINTS OF FACULTY MEMBERS ALLEGING NON-UNIFORM APPLICATION OF UNIVERSITY-LEVEL EVALUATION, PROMOTION, AND TENURE GUIDELINES

UNK Faculty Senate Bylaws Article VII.C stipulates that the Committee has "oversight responsibilities to ensure that the University-wide rank and tenure standards and procedures are applied uniformly by the undergraduate colleges."

Section 8.1. Expectations of Complaints that Fall in this Category.

Complaints that fall under this section will consist of either: (a) alleged direct misapplication of University Evaluation, Promotion, and Tenure Guidelines by an evaluating faculty peer or administrator at the department, college, or university level; or (b) alleged enactment and/or application of a department or college evaluation/promotion/tenure policy that violates University Evaluation, Promotion, and Tenure Guidelines.

Section 8.2. Policy Application vs. Personal Judgement.

In complaints that fall under this section, the committee will consider only policy applications and conflicts. Any complaints about individuals' personal judgements and/or ethics will be referred to the Professional Conduct Committee (see Section 3.5).

Section 8.3. Procedure Guidelines.

Investigations of complaints in this category will abide by stipulations in *ByLaws* section 4.14.2(c) and Sections 7.1-7.5 of this document.