

**RESPONSIBILITIES OF THE
ACADEMIC RIGHTS AND RESPONSIBILITIES COMMITTEE
AND
PROCEDURES FOR HANDLING MATTERS OF ACADEMIC FREEDOM AND TENURE,
GRIEVANCE AND PROFESSIONAL CONDUCT
University of Nebraska-Lincoln**

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	Responsibilities of the Academic Rights and Responsibilities Committee.....	1
1.2	Relationship of ARRC and ARRC Procedures to Special Committees and Codes of Procedures for Special Committees.....	2
1.3	Academic Rights and Responsibilities.....	3
1.4	Duty of University Officials To Investigate and To Take Action on Known or Alleged Discrimination.....	3
2	DEFINITIONS.....	3
2.1	Chancellor	3
2.2	Days.....	3
2.3	EAD.....	3
2.4	Faculty Member.....	3
2.5	Federal Misconduct in Science Regulations.....	3
2.6	In Writing and Written.....	3
2.7	Parties	3
2.8	President	4
2.9	Professional Staff.....	4
2.10	Section.....	4
2.11	Vice Chancellor for Research.....	4
3	THE ARRC AND THE ARRC PANEL	4
3.1	Membership of the ARRC.....	4
	3.1.1 Voting.....	4
	3.1.2 Closed Meetings	4
	3.1.3 Conflict of Interest for Members of the ARRC	4
3.2	Membership of the ARRC Panel.....	5
3.3	Membership of Special Committees and of the Special Resource Group.....	5
3.4	Functions of the Special Resource Group	6
3.5	Communications.....	6
3.6	Dissemination of Personnel Information.....	6
3.7	General Responsibilities of the Chair of the ARRC.....	6
3.8	Observer	7

3.9	Members of ARRC, Special Committees, the Special Resource Group and Other Participants Protected by Regents Bylaw Section 6.8.	7
3.10	ARRC Attorney	8
4	PROCEDURES FOR INITIATING ACTIONS BY THE ARRC	8
4.1	Informal Efforts to Resolve Disputes.....	8
4.2	Formal Written Complaints.	9
4.2.1	Mandatory Elements of Formal Written Complaints.....	9
4.2.2	Jurisdiction of Special Committees to Hear Formal Written Complaints.....	9
4.3	Formal Written Complaints Stating a Claim or Claims within the Jurisdiction of More than One Special Committee.....	10
4.4	Discretion to Assign Two or More Complaints to a Single Special Committee.	11
4.5	Deadlines for ARRC Action on Formal Written Complaints.	11
4.6	Decision to Convene a Special Committee under Section 4.5.4.....	12
4.7	Decision Not To Convene a Special Committee under Section 4.5.4.	12
4.8	Motions to Reconsider.....	12
4.9	Amended Formal Written Complaints.....	12
4.10	Finality of ARRC Decisions Not To Convene A Special Committee	13
5	CONVENING SPECIAL COMMITTEES	13
5.1	Convening a Special Committee.....	13
5.2	Agreement Reached Informally.	13
6	ADHERENCE TO PROCEDURES.....	13
7	ROLE OF ARRC IN SUMMARY SUSPENSIONS IN ANTICIPATION OF DISMISSAL.....	14
8	FOLLOW UP BY THE ARRC	14
8.1	Chancellor's (or President's) Response to Special Committee Recommendations.....	14
8.2	ARRC Review of Implementation of Recommendations.....	14
8.2	ARRC Meeting with the Special Committee.....	14

**RESPONSIBILITIES OF THE
ACADEMIC RIGHTS AND RESPONSIBILITIES COMMITTEE
AND
PROCEDURES FOR HANDLING MATTERS OF ACADEMIC FREEDOM AND TENURE,
GRIEVANCE AND PROFESSIONAL CONDUCT
University of Nebraska-Lincoln**

1 INTRODUCTION

1.1 Responsibilities of the Academic Rights and Responsibilities Committee. The Academic Rights and Responsibilities Committee (ARRC) and its responsibilities are created by UNL Academic Senate, are described in its Syllabus of Campus-Wide Committees, and are approved by the University of Nebraska Board of Regents. Its Foundational Instruction, set forth in Section 3.4 of the UNL Bylaws, gives the ARRC both informational and quasi-judicial responsibilities.

1.1.1 The ARRC has significant responsibility to ensure that faculty members and administrators are appropriately apprised of rights, responsibilities, principles and procedures pertaining to matters of professional relationships.

1.1.2 The ARRC has primary responsibility to ensure and to arrange an appropriate investigation or hearing when concerns or problems arise between a faculty member and the University and/or when concerns or problems related to academic freedom and tenure, grievance and professional conduct occur in the professional relationships between faculty members and others in the University community, as stated in the Syllabus of Campus-Wide Committees and the Bylaws of the Board of Regents.

