

**BYLAWS
of the
CONSTITUTION OF SOUTHERN OREGON UNIVERSITY FACULTY**

6.000

Section 6. Dispute Resolution

6.100

I. Faculty Grievance Procedures regarding Personnel Actions

6.110

A. General Provisions

6.111

1. The procedures set out in this section are available to any faculty member as defined within the Faculty Constitution.

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2. “Grievance” means an allegation by an academic employee that the employee was wronged in connection with a personnel action. Such actions include evaluation, tenure, promotion, or other conditions of employment or the employee's rights were denied as to reappointment as covered by the Faculty By-Laws or other established University policies, procedures, or practices. “Other conditions of employment” shall include, but are not necessarily limited to, violations of academic freedom; discriminatory employment practices; nondiscriminatory employment practices; and laws, rules, policies and procedures under which the institution operates except when those rules and procedures are covered by the APSOU Collective Bargaining Agreement. In this case, the procedures mandated by the APSOU Collective Bargaining Agreement (Article 17) must be employed. Also, allegations of discrimination on the basis of religion, gender, sexual orientation, race, color, national origin, age, disability, or marital status should be filed with the appropriate University Affirmative Action Officer. Note that sexual harassment is defined as an unlawful form of discrimination. The exercise of unbiased professional judgment that conscientiously followed established guidelines and policies in reaching a decision does not constitute a “wrong.”

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3. Procedures for hearing challenges to disciplinary actions or procedures are summarized in section 6.200 and are found in University Policy 580-21-0320.

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4. A personal complaint by a faculty member against another faculty or staff member, which does not allege a wronging of the complainant through a personnel action, is not subject to the procedures set out in this section. Refer to section 6.300.

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5. The grievant may not proceed with a grievance under this section if the grievant is seeking resolution of that same grievance in another formal forum. However, if some aspects of the issue are covered by the Bylaws and others are covered by the APSOU Collective Bargaining Agreement, then separate grievances on those separate aspects may be pursued concurrently.

6.116

6. Unless otherwise stated, a ‘university day’ means a day when classes or

examinations are scheduled and held in accordance with the official academic calendar of the University, excluding Saturdays and Sundays. Summer Session days will not be counted as university days for those parties not employed during the Summer Session. However, nothing shall prevent all parties of the grievance from mutually agreeing to process the grievance during the summer.

6.120

B. Procedures for Informal Stage

Prior to filing a formal grievance (see section 6.131), a faculty member is encouraged to seek resolution of the grievance with the faculty member's director and Vice President or Provost, or, in the case of discrimination, including sexual harassment, the appropriate administrative officer. The faculty member must have the initial discussion within 10 university days of receiving notice of a personnel action. If the administrator agrees to seek resolution, the administrator will notify the faculty member in writing of the recommended resolution not more than 10 university days after the initial discussion with the grievant unless the administrator and the grievant agree in writing to extend the time limit. In no case may the time limit be extended to more than 20 university days after the initial discussion with the grievant. If the administrator declines to seek resolution, the administrator must notify the faculty member in writing within 5 university days after the initial discussion with the grievant.

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C. Initiation of Formal Stage

6.131

1. If a grievance is not resolved to the satisfaction of the grievant at the informal stage, or if the grievant chooses to bypass the informal stage, the grievant may initiate the formal stage by filing a formal grievance in writing with the Faculty Senate Chair who shall immediately notify the parties involved in the grievance. A copy of the grievance must also be sent to the APSOU President. The formal grievance must be filed within 10 university days of the faculty member receiving notice of a personnel action or within 10 university days of receiving written notification from the administrator concerning the informal stage (see section 6.120).

6.132

2. For a grievance to be filed, it must be received by the Faculty Senate Chair -- with a copy sent to the APSOU President -- and must include the following:
 - a. The grievant's name, address and telephone number;
 - b. The date and nature of the personnel action being grieved;
 - c. The parties responsible for the personnel action and
 - d. The remedy requested.

Sufficient detail must be included in the grievance to allow the Faculty Senate Chair to determine (1) the grievant has met the deadline, (2) the grievance is addressable under section 6.100, and (3) the specific individuals who are named as the responsible parties for the personnel action. Furthermore, the personnel action being grieved and the desired remedy must be clearly identified.

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3. Once a formal grievance has been filed with the Faculty Senate Chair, it may be

withdrawn only with the written consent of the grievant and the parties named within the grievance.

