

established but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons. If the President rejects the report, the President will state the reasons for doing so, in writing, to the Academic Freedom and Tenure Grievance Committee and to the faculty member and provide an opportunity for response **before transmitting the case to the Board of Trustees. Within 30 days of final action by the administration a petition for review of the dismissal or non-reappointment decision can be made in writing to the Board of Trustees. This petition must fully state all grounds of appeal.**

1. Procedures for Cases in Category 1: Faculty Who Have Received Notification from the Institution that Proceedings Have Been Initiated to Dismiss Them for Cause

In cases involving termination for cause, the burden of proof that adequate cause for dismissal exists rests with the institution and will be satisfied only by clear and convincing evidence in the record considered as a whole. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

In cases involving termination for cause, a faculty member who has been notified by the Provost that proceedings have been initiated to dismiss him or her for cause should first seek informal redress of grievances according to the “Preliminary Procedures” above. Following that process, “Formal Hearing Procedures” may be followed if necessary.

2. Procedures for Cases in Category 2: Faculty Who Have Received Notification from the Institution that Proceedings Have Been Initiated to Dismiss Them on Grounds of Financial Exigency

In cases of termination because of financial exigency, termination of an appointment with continuous tenure or of a probationary appointment before the end of the specified term may occur under extraordinary circumstances resulting from a demonstrably bona fide financial exigency, i.e., an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means.

The burden will rest on the administration to prove the existence and extent of a condition of financial exigency. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced. The faculty shall participate in the decision that a condition of financial exigency exists or is imminent and that all feasible alternatives to termination of appointments have been pursued. Judgments determining where within the overall academic program termination of appointments may occur involve considerations of educational policy, including affirmative action, as well as of faculty status, and should therefore be the primary responsibility of the faculty or of an appropriate faculty body. The faculty shall also exercise primary responsibility in determining the criteria for identifying the individuals whose appointments are to be terminated. The responsibility for identifying individuals whose appointments are to be