1.1.3 The ARRC has other responsibilities assigned from time to time by the Academic Senate, including but not limited to those set forth in UNL Bylaw 3.4.1.2.¹

1.2 Relationship of ARRC and ARRC Procedures to Special Committees and Codes of Procedures for Special Committees. Chapter 4 of the Regents Bylaws authorizes the faculty governing agency of each major administrative unit to create a faculty Grievance Committee, a faculty Committee on Academic Freedom and Tenure, and a faculty Professional Conduct Committee. The UNL Academic

¹ UNL Bylaw 3.4.1.2 sets forth these additional responsibilities:

3.4.1.2.1 to determine whether and to what extent recommendations of Special Committees have been acted upon, and to report status of cases to the President of the Academic Senate;

3.4.1.2.2 to provide for an effective process in representing the academic rights and responsibilities of the faculty;

3.4.1.2.3 to act with respect to matters of general policies concerning academic freedom and tenure;

3.4.1.2.4 to recommend actions to appropriate bodies in order to ensure academic rights and responsibilities of faculty members;

3.4.1.2.5 to communicate to all members of the University community appropriate channels for conveying and dealing with concerns about actual or perceived violations of faculty rights and responsibilities;

3.4.1.2.6 to propose to the Academic Senate changes in operating procedures and guidelines for each of the Special Committees in accord with relevant provisions of the Bylaws of the Board of Regents;

3.4.1.2.7 to submit committee minutes and make an annual report to the Academic Senate, while

Senate, with the approval of the University of Nebraska Board of Regents, has vested that authority in Special Committees established under the aegis of the ARRC. A description of the committees can be found in the Syllabus of Campus-Wide Committees of the Academic Senate, available from the Academic Senate Office and on the Academic Senate website.

This document (“ARRC Procedures”) indicates how complaints are to be received by the ARRC, assessed by it for sufficiency and jurisdiction, and transmitted to a Special Committee.

Other documents indicate how a complaint is to be handled after it has been transmitted to a Special Committee. Those documents are:

- 1.2.1 Code of Procedures for Special AFT-A Committees**, applicable to Special Academic Freedom and Tenure Committees considering complaints by a member of the professional staff alleging that action taken or threatened violates the complainant’s academic freedom or academic tenure;
- 1.2.2 Code of Procedures for Special AFT-B Committees**, applicable to Special Academic Freedom and Tenure Committees considering complaints in which the President or the Board of Regents seeks to terminate a faculty member’s Continuous Appointment or a faculty member’s Special or Specific-Term Appointment prior to its termination date;
- 1.2.3 Code of Procedures for Special PC-A Committees**, applicable to Special Professional Conduct Committees investigating complaints charging a member of the professional staff with professional misconduct other than misconduct as defined by Federal Misconduct in Science Regulations, complaints against UNL as an institution seeking institutional action as a remedy to alleged discrimination, and complaints alleging that the complaining member of the professional staff has been wrongly accused of professional misconduct;
- 1.2.4 Code of Procedures for Special PC-B Committees**, applicable to Special Professional Conduct Committees investigating complaints by the Vice-Chancellor for Research charging a member of the professional staff with Professional Misconduct in Science;
- 1.2.5 Code of Procedures for Special Grievance Committees**, applicable to Special Grievance Committees considering complaints by a faculty member alleging a grievance not governed by any of the Codes of Procedures identified in Sections 1.2.1 to 1.2.4.

The rules for determining applicability of these Codes of Procedures are set out in Section 5 of this document.

Any person contemplating filing a complaint with the ARRC should first consult not only this document but also the Codes of Procedures for the various Special Committees, and, in appropriate circumstances, the UNL “Policy and Procedures on Unlawful Discrimination, Including Sexual and Other Prohibited Harassment” administered by the UNL Office of Equity, Access and Diversity Programs (EAD).

All of these documents in their current form are available from the Academic Senate Office and on the Academic Senate website. For information and advice concerning these procedures, contact the Chair of the ARRC.

1.3 Academic Rights and Responsibilities. All professional staff (including administrators and faculty members) of the University of Nebraska are entitled to enjoy and to exercise, without penalty, all the rights of an American citizen and the rights of academic freedom as specified in Regents Bylaw 4.2. It is essential to the University that all administrators and professional staff exercise and respect the exercise of these rights by others, and uphold the attendant responsibilities outlined in Regents Bylaw 4.1.

1.4 Duty of University Officials To Investigate and To Take Action on Known or Alleged Discrimination. University Officials have a duty promptly to investigate and to take appropriate action on all known or alleged incidents of illegal discrimination. University officials in this context shall be defined as any individual employed by UNL with job authority or responsibility to

1.4.1 supervise, hire, assign or reassign responsibilities;

1.4.2 recommend or grant promotion or demotion; and/or

1.4.3 recommend or take any disciplinary or corrective actions.

2 DEFINITIONS

As used in this document, unless the context otherwise requires:

2.1 Chancellor shall mean the Chancellor of UNL.

2.2 Days shall mean days on which University offices are open for business.

2.3 EAD shall mean the UNL Office of Equity, Access and Diversity Programs.

2.4 Faculty Member shall mean any staff member of UNL holding the academic rank of lecturer or above or equivalent rank (Regents Bylaws 3.1.1.1 and 4.4).