6.134

4. The Faculty Senate Chair shall contact the University President to ascertain whether the President or a designee will receive the findings of the Faculty Senate Hearing Committee and render a decision on behalf of Southern Oregon University. The President or designee will be the Hearing Grievance Officer for the purposes of this particular hearing. A designee is normally a high-level administrator, such as a Vice President, who is not directly involved with the grievance. If the grievance involves the President or where the President is the immediate supervisor of the grievant, then the Chancellor of the Oregon University System shall assume the role of the University President for the purposes of processing the grievance.

6.135

5. The Faculty Senate Chair shall cause a Faculty Senate Hearing Committee to be constituted (see section 1.225 of these bylaws). The Faculty Senate Chair shall notify all parties regarding the tentative membership of the Faculty Senate Hearing Committee within 10 university days of receiving the grievance. All parties must notify the Faculty Senate Chair in writing of any preemptory challenges within 5 university days of receiving that notification letter.

6.136

6. The Faculty Senate Chair will notify all parties of the name of the Hearing Grievance Officer and the final membership of the Faculty Senate Hearing Committee within 20 university days of the receipt of the grievance. The date of this notification is the date the Faculty Senate Hearing Committee is fully constituted.

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D. Hearing Procedures

6.141

1. The Faculty Senate Hearing Committee shall elect a chair from among its members.

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2. The Faculty Senate Hearing Committee shall send to all parties a written notice of the time and place of the hearing at least 5 university days prior to the hearing (see 6.152).

6.143

3. The Formal Hearing is not a legal proceeding, but a formal collegial review of a faculty member's grievance regarding a personnel action. The Faculty Senate Hearing Committee is charged with reviewing all evidence presented at the hearing and making a formal written recommendation to the Hearing Grievance Officer. It is their duty to recommend an appropriate course of action based on an unbiased review of all the pertinent facts presented at the hearing. It is not their duty to question other faculty members' professional judgment, but to make sure that the rules and procedures of Southern Oregon University, as outlined in these bylaws, were applied in an accurate and unbiased manner.

6.144

4. The grievant may be accompanied by or represented at the hearing by another

person of the grievant's choosing. The grievant will be responsible for any costs of representation except as allowed in ORS 30.285. The grievant has the option to be present throughout the hearing.

6.145

5. The hearing shall be open to the public at the option of the grievant and to the extent allowed by law. Deliberations of the Faculty Senate Hearing Committee occur in executive session and shall not be open to the public or the parties involved (ORS 192.660).

6.146

6. The grievant shall present the grievance and any supporting evidence first. The person or persons who are the object of the grievance shall present their evidence next. Both parties will have an opportunity to respond to the evidence presented by the other party.

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7. Written and/or telephone testimony will not receive the same weight as live testimony in the Faculty Senate Hearing Committee's deliberations, since these types of testimony are not subject to the same scrutiny as a live witness during the course of the hearing.

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8. The Faculty Senate Hearing Committee has the right to question either party to the grievance, to question witnesses, to terminate or redirect repetitive and/or irrelevant lines of questioning, and to call additional witnesses or request additional pieces of evidence.

6.149

9. The Chair of the Faculty Senate Hearing Committee may call a recess at any time.

6.14(10)

10. The Chair of the Faculty Senate Hearing Committee shall provide for a sound recording of the hearing, along with all exhibits and formal correspondence, which shall be filed with the Provost. The Provost will make such sound recordings, exhibits and correspondence available to parties of the grievance upon request.

6.150

E. Decision of the Hearing Committee

6.151

1. The Faculty Senate Hearing Committee will render its decision in the form of a written recommendation to the Hearing Grievance Officer and will forward it to the Faculty Senate Chair. The recommendation shall be based solely upon the evidence presented at the hearing.

6.152

2. The Faculty Senate Chair will forward the recommendation without comment to the Hearing Grievance Officer and all parties to the grievance, and will notify the Faculty Senate that the Faculty Senate Hearing Committee has completed its work. The recommendation shall be forwarded to the Hearing Grievance Officer within 40 university days of the date the Faculty Senate Hearing Committee is fully constituted.

