

Kent State University
JOINT APPEALS BOARD

PURPOSES AND PROCEDURES

OPERATIONS OF THE JOINT APPEALS BOARD

The purpose of the Joint Appeals Board is to hear appeals by full-time members of the faculty of decisions made by the Office of the Senior Vice President for Academic Affairs and Provost. The Board is limited to hearing disputes "involving substantive academic judgments affecting a faculty member's employment status in the areas of granting or denial of tenure, promotion, academic freedom, professional ethics, retrenchment, or sanctions for cause."

At the initial meeting at the start of each academic year, the Board shall elect one of its members as Chair for the year. This meeting will be convened by the Chair of the Faculty Senate. At the initial meeting of the Board, a representative of the University administration and a representative of the Kent State Chapter of the American Association of University Professors shall be invited to discuss the contractual role of the Joint Appeals Board. The Board Chair may be any member with prior service on the Board. The Board will then subdivide into three panels consisting of two faculty members and two administrative representatives. No panel shall have more than two members from the same college or school. Each of these hearing panels shall then select a convener who will serve for the year.

The panels shall meet on an as needed basis according to a schedule prepared by the Chair and announced to the University. The Chair may schedule additional meetings of the hearing panels if necessary.

RESPONSIBILITIES OF THE CHAIR

- 1) The Chair will develop a schedule of hearing panel meetings for the academic year and distribute this schedule to the faculty.
- 2) In the event the number of appeals requires it, the Chair may schedule additional meetings of the hearing panels as required.
- 3) In the event that a special panel is needed to hear an appeal, the Chair will select the panel from the members of the Joint Appeals Board who are eligible to hear the appeal utilizing the guidelines as outlined in Paragraph 2, Page 1, of the "Joint Appeals Board Purposes and Procedures."
- 4) The Chair will be responsible for assuring that the conveners of the panels have the documents submitted by the parties to the appeals. He/she may use the office of the Faculty Senate to facilitate this preparation and record keeping.
- 5) At the end of the year, the Chair shall submit a report listing all the appeals heard by the Joint Appeals Board hearing panels to the Chair of the Faculty Senate. This report shall include the results of the hearing panel's recommendation on each appeal.

RESPONSIBILITIES OF THE CONVENER OF A HEARING PANEL

- 1) The convener of the hearing panel is responsible for assuring that there are adequate copies of all documents needed at the hearing and that these are made available to all parties at least ten working days prior to the hearing. One set of documents will be placed on file in the Faculty Senate Office and additional copies will be mailed to regional campus members if they cannot come to the Senate Office.
- 2) The appellant will be required to certify that all pertinent material has been submitted to the convener by the deadline specified in Item 1.
- 3) The convener is responsible for the recording of the proceedings and the delivery of the tape and other pertinent documents to the Faculty Senate Office following the hearing.
- 4) The convener is responsible for the orderly progress of the hearing. During the hearing the convener may if he/she thinks it appropriate, recess the hearing to executive session in order for the panel to consider what action is necessary for the continuance of the hearing.
- 5) The convener is responsible for assuring that the written decision is prepared and forwarded to the President of the University within ten working days.

PROCEDURES FOR INDIVIDUAL APPEALS

The faculty member who is appealing will prepare all documents as well as a list of witnesses he/she wishes to present at the appeal and submit adequate copies of such documents and the list to the Chair of the Joint Appeals Board at least ten working days prior to the hearing date. The Chair will provide one set of these documents to the convener of the hearing panel. As discussed earlier, the convener of the hearing panel, using the resource of the Faculty Senate Office, shall make available copies of these documents to all members of the hearing panel and other parties to the appeal.

In accordance with provisions of the Collective Bargaining Agreement, no appeal shall be assigned to a panel having a member who is directly involved in the appeal; is a member of the department in which the appeal arose; or where, for personal reasons, a member of the panel believes that he or she cannot render an impartial judgment. If because of the makeup of the various panels of the hearing board, none of the panels is able to hear an appeal, a special panel will be convened by the Chair of the Joint Appeals Board. This panel will be chosen by lot from the pool of those able to hear the appeal.

The hearing panels are empowered to request, through the convener of the panel, any and all parties to submit evidence related to an appeal and to seek testimony from witnesses. The convener is also empowered to reopen the hearing if this seems advisable.

The hearing panel will have ten working days at the conclusion of each appellant's hearing to produce a written decision on the appeal.

CONDUCT OF THE HEARING

- 1) The convener of the panel shall be responsible for notifying all parties of the time of the hearing and assuring that copies of documents submitted are made available to the members of the hearing panel and the other parties necessary for a full hearing. These are to be placed in the Faculty Senate Office at least ten working days prior to the hearing. Regional campus members may request that copies of documents be mailed.
- 2) The hearing will be closed to all but those necessary for a full and complete hearing unless the appellant specifically requests that the hearing be open to regular full-time faculty. Legal counsel is excluded.
- 3) Formal presentations for both sides shall not exceed two hours with up to one hour for presentation of the appellant's side and up to one hour for other presentations.
- 4) For a one-half hour period after the presentations, the members of the panel may question the faculty member or any persons who have presented information at the hearing.
- 5) Each party to the hearing will then have the opportunity to give a final summation of at most ten minutes concluding with the summary by the faculty member.
- 6) All proceedings except deliberations by the panel will be tape recorded.
- 7) Robert's Rules of Order shall apply to all situations not covered by this document.
- 8) Following the hearing, the panel will issue a final decision as stipulated in the Collective Bargaining Agreement.

REPOSITORY OF THE DOCUMENTS

The original of the tape recording of the hearing and copies of all documents used in the hearing, including the final report, will be filed for safekeeping with the Faculty Senate Office. Copies of the tape recording are subject to the Ohio Public Records Act which encompasses all public colleges and universities and may be obtained by any party. Copies will be made under the supervision of the elected Secretary of the Faculty Senate at the Kent State University Library at the expense of the party requesting the tape. Transcripts of the hearing, if made by any party of the hearing, will be made available to all other parties to the hearing for a copying charge only.

The tapes of the hearing and two copies of other pertinent documents are to be retained and secured in the Faculty Senate Office until the Senate Chair is advised by the Office of the University Counsel that it is no longer necessary to retain them under the statute of limitations. All other copies of documents will be destroyed.