2.5 Federal Misconduct in Science Regulations shall mean regulations covering misconduct in federally sponsored scientific research, particularly, but not exclusively, that funded by the Public Health Service. The Office of the Vice Chancellor for Research provides guidance concerning which projects may be covered by these regulations.

2.6 In Writing and Written, when used to describe a communication, shall mean that the communication so described shall be either a paper document signed by the sender or an electronic communication that can be readily accessed by the sender and by the recipient.

2.7 Parties shall mean the complainant(s) and the respondent(s).

2.8 President shall mean the President of the University of Nebraska and shall include the authorized representative of the President. The President shall not extend such authorization to the Chancellor or staff members of any campus of the University.

2.9 Professional Staff shall mean all UNL personnel defined as professional staff by Regents Bylaw 3.1.1.

2.10 Section, unless otherwise noted, refers to a section of this document, ARRC Procedures.

2.11 Vice Chancellor for Research shall mean the Vice Chancellor for Research of UNL and shall include the authorized representative of the Vice Chancellor. The Vice Chancellor shall not extend such authorization to Deans with collegiate or divisional responsibility or to a staff member of any such college or division.

3 THE ARRC AND THE ARRC PANEL

3.1 Membership of the ARRC. The ARRC shall be composed of five tenured faculty members elected for staggered three year terms by and from the Academic Assembly,² and if appointed by the President of the Academic Senate in accordance with the Syllabus of Campus-Wide Committees, a non-voting liaison member. At the time of their election, no two members of the Committee shall have a primary academic appointment in the same college or division of UNL. No member of the faculty who holds any administrative appointment higher than department head or chair shall be eligible to serve as a member of the Committee during the term of such administrative appointment. Committee members may succeed themselves. The Chair and Vice-Chair of the ARRC shall be elected annually by the ARRC.

3.1.1 Voting. The ARRC may take action only on concurrence of at least three members of the ARRC. The Chair of the ARRC may vote.

3.1.2 Closed Meetings. Meetings of the ARRC are not open to the public.

3.1.3 Conflict of Interest for Members of the ARRC. Conflict of interest occurs when a member of the ARRC

3.1.3.1 is in the same department or equivalent unit as a party; or

3.1.3.2 answers directly to a party; or

3.1.3.3 has a direct voice in the salary or working conditions of a party; or

3.1.3.4 has, or reasonably appears to have, a personal interest in the case or its outcome; or

3.1.3.5 has provided counsel or assistance to a party relating to the case; or

3.1.3.6 has participated in the efforts of an organization to provide counsel or assistance to a party relating to the case; or

3.1.3.7 has any other relationship with a party that might prevent impartiality.

When a member of the ARRC has a conflict of interest, the member shall voluntarily withdraw from participation in matters related to that case. When a member of the ARRC is alleged to have a conflict of interest and does not voluntarily withdraw, the other members of the ARRC shall review the allegation and, if a conflict of interest is found by a majority of the other members of the ARRC, shall bar that person from further participation in matters related to that case. If more than one member of the ARRC withdraws or is barred, the President of the Academic Senate shall appoint experienced temporary replacements for matters related to that case.

² Rules governing eligibility and representation are set forth in the Syllabus of Campus-Wide Committees

3.2 Membership of the ARRC Panel. Each year the Academic Assembly shall elect 12 faculty members to three-year terms on the ARRC Panel. Of the 36 panel members, 32 must be tenured faculty and 4 must be faculty extension educators with equivalent rank of associate or full professor. Panel members may succeed themselves.

3.3 Membership of Special Committees and of the Special Resource Group.

3.3.1 Early in the fall semester of each academic year the ARRC shall designate six members of the ARRC Panel for each of five Special Committees and for a Special Resource Group. At least one member of the Special Resource Group shall be an Extension Educator. To the extent possible, assignment to Special Committees and to the Special Resource Group shall be based on a fair distribution of ARRC Panel members by college, discipline, ethnicity, sex, and experience with cases involving academic freedom and tenure, grievance, or professional conduct. As soon as possible thereafter, the Chair of the ARRC shall determine which members of the ARRC Panel have terms that will expire at the end of the current year. The Chair of the ARRC shall then assess the distributional needs for constructing Special Committees and the Special Resource Group for the succeeding year as set forth in this Section 3.3.1, provide that information to the Chair of the Committee on Committees, and work with the Committee on Committees on behalf of the ARRC to ensure that the election for the succeeding year will return an ARRC Panel sufficiently diverse that Special Committees and the Special Resource Group will be broadly representative of the faculty.

3.3.2 Each Special Committee shall be assigned a number from 1 to 5. Cases shall be assigned to the Special Committees in numerical order. Only when the ARRC decides to convene a Special Committee as provided in Section 5 shall its membership be announced and its Chair and Vice-Chair elected.