6.153

3. The Hearing Grievance Officer shall review the recommendation and render a written decision within twenty (20) university days, notifying all parties and the

Faculty Senate Chair of the decision. The Hearing Grievance Officer may interview any person concerning the grievance to supplement the record of the hearing, provided the decision lists each person so interviewed and includes a written synopsis of the contents of each interview. In addition, the Hearing Grievance Officer may review any documents, provided the decision shall identify any such documents that were not a part of the record of the hearing. The grievant shall be informed of such additional information obtained by the Hearing Grievance Officer in preparing the decision and shall be given 5 university days to provide any comment or response prior to the Hearing Grievance Officer rendering a decision. If the Hearing Grievance Officer rejects or modifies the recommendations of the hearing committee, the reasons shall be stated in the decision.

6.154

4. When the Hearing Grievance Officer is not the President, the grievant may request the President review the record of the grievance. If the grievance involves the President or where the President is the immediate supervisor of the grievant, then the grievant may appeal to the Chair of the Board of Trustees of Southern Oregon University pursuant to University Policy 580-021-0050 (10).
 - a. A request for review by the President shall be in writing and must be received in the President's Office within 10 university days of the grievant's receipt of the Hearing Grievance Officer's decision. The request shall briefly state the basis for the request for review and the specific facts that would support action by the President as outlined below. A copy of the Grievance Officer's decision must be attached to the request.
 - b. Review by the President shall consist of an examination of the record of the grievance. The President may elect to receive additional written or oral presentations from the grievant and the Hearing Grievance Officer. The President shall not reverse a decision of the Hearing Grievance Officer unless:
 - (1) The institution committed a procedural during the grievance procedure and the error resulted in prejudice to the grievant;
 - (2) The decision of the Hearing Grievance Officer is not supported by substantial evidence; or
 - (3) The decision is in conflict with applicable rules or law.
 - c. The President's decision shall be in writing and shall be sent to the grievant and the Hearing Grievance Officer within 20 university days of the receipt of the request for review.
 - d. The President's decision is final, and shall be an exhaustion of the grievant's administrative remedies with Southern Oregon University and the State Board of Higher Education except as noted in section 6.154. In no instance, shall the length of time between the filing of a formal grievance and the final decision of the President exceed 180 calendar days, unless agreed to by the grievant.

6.160

F. Protection from Retaliation

A faculty member filing a grievance in good faith or otherwise participating in any of the actions authorized under these grievance rules shall not be subject to retaliatory action of any kind by any employee of Southern Oregon University or the Board of Trustees of Southern Oregon University (see University Policy 580- 015- 0095).

6.170

G. Unmet Deadlines

Should any of the deadlines provided in section 6.140 or 6.150 not be met, the grievant may request the Faculty Senate Chair intercede to assure the grievance proceeds in a timely manner.

6.200

II. Procedure for Hearing Challenges to Disciplinary Actions or Procedures

6.210

A. General Provisions

6.211

1. These procedures set out in this section are restricted to challenges to disciplinary actions or procedures which are not covered by section 6.100 of the Faculty Bylaws or the APSOU Collective Bargaining Agreement, whether related to termination or sanctions for cause. Sanctions for cause include oral or written warning or reprimand, removal from an assigned post and reassignment, suspension for a period not to exceed one year, and termination.

6.212

2. "Cause" is fully described in University Policy 580-021-0325 and 580-022-0045 and includes conviction of a felony, crimes involving moral turpitude, or failure to perform faculty duties such as evidence of incompetence, gross inefficiency, default of academic integrity in teaching, research or scholarship, intentional or habitual neglect of duty, and failure to perform adequately for medical reasons.

6.213

3. Procedures for sanctions more severe than an oral or written warning or reprimand are described in University Policy 580-021-0330. The President follows these procedures to initiate formal charges after his/her attempts to reach a satisfactory resolution have failed.

6.214

4. Sanctions are divided into two categories:

- a. less severe sanctions, those only resulting in an oral or written warning or reprimand and
- b. more severe sanctions, those resulting in more than just an oral or written warning or reprimand.

6.215

5. If a faculty member requests in writing that a formal hearing not be held, the President may impose an appropriate sanction or sanctions on that faculty member to be effective as determined by the President in adherence with University Policy 580- 021-0340.

6.216

6. Unless otherwise stated, a ‘university day’ means a day when classes or examinations are scheduled and held in accordance with the official academic calendar of the University, excluding Saturdays and Sundays. Summer Session days will not be counted as university days for those parties not employed during the Summer Session. However, nothing shall prevent all parties of the challenge from mutually agreeing to process the challenge during the summer.