3.3.3 If a Special Committee to be convened as a Special AFT-A Committee or a Special AFT-B Committee includes an extension educator, that extension educator shall be ineligible to serve and shall be replaced on the Special Committee as provided in Section 3.3.5.

3.3.4 If a Special Committee to be convened as a Special Grievance Committee, as a Special Professional Conduct-A Committee, or as a Special Professional Conduct-B Committee to consider a case to which an extension educator is a party does not include an extension educator, the Chair of the ARRC shall by lot identify one member of the Special Committee to be replaced by an extension educator as provided in Section 3.3.5.

3.3.5 If any member of a Special Committee is ineligible or unable to serve, the Chair of the ARRC prior to the commencement of the Special Committee Hearing may appoint an eligible temporary substitute from the ARRC Panel. If no member of the ARRC Panel is available, the ARRC with the approval of the Executive Committee of the Academic Senate may appoint an eligible temporary substitute from faculty members with experience as an elected member of ARRC or as a member of a Special Committee.

3.3.6 If a Special Committee to be convened as a Special PC-A Committee is to hear a discrimination complaint filed by other than a member of the Academic/Administrative or Other Academic Staff, the Special PC-A Committee shall be augmented by the addition of three members of the committee to which the complaint would have been referred had the complainant been formally charged under the UNL “Policy and Procedures on Unlawful Discrimination, Including Sexual and Other Prohibited Harassment.” If the additional members are to be students or staff members, the Chair of the ARRC shall consult with the chair of the committee from which the augmenting members are to be drawn before making the selections. Students or staff added to a Special PC-A Committee may participate fully in discussions, hearings, and deliberations of the Special PC-A Committee, but may not vote. If the opinion of the students or staff added to the Special PC-A Committee differs from that of the regular members of the Special PC-A Committee, their opinion and the rationale for that opinion shall be included in the report of the Special PC-A Committee.

3.4 Functions of the Special Resource Group. Members of the Special Resource Group may be appointed by the ARRC to perform the following functions:

3.4.1 to serve as Special Conciliators;

3.4.2 to serve as a resource when persons seeking relief under these procedures need advice or help in focusing issues or drafting formal complaints;

3.4.3 to consult with the administration concerning possible summary suspensions under Section 7;

3.4.4 to serve as a temporary replacement for a member of a Special Committee as provided in Section 3.3.5.

3.5 Communications. The Chair of the ARRC receives communications for the ARRC and speaks for it. All communications with the ARRC shall be addressed or redirected to the Chair of the ARRC. Other members of the ARRC should discourage contacts outside the regular process, and should direct those who make them to the Chair of the ARRC.

3.6 Dissemination of Personnel Information. Service on the ARRC makes members privy to sensitive information and allegations involving the personal and professional lives of members of the University community. UNL Bylaw 2.9 describes limitations on the collection and dissemination of personnel information. In addition, Federal Regulations Governing Misconduct in Science require great care to protect the interests of informants and the accused. Some information received by members of the ARRC may be protected by this Bylaw and these regulations. Violators of these requirements could be subject to sanctions for professional misconduct.

3.7 General Responsibilities of the Chair of the ARRC. The responsibilities of the Chair of the ARRC include:

3.7.1 convening and presiding over meetings of the ARRC;

3.7.2 serving as contact person and spokesperson for the ARRC;

3.7.3 employing informal methods of dispute resolution under Section 4.1;

3.7.4 reporting results of ARRC and Special Committee elections, and reporting ARRC and Special Committee vacancies requiring replacements under Section 3.1.3 or Section 3.3.5, to the President of the Academic Senate;

3.7.5 maintaining committee files and protecting confidential material;

- 3.7.6 reporting to the Committee on Committees which members of the ARRC Panel will be leaving the Panel, and working with the Committee on Committees on behalf of the ARRC to identify prospective nominees for the ARRC Panel who would satisfy the membership criteria set out in Section 3.3.1;
- 3.7.7 ensuring that Special Committees are properly instructed about hearing procedures at the beginning of a case;
- 3.7.8 appointing substitutes to serve on Special Committees when vacancies occur, as provided in Section 3.3.5;
- 3.7.9 advising persons alleging misconduct in science to make the allegation to the Vice Chancellor for Research;
- 3.7.10 ensuring that the ARRC conducts the follow up activities specified in Section 8;
- 3.7.11 ensuring that the Academic Senate Office and the Academic Senate website have available complete and current copies of the ARRC Procedures and the Codes of Procedures for the various Special Committees; and
- 3.7.12 keeping accurate records of expenditures for activities of the ARRC and arranging for reimbursements from the Chancellor's office.

3.8 Observer. The ARRC may appoint an Observer to observe the process of a Special Committee and to report concerns to the Chair of the ARRC. The role of Observer is open to anyone who:

- 3.8.1 is a member of the UNL Professional Staff (Regents Bylaw 3.1.1) eligible for election to the UNL Academic Senate (UNL Bylaw 3.3.1);
- 3.8.2 does not serve in the same department or equivalent unit with any party, witness, or Special Committee member;
- 3.8.3 has no other relationship with a member of the Special Committee that might create, or reasonably appear to create, a conflict of interest for that Special Committee member;
- 3.8.4 does not answer directly to a party or a witness;
- 3.8.5 has no direct voice in the salary or working conditions of a party or a witness;
- 3.8.6 does not have, and does not reasonably appear to have, a personal interest in the case or in its outcome;
- 3.8.7 has not provided counsel or assistance to either party relating to the complaint; and
- 3.8.8 has no other relationship with a party, organization, or a witness that might interfere with the investigative process or prevent the person from impartially carrying out the duties of Observer.

3.9 Members of ARRC, Special Committees, the Special Resource Group and Other Participants Protected by Regents Bylaw Section 6.8. Participation in the work of the ARRC, Special Committees, and the Special Resource Group shall be deemed part of the duties of faculty members and thus subject to the protections afforded by Section 6.8 of the Regents Bylaws.

3.10 ARRC Attorney.

3.10.1 Because of potential conflicts of interest, the ARRC shall not seek or accept advice from anyone to whom a party is answerable or who may be in a position of giving advice or legal counsel to a party or to any person or body that may later act on a Report of a Special Committee.

3.10.2 The ARRC may select and hire an independent attorney, subject to the approval of the General Counsel of the University and the President of the Academic Senate. Bills for the attorney's services shall be processed through the office of the General Counsel of the University.

4 PROCEDURES FOR INITIATING ACTIONS BY THE ARRC

Initial contacts with the Chair of the ARRC usually are informal and confidential. However, the Chair of the ARRC may be obligated to report certain information, including but not limited to known or alleged incidents of illegal discrimination and known or alleged violations of Federal Misconduct in Science Regulations.

The ARRC itself shall not investigate the substance of complaints or conduct hearings. No formal action to initiate Special Committee proceedings shall be taken by the ARRC unless a Formal Written Complaint is filed by the person seeking relief and is approved by the ARRC under Section 4.6.

When initially approached by a person seeking relief under these procedures, the Chair of the ARRC first shall determine whether the allegations potentially are governed by Federal Misconduct in Science Regulations,³ and if so, shall refer the person seeking relief to the Vice Chancellor for Research.

4.1 Informal Efforts to Resolve Disputes.

4.1.1 If the allegations are not governed by Federal Misconduct in Science Regulations, the Chair of the ARRC shall explain available options, including the following:

4.1.1.1 With the permission of the person seeking relief and after notice to the person(s) with whom conciliation is sought, the Chair of the ARRC may attempt an informal conciliation;

4.1.1.2 With the permission of the person seeking relief and after notice to the person(s) with whom conciliation is sought, the ARRC may appoint a member of the Special Resource Group to attempt an informal conciliation;

4.1.1.3 With the permission of the person seeking relief and the person against whom relief is sought, the ARRC may request that the Chancellor appoint a professional mediator (if the Chancellor approves the appointment of a paid mediator, the Chancellor shall designate funds for this service);

4.1.1.4 Where applicable, the person seeking relief may pursue the informal and formal procedures set forth in "UNL Policy and Procedures on Unlawful Discrimination, Including Sexual and Other Prohibited Harassment";

4.1.1.5 Where applicable, the person seeking relief may seek relief in another forum;

4.1.1.6 The person seeking relief may submit a Formal Written Complaint to the ARRC as provided in Section 4.2. When explaining this option to the person

³ Initial allegations of misconduct potentially governed by Federal Misconduct in Science Regulations should be made to the Vice Chancellor for Research. If someone instead approaches the Chair of the ARRC with allegations potentially governed by Federal Misconduct in Science Regulations, the Chair of the ARRC shall consult with the Vice Chancellor for Research to determine whether Federal Misconduct in Science Regulations apply. If they do apply, the Chair of the ARRC shall refer the person making the allegations to the Vice Chancellor for Research. The Vice Chancellor for Research is then obligated to conduct an inquiry in accordance with applicable federal and University Regulations. Information concerning current regulations may be obtained from the office of

seeking relief, the Chair of the ARRC shall direct the attention of the person seeking relief to these ARRC Procedures and to the Codes of Procedures of the various Special Committees, and shall offer to appoint a member of the Special Resource Group to assist the person seeking relief in focusing the issues and in preparing the Formal Written Complaint.

4.1.2 Any other action under these procedures shall be suspended pending the outcome of any conciliation or mediation efforts undertaken under 4.1.1.1, 4.1.1.2, or 4.1.1.3. However, the person seeking relief may pursue the informal and formal procedures set forth in “UNL Policy and Procedures on Unlawful Discrimination, Including Sexual and Other Prohibited Harassment” either before or concurrently with any action under these procedures.