6.220

B. Procedures for Informal Stage

6.221

1. Less Severe Sanctions

Challenges to less severe sanctions resulting in oral or written warning must first seek satisfactory resolution of the matter with the faculty member’s director and Vice President or Provost. The faculty member must have the initial discussion within ten (10) university days of receiving notice of the disciplinary action or procedure that is being challenged. If the administrator agrees to seek resolution, the administrator will notify the faculty member in writing of the recommended resolution not more than ten (10) university days after the initial discussion with the faculty member unless the administrator and the faculty member agree in writing to extend the time limit. In no case may the time limit be extended to more than twenty (20) university days after the initial discussion with the faculty member. If the administrator declines to seek resolution, the administrator must notify the faculty member in writing within five (5) days after the initial discussion with the faculty member.

6.222

2. More Severe Sanctions

When sanctions are more severe than an oral or written warning or reprimand, all attempts at informal resolution failed prior to charges being filed. Challenges to these charges proceed immediately to the formal stage (see section 6.230). Faculty challenging these disciplinary actions must request a hearing by notifying the President within ten (10) university days after receiving the charges.

6.230

C. Initiation of Formal Stage

6.231

1. If the challenge is not resolved to the satisfaction of the faculty member at the informal stage, the faculty member may initiate the formal challenge by filing it in writing with the President of the University, with a copy sent to the APSOU President. If the challenge involves the President or where the President is the immediate supervisor of the person bringing forth the challenge, then the Chancellor of the Oregon University System shall assume the role of the University President for the purposes of processing the challenge.

6.232

2. The formal challenge must be filed within ten (10) university days of receipt of the final unsatisfactory proposed resolution and completion of the informal stage. This period may be reasonably extended by the President.

6.233

3. For a challenge to be filed, it must be received by the President -- with a copy sent to the APSOU President -- and must include the following:
 - a. The faculty member's name, address and telephone number;
 - b. The date and nature of the disciplinary action or procedure being challenged;
 - c. The party or parties responsible for the disciplinary action or procedure; and
 - d. The remedy requested.

Sufficient detail must be included in the document to allow the President to determine (1) the faculty member has met the deadline, (2) the challenge is addressable under section 6.200, and (3) the specific individuals who are named are the responsible parties. Furthermore, the disciplinary action or procedure and the desired remedy must be clearly identified.

6.234

4. Once a formal challenge has been filed with the President it may be withdrawn only with the written consent of the faculty member and the parties named within the challenge.

6.235

5. The President shall cause the Faculty Senate Chair to constitute a Faculty Senate Hearing Committee (see section 1.225 of these bylaws). The Faculty Senate Chair shall notify all parties regarding the tentative membership of the Faculty Senate Hearing Committee within 10 university days of receiving the challenge. The faculty member and the administration are each allowed one preemptory challenge. All parties must notify the Faculty Senate Chair in writing of any preemptory challenges within 5 university days of receiving that notification letter.

6.236

6. The Faculty Senate Chair will notify all parties of the final membership of the Faculty Senate Hearing Committee as soon as possible and not more than twenty (20) university days of the receipt of the challenge. The date of this notification is the date the Faculty Senate Hearing Committee is fully constituted.

6.240

D. Hearing Procedures

6.241

1. The Faculty Senate Hearing Committee shall elect a Chair from among its members.

6.242

2. The Faculty Senate Hearing Committee shall send to all parties a written notice of the time and place of the hearing at least 5 university days prior to the hearing.

6.243

3. The formal hearing is not a legal proceeding, but a formal collegial review of a faculty member's challenge regarding a disciplinary action. The Faculty Senate Hearing Committee is charged with reviewing all evidence presented at the hearing and making a formal written recommendation to the President. It is their duty to recommend an appropriate course of action based on an unbiased review of all the pertinent facts.

6.244

4. The faculty member may be accompanied by or represented at the hearing by another person of the faculty member's choosing. The cost of legal counsel shall be borne by those individuals soliciting such help, except as provided for in ORS 30.285. The faculty member shall have the option to be present throughout the hearing.

6.245

5. The hearing shall be open to the public at the option of the faculty member and to the extent allowed by law. Deliberations of the Faculty Senate Hearing Committee occur in executive session and shall not be open to the public or parties involved (ORS 192.660).

6.246

6. The faculty member shall present the challenge and any supporting evidence first. The person or persons who are the object of the challenge shall present their evidence next. Both parties will have an opportunity to respond to the evidence presented by the other party.

6.247

7. Written and/or telephone testimony will not receive the same weight as live testimony in the Faculty Senate Hearing Committee's deliberations, since these types of testimony are not subject to the same scrutiny as a live witness during the course of the hearing.

6.248

8. The Faculty Senate Hearing Committee has the right to question either party to the challenge, to question witnesses, to terminate or redirect repetitive and/or irrelevant lines of questioning, and to call additional witnesses or request additional pieces of evidence.

6.249

9. The Chair of the Faculty Senate Hearing Committee may call a recess at any time.

6.24(10)

10. The Chair of the Faculty Senate Hearing Committee shall provide for a sound recording of the hearing, along with all exhibits and formal correspondence, which shall be filed with the President. The President shall make such sound recordings, exhibits and correspondence available to all parties of the challenge upon request.

6.250

E. Decision of the Hearing Committee

6.251

1. The Faculty Senate Hearing Committee shall render its decision in the form of a written recommendation to the President within twenty (20) university days of the date when the Committee is fully empowered, if possible, and no later than forty (40) university days. The recommendation shall be based solely upon the evidence presented at the hearing. The Faculty Senate Hearing Committee shall also forward a copy of its decision to each party of the challenge.

6.252

2. The President shall review the recommendation and render a written decision within twenty (20) university days. Each party to the challenge shall be provided a written copy of the decision. Before rendering a decision, the President may interview any person concerning the challenge in order to supplement the record of the hearing, provided that the decision lists each person so interviewed and

includes a written synopsis of the contents of each interview. In addition, the President may review pertinent documents, provided the decision shall identify any such documents that were not a part of the record of the hearing. The faculty member shall be informed of such additional information obtained by the President in preparing the decision and shall be given 5 university days to provide any comment or response prior to the President rendering a decision.

6.253

3. If deemed necessary, the president may refer the matter back to the committee for further findings of fact. After receipt of the committee's final report and after reasonable opportunity to consult with the Chancellor and others, the President shall give each party and the Chancellor written notice of the decision.

6.260

F. Protection from Retaliation

6.261

1. A faculty member filing a challenge in good faith or otherwise participating in any of the actions authorized under these challenge rules shall not be subject to retaliatory action of any kind by any employee of Southern Oregon University or the Board of Trustees of Southern Oregon University (see University Policy 580-015-0095).

6.262

2. In particular, no notation shall be made in the personnel record of a faculty member of any investigation that has not resulted in formal charges being brought against the faculty member or that has not resulted in the imposition of a sanction of oral or written warning or reprimand.

6.270

G. Unmet Deadlines

Should any of the deadlines provided in section 6.240 or 6.250 not be met, the faculty member may request the President intercede to assure the challenge proceeds in a timely manner.

6.300

III. Faculty Complaints against Other Faculty, Administrators, or Staff

6.310

A. General Provisions

6.311

1. These procedures are to be used whenever a faculty member has a complaint against another faculty member, administrator, or staff person where the complaint is not covered in any other section of these bylaws, University Policy, or the Oregon administrative rules. (See sections 6.100 and 6.200.)

6.312

2. The complainant may not proceed with a complaint under this section if the complainant is seeking resolution of that same complaint in another formal forum.

6.313

3. All complaints alleging unlawful discrimination, including sexual harassment, must be filed with the appropriate University Affirmative Action Officer. That officer will identify the specific allegations, investigate each allegation of discrimination and attempt to help the parties resolve the issue.

6.314

4. Unless otherwise stated, a ‘university day’ means a day when classes or examinations are scheduled and held in accordance with the official academic calendar of the University, excluding Saturdays and Sundays. Summer Session days will not be counted as university days for those parties not employed during the Summer Session. However, nothing shall prevent all parties of the complaint from mutually agreeing to process the complaint during the summer.

6.320

B. Procedures for Informal Stage

6.321

1. Parties to a disagreement must first seek resolution of the disagreement with the supervisor or supervisors of the parties involved. Within 10 university days after the initial discussion with the complainant, the supervisor(s) must notify both parties to the complaint of the proposed resolution. Either party to the complaint may request in writing to extend the time limit. In no case may the time limit be extended to more than 20 university days after the initial discussion with the complainant.