4.2 Formal Written Complaints.

4.2.1 Mandatory Elements of Formal Written Complaints. A Formal Written Complaint shall contain the following mandatory elements:

4.2.1.1 a clear and concise statement identifying each complainant and each complainant’s mailing address and telephone number;

4.2.1.2 a clear and concise statement identifying the person(s) against whom the complaint is made;

4.2.1.3 a clear and concise statement outlining the facts giving rise to the complaint;

4.2.1.4 a clear and concise statement identifying the relevant standards the complainant thinks should be used to evaluate the complaint;

4.2.1.5 a clear and concise statement identifying how the complainant thinks the relevant standards have been violated;

4.2.1.6 a clear and concise statement of the remedy, sanction, or other personal relief or institutional change the complainant seeks, and from whom;

4.2.1.7 a clear and concise statement of the type of Special Committee the complainant thinks to be appropriate; and

4.2.1.8 if the Formal Written Complaint is filed by the Vice Chancellor for Research alleging violation of Federal Misconduct in Science Regulations, identification of the relevant Federal Regulations and the Federal procedures and deadlines the Vice Chancellor for Research thinks to be applicable.

4.2.2 Jurisdiction of Special Committees to Hear Formal Written Complaints. The ARRC Special Committees have jurisdiction to consider the following Formal Written Complaints:

4.2.2.1 A Formal Written Complaint filed with the Chair of the ARRC by a member of the professional staff alleging that action taken, or threatened, violates the complainant’s academic freedom or academic tenure (AFT-A);

4.2.2.2 A Formal Written Complaint filed with the Chair of the ARRC by the President or by the Board of Regents under Regents Bylaw 4.14.2 seeking to terminate the appointment of a faculty member (AFT-B);

4.2.2.3 A Formal Written Complaint filed with the Chair of the ARRC charging a member of the professional staff with professional misconduct or unlawful discrimination, including sexual and other prohibited harassment (PC-A);

4.2.2.4 A Formal Written Complaint filed with the Chair of the ARRC by a member of the professional staff charging that the complainant has been wrongly accused of professional misconduct (PC-A);

4.2.2.5 A Formal Written Complaint filed with the EAD and forwarded by that office to the Chair of the ARRC charging a member of the professional staff with professional misconduct or unlawful discrimination, including sexual and other prohibited harassment (PC-A);

4.2.2.6 A Formal Written Complaint filed with the Chair of the ARRC against UNL as an institution seeking institutional action as a remedy to alleged discrimination (PC-A);

4.2.2.7 A Formal Written Complaint against UNL as an institution, which has been filed with the EAD and forwarded by that office to the Chair of the ARRC, seeking institutional action as a remedy to alleged discrimination (PC-A).

4.2.2.8 A Formal Written Complaint filed with the Chair of the ARRC by the Vice Chancellor for Research alleging violation of Federal Misconduct in Science Regulations (PC-B); and

4.2.2.9 A Formal Written Complaint filed with the Chair of the ARRC by a faculty member alleging any other grievance (Grievance).

4.3 Formal Written Complaints Stating a Claim or Claims within the Jurisdiction of More than One Special Committee. If the Formal Written Complaint states a claim or claims for which relief might be granted under more than one Code of Procedures, the following rules shall apply:

4.3.1 If the Formal Written Complaint was filed by the President or by the Board of Regents under Regents Bylaw 4.14.2 seeking to terminate the appointment of a faculty member, the Formal Written Complaint shall be assigned to a Special AFT-B Committee and the Code of Procedures for AFT-B shall be applicable;

4.3.2 If the Formal Written Complaint was filed by the Vice Chancellor for Research alleging violation of Federal Misconduct in Science Regulations, the Formal Written Complaint shall be assigned to a Special PC-B Committee and the Code of Procedures for PC-B shall be applicable;

4.3.3 If the Formal Written Complaint includes an allegation that action taken, or threatened, violates the complainant's academic freedom or academic tenure, the Formal Written Complaint shall be assigned to a Special AFT-A Committee and the Code of Procedures for AFT-A shall be applicable;

4.3.4 If the Formal Written Complaint includes a charge of professional misconduct against a member of the professional staff or a charge that a member of the professional staff has been wrongly accused of professional misconduct, but does not fall within Section 4.3.1, 4.3.2, or 4.3.3, the Formal Written Complaint shall be assigned to a Special PC-A Committee and the Code of Procedures for Special PC-A Committees shall be applicable.

4.4 Discretion to Assign Two or More Complaints to a Single Special Committee. If two or more Formal Written Complaints before the ARRC at the same time involve common core issues that might efficiently and fairly be resolved in a single proceeding, the ARRC may, with the consent of all parties,

assign those Formal Written Complaints to a single Special Committee for resolution of the issues that are common to both and of those that are not.

4.5 Deadlines for ARRC Action on Formal Written Complaints.

4.5.1 If the Formal Written Complaint was filed by the President or by the Board of Regents under Regents Bylaw 4.14.2 seeking to terminate the appointment of a faculty member, the ARRC immediately shall convene a Special AFT-B Committee as provided in Section 5.