6.322

2. Should the complaint not be resolved to the satisfaction of any party to the complaint at this level, then resolution may be sought at the next-higher administrative level by delivering a copy of the unsatisfactory proposed resolution together with a brief explanation of its inadequacies to the appropriate Director, or Vice President within 10 university days of receiving the unsatisfactory proposed resolution.

6.323

3. When the complaint is against the President the complaint may skip the informal stage and file a formal complaint with the Chair of the Southern Oregon University Board of Trustees. (See section 6.331 (b).)

6.330

C. Initiation of Formal Stage

6.331

1. If a complaint is not resolved to the satisfaction of the complainant at the informal stage, the complainant may initiate the formal complaint by filing it in writing with the Provost, who shall immediately notify the parties involved in the complaint.
 - a. Complaints against the Provost shall be filed with the President, and shall follow the same procedures outlined below, substituting President for Provost.
 - b. Complaints against the President shall be filed with the Chancellor, and shall follow the same procedures outlined below, substituting Chancellor for Provost.

6.332

2. The formal complaint must be filed within 10 university days of receipt of the final unsatisfactory proposed resolution and completion of the informal stage.

6.333

3. For a complaint to be filed, it must be received by the Provost and must include the following:

- a. The complainant's name, address and telephone number;
- b. The date and nature of the complaint;
- c. The parties involved; and
- d. The action requested.

Sufficient detail must be included in the complaint to allow the Provost to determine (1) the complainant has met the deadline, (2) the complaint is addressable under section 6.300, and (3) the specific individuals who are named as the parties involved. Furthermore, the complaint and the desired remedy must be clearly identified.

6.334

4. Once a formal complaint has been filed with the Provost it may be withdrawn only with the written consent of the complainant and the parties named within the complaint.

6.335

5. The Provost shall empower a Complaint Hearing Committee (see section 6.340). All parties will be notified of the tentative membership of the Complaint Hearing Committee within 10 university days of the Provost's receipt of the formal complaint. All parties must notify the Provost in writing of any peremptory challenges within 5 university days of receiving that notification letter.

6.336

6. The Provost shall notify all parties of the final membership of the Complaint Hearing Committee within 20 university days of the receipt of the formal complaint. The date of this notification is the date the Complaint Hearing Committee is fully empowered.

6.340

D. Composition of Complaint Hearing Committees

6.341

1. The Provost shall appoint a Complaint Hearing Committee to hear the complaint.

6.342

2. Complaint Hearing Committees to hear faculty-faculty and faculty-administrator complaints shall be composed as follows: three faculty members (at least one from the home program(s)/unit of the complainant, whenever possible), and two administrators (at least one from the division/major unit of the complainant, whenever possible).

6.343

3. Complaint Hearing Committees to hear faculty-staff complaints shall include two faculty members (at least one from the program(s)/unit of the faculty member, whenever possible), one administrator, and two staff members (one from the program(s)/unit of the faculty member and one from the program(s)/unit of the staff person, whenever possible).

6.344

4. Each disputant shall have the right to challenge an unlimited number of Committee members for cause. Any challenge for cause shall be referred to the Provost or his designee for disposition.

6.350

E. Hearing Procedures

6.351

1. The Complaint Hearing Committee shall elect a chair from among its members.

6.352

2. The Complaint Hearing Committee shall send to all parties a written notice of the time and place of the hearing at least 5 university days prior to the hearing.

6.353

3. The formal hearing is not a legal proceeding, but a formal collegial review of a faculty member's complaint against another faculty member, administrator, or staff person. The Complaint Hearing Committee is charged with reviewing all evidence presented at the hearing and making a formal written recommendation to the Provost. It is their duty to recommend an appropriate course of action based on an unbiased review of all the pertinent facts.

6.354

4. The complainant may be accompanied by or represented at the hearing by another person of the complainant's choosing. The cost of legal counsel shall be borne by those individuals soliciting such help, except as provided for in ORS 30.285ff. The complainant shall have the option to be present throughout the hearing.

6.355

5. The hearing shall be open to the public at the option of the complainant and to the extent allowed by law. Deliberations of the Complaint Hearing Committee occur in executive session and shall not be open to the public or parties involved (ORS 192.660).

6.356

6. The complainant shall present the complaint and any supporting evidence first. The person or persons who are the object of the complaint shall present their evidence next. Both parties will have an opportunity to respond to the evidence presented by the other party.