4.5.2 If the Formal Written Complaint was filed by the Vice Chancellor for Research alleging violation of Federal Misconduct in Science Regulations, the ARRC immediately shall convene a Special PC-B Committee as provided in Section 5.

4.5.3 If the Formal Written Complaint includes allegations of unlawful or unprofessional discrimination, the ARRC immediately shall

4.5.3.1 provide a copy of the Formal Written Complaint to the EAD for preliminary investigation of the allegations of discrimination; and

4.5.3.2 without waiting for the results of the EAD preliminary investigation, decide whether to convene a Special Committee as provided in Section 4.5.4. In deciding whether to convene a Special Committee, the ARRC shall not consider the results of any EAD preliminary investigation; if the ARRC decides to convene a Special Committee, the results of any EAD investigation may be considered by the Special Committee.⁴

4.5.4 Within 30 days after receipt of a Formal Written Complaint that does not fall within Sections 4.5.1 or 4.5.2, the ARRC shall either

4.5.4.1 decide to convene a Special Committee as provided in Section 4.6 or decide not to convene a Special Committee as provided in Section 4.7, and notify each complainant in writing of its decision; or

4.5.4.2 determine that for good cause shown extenuating circumstances require a longer time for the decision required by Section 4.5.4.1, and notify each complainant in writing of its determination, of the reasons for the delay, and of the new deadline for taking the actions required by Section 4.5.4.1.

4.6 Decision to Convene a Special Committee under Section 4.5.4. If the ARRC determines that the Formal Written Complaint

4.6.1 satisfies the Mandatory Elements requirements of Section 4.2.1; and

4.6.2 states a claim within the jurisdiction of one or more Special Committees; and

4.6.3 states a claim which, if proven, could be sufficient to warrant a recommendation of relief or institutional change by an ARRC Special Committee; and

4.6.4 states a claim based in whole or in part on an alleged act or failure to act by a respondent that either

⁴ See Section 3.3 of the UNL Policy and Procedures on Unlawful Discrimination, Including Sexual and Other Prohibited Harassment:

Within 15 working days of the receipt of the complaint from either the complainant or the hearing committee, the EAD shall determine through a preliminary investigation whether it finds a basis for a complaint under this policy. The results of this investigation shall be presented to the complainant, the respondent, and the hearing committee. The hearing committee may consider the

4.6.4.1 occurred within one year before the complainant's initial contact with the ARRC, or 4.6.4.2 could not with reasonable diligence have been discovered by a complainant more than one year before the complainant's initial contact with the ARRC; the ARRC shall convene an appropriate Special Committee as provided in Section 5.

4.7 Decision Not To Convene a Special Committee under Section 4.5.4. If the ARRC determines that the Formal Written Complaint

4.7.1 does not satisfy the Mandatory Elements requirements of Section 4.2.1; or

4.7.2 does not state a claim within the jurisdiction of one or more Special Committees; or

4.7.3 does not state a claim which, if proven, could be sufficient to warrant a recommendation of relief or institutional change by an ARRC Special Committee; or

4.7.4 does not state a claim based in whole or in part on an alleged act or failure to act by a respondent that either

4.7.4.1 occurred within one year before the complainant's initial contact with the ARRC, or

4.7.4.2 could not with reasonable diligence have been discovered by a complainant more than one year before the complainant's initial contact with the ARRC;

the ARRC shall not convene a Special Committee and shall notify each complainant in writing of its decision and of the reasons for its decision.

4.8 Motions to Reconsider. A complainant dissatisfied with a decision of the ARRC not to convene a Special Committee may, within 5 days after receipt of the decision, in writing request the ARRC to reconsider.

4.9 Amended Formal Written Complaints. If the ARRC decides not to convene a Special Committee on the grounds that the Formal Written Complaint does not satisfy the Mandatory Elements requirements of Section 4.2.1, it may, if requested by a complainant, appoint a member of the Special Resource Group to assist the complainant in focusing the issues and in preparing an amended Formal Written Complaint.

4.10 Finality of ARRC Decisions Not to Convene A Special Committee. If no complainant files an amended Formal Written Complaint or requests reconsideration, or if the ARRC decides not to convene a Special Committee after considering an amended Formal Written Complaint or a request for reconsideration, the decision not to convene a Special Committee shall be final.

5 CONVENING SPECIAL COMMITTEES

5.1 Convening a Special Committee. When the ARRC decides to convene a Special Committee, the Chair of the ARRC shall:

5.1.1 ascertain whether the predesignated members of the Special Committee satisfy the membership requirements for a Special Committee of that type, and if not, appoint substitutes as provided in Section 3.3.5;

5.1.2 ascertain from the predesignated members of the Special Committee whether they are available to serve and whether their participation would present a conflict of interest, and, if any predesignated member of the Special Committee cannot serve, appoint a substitute as provided in Section 3.3.5;

5.1.3 convene the Special Committee, provide the applicable Code of Procedures to the members of the Special Committee and to the ARRC Observer, if any, discuss the applicable Code of Procedures with the Special Committee, preside over the election of the Chair of the Special Committee, and, without further commentary or discussion, present the complaint to the Special Committee;

5.1.4 forward names as follows:

5.1.4.1 If the Special Committee is an AFT-B Committee, forward the name of the Chair of the AFT-B Special Committee to the President of the University of Nebraska, to the Chancellor, and to the Senate President;

5.1.4.2 If the Special Committee is a PC-B Committee, forward the name of the Chair of the PC-B Special Committee to the Chancellor, to the Vice Chancellor for Research, and to the Senate President; and

5.1.4.3 In all other instances, forward the names of the parties and their departments and the name of the Chair of the Special Committee to the Senate President and to the Chancellor or, if the Chancellor is a party, to the President of the University of Nebraska.

5.2 Agreement Reached Informally. If, after a matter is brought to the ARRC, it is resolved by mutual agreement among the parties, the complainant shall file a written notice that a resolution has been reached with the Chair of ARRC, and if a Special Committee has been convened, with the Chair of the Special Committee. Any party to a written agreement signed by each of the parties may file a copy of the written agreement with the Chair of the ARRC. The Chair of the ARRC shall deliver the written agreement to the Coordinator of the Academic Senate for inclusion in the ARRC archives in the Academic Senate Office under specified conditions of access.

6 ADHERENCE TO PROCEDURES

6.1 If a party has good reason to believe that a Special Committee is out of compliance with applicable procedures, the matter should be brought to the attention of the Chair of the Special Committee. Procedural questions that the Chair of the Special Committee cannot resolve promptly and that are so important that failure to resolve them would undermine the credibility of the Special Committee may be referred by the Chair of the Special Committee or by a party to the ARRC for resolution. The ARRC shall resolve the issues after obtaining the views of the parties and of the Special Committee. The Chair of the ARRC shall inform the parties and the Special Committee of the ARRC decision and direct them to follow the decision.

6.2 If a party has good reason to believe that the ARRC is out of compliance with these procedures, the matter should be brought to the attention of the Chair of the ARRC. If the Chair cannot resolve the question quickly and informally after consultation with all parties, it should be presented to the President of the Academic Senate as the guarantor of the procedures.

7 ROLE OF ARRC IN SUMMARY SUSPENSIONS IN ANTICIPATION OF DISMISSAL

Suspension in anticipation of dismissal is appropriate only pending an AFT hearing. When a question arises concerning dismissal, faculty members shall not be suspended from duties assigned by their University appointment during the time needed to resolve the question, unless there is the clear threat of

physical harm or serious disruption of University programs by the person to be suspended. Before suspending the faculty member the Chancellor (or the Vice Chancellor designated by the Chancellor) shall contact the Chair of the ARRC to arrange a meeting with three members of the Special Resource Group selected by the Chair of the ARRC. This meeting shall occur prior to suspension, if possible, but in any case within 48 hours of the suspension. The purpose of this procedure is three-fold: first, to ensure that less stringent action has been considered; second, to protect against claims of arbitrary or capricious action; and third, to ensure that the faculty member is informed of the right to due process. If possible, the Chancellor (or the designated Vice Chancellor) shall reassign the faculty member to other appropriate duties should suspension occur. Pursuant to Regents Bylaw 4.14.2(I), the suspended faculty member's salary will continue during any period of suspension and an assignment to other duties shall not diminish the faculty member's salary.

8 FOLLOW UP BY THE ARRC

8.1 Chancellor's (or President's) Response to Special Committee Recommendations. In response to recommendations made by a Special Committee, the Chancellor (or, if the Chancellor is a party, the President) shall within 30 days provide a written response to the Chair of the ARRC indicating:

8.1.1 the recommendations that have been accepted and the action taken;

8.1.2 the recommendations that have been rejected in part or completely; and

8.1.3 for each recommendation rejected, reasons responsive to the Committee's rationale for proposing it.

Copies shall be sent to the parties and to the Academic Senate President. If the response rejects or changes the recommendations made by the Special Committee, the ARRC shall inform the President of the Academic Senate who shall provide each member of the Senate Executive Committee with a copy of the Final Report and of the response and shall put the matter on the agenda of the next Senate Executive Committee meeting for whatever action the Senate Executive Committee may deem appropriate.

8.2 ARRC Review of Implementation of Recommendations. The ARRC shall determine the extent to which recommendations of all Special Committees have been implemented, and shall report its findings to the President of the Academic Senate and in its annual report to the Senate.

8.3 ARRC Meeting with the Special Committee. After the Final Report has been filed, the ARRC shall meet with the Special Committee and any others considered appropriate by the Chair of the ARRC to thank the Special Committee for its work, to collect all copies of documents, and to hear from the Special Committee any suggestions about how the work of the ARRC and its Special Committees might be improved.