6.357

7. Written and/or telephone testimony will not receive the same weight as live testimony in the Complaint Hearing Committee's deliberations, since these types of testimony are not subject to the same scrutiny as a live witness during the course of the hearing.

6.358

8. The Complaint Hearing Committee has the right to question either party to the complaint, to question witnesses, to terminate or redirect repetitive and/or irrelevant lines of questioning, and to call additional witnesses or request additional pieces of evidence.

6.359

9. The Chair of the Complaint Hearing Committee may call a recess at any time.

6.35(10)

10. The Chair of the Complaint Hearing Committee shall provide for a sound recording of the hearing, along with all exhibits and formal correspondence, which shall be filed with the Provost. The Provost shall make such sound recordings, exhibits and correspondence available to all parties of the complaint upon request.

6.360

F. Decision of the Hearing Committee

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6.362

1. The Complaint Hearing Committee shall render its decision in the form of a written recommendation to the Provost within forty-five (45) university days of the date when the Committee is fully empowered. The recommendation shall be based solely upon the evidence presented at the hearing. The Complaint Hearing Committee shall also forward a copy of its decision to each party of the complaint.
2. The Provost shall review the recommendation and render a written decision within 20 university days. Each party to the complaint shall be provided a written copy of the decision. Before rendering a decision, the Provost may interview any person concerning the complaint in order to supplement the record of the hearing, provided that the decision lists each person so interviewed and includes a written synopsis of the contents of each interview. In addition, the Provost may review pertinent documents, provided the decision shall identify any such documents that were not a part of the record of the hearing. The complainant shall be informed of such additional information obtained by the Provost in preparing the decision and shall be given 5 university days to provide any comment or response prior to the Provost rendering a decision. If the Provost rejects or modifies the recommendation of the Complaint Hearing Committee, the reasons shall be stated in the decision.

6.370

G. Protection from Retaliation

A faculty member filing a complaint in good faith or otherwise participating in any of the actions authorized under these complaint rules shall not be subject to retaliatory action of any kind by any employee of Southern Oregon University or the Board of Trustees of Southern Oregon University.

6.380

H. Unmet Deadlines

Should any of the deadlines provided in section 6.340 or 6.350 not be met, the complainant may request the President intercede to assure the complaint proceeds in a timely manner.

6.390

I. Review of Decision

The complainant may request the President review the record of the complaint. If the complaint involves the President or where the President is the immediate supervisor of the complainant, then the complainant may appeal to the Chancellor of the Oregon University System pursuant to University Policy 580-021-0050 (10).

6.391

1. A request for review by the President shall be in writing and must be received in the President's Office within 10 university days of the complainant's receipt of the Provost's decision. The request shall briefly state the basis for the request for review and the specific facts that would support action by the President as outlined below. A copy of the Provost's decision must be attached to the request.

6.392

2. Review by the President shall consist of an examination of the record of the complaint. The President may elect to receive additional written or oral

presentations from the complainant and the Provost. The President shall not reverse a decision of the Provost unless:

- a. The institution committed a procedural error during the complaint procedure and the error resulted in prejudice to the complainant;
- b. The decision of the Provost is not supported by substantial evidence; or
- c. The decision is in conflict with applicable rules or law.

6.393

3. The President's decision shall be in writing and shall be sent to the complainant and the Provost within 20 university days of the receipt of the request for review.

6.394

4. The President's decision is final, and shall be an exhaustion of the complainant's administrative remedies with Southern Oregon University and the Board of Trustees of Southern Oregon University except as noted in section 6.331. In no instance, shall the length of time between the filing of a formal complaint and the final decision of the President exceed 180 calendar days, unless agreed to by the complainant.

6.400

IV. Removal of Academic Administrator from Office

If it should appear that an Academic Administrator does not have the support and confidence of those within their administrative unit to such an extent that its operation is jeopardized, a formal written request for the removal of the administrator may be submitted to the Faculty Senate by two-thirds of the members of the unit involved. For the purposes of this section, the scope of the unit involved shall include any faculty member whose reporting chain leads to the Academic Administrator in question and who is a member of the bargaining unit as defined in Article 3 (Recognition) of the Collective Bargaining Agreement. The request will be considered by the Senate and sent with the Senate's recommendation to the proper authority.

End of Section 6