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NU-BOR-Bylaws-4.15

NU Board of Regents

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(g) The Board on its own motion may receive additional evidence at a public hearing, after notice to interested parties, in any case where the Board in its discretion determines that justice requires such further hearing before the Board. Any person desiring to present additional evidence to the Board may apply to the Board for hearing before the Board. Before any such hearing is granted, showing shall be required that there is additional relevant evidence that has been discovered, or has developed, or which could not be produced at the prior hearing; that the same was not available at the prior hearing and could not have been discovered or produced by reasonable diligence.

(h) In all proceedings before the Committee in which the termination of a Continuous Appointment, the termination of an Appointment for a Specific Term prior to its stated termination date, the termination of a Special Appointment as a faculty member prior to its termination date, or the termination of a Health Professions Faculty Appointment or a Faculty Practice and Faculty Research Appointment prior to its stated termination date are in issue, the University shall have the burden of proving adequate cause for the termination by the greater weight of the evidence.

(i) Prior to a decision by the Board, the staff member involved shall not be suspended from his or her duties or assigned other duties unless immediate harm to himself or herself, others or property is threatened by his or her continuance. Salary will continue during any period of suspension and an assignment to other duties shall not diminish a staff member's salary.

(j) The Committee shall have power to consider a request filed by any person, board or committee that alleges that a staff member should be subjected to sanctions less severe than appointment termination, and power to recommend in any case sanctions less severe than appointment termination where less severe sanctions seem appropriate.

History: Amended, 73 BRUN 46-48 (9 October 2015)

Amended, 70 BRUN 47-48 (8 December 2011)
Amended, 53 BRUN 151-154 (6 May 1988)
Amended, 53 BRUN 80 (12 December 1987)
Amended, 49 BRUN 300 (16 June 1984)
Amended, 42 BRUN 53-54 (29 July 1978)

4.15 **Professional Conduct Committee.**

4.15.1 **Professional Conduct Committee: Power to Create.** Pursuant to power granted by these *Bylaws*, the faculty governing agency of each major administrative unit is empowered to create a Professional Conduct Committee, which shall have the functions and powers specified in Sections 4.15.2 and 4.15.3, in addition to any other power granted by the faculty governing agency to the Committee pursuant to these *Bylaws*.

4.15.2 **Powers of Professional Conduct Committee.** A Professional Conduct Committee shall be empowered:

(a) To receive complaints from any person charging a member of the professional staff, as defined in Section 3.1.1 of these *Bylaws*, with professional misconduct.

(b) To investigate the facts relevant to the charge and to make factual determinations. Said investigation shall include advising the affected party of the charge, hearing his or her response, and considering any evidence produced by such party.

(c) conclude whether there are reasonable grounds to believe that the person against whom the charge is directed committed acts that amount to professional misconduct.

(d) To advise the person filing the charge, and any other appropriate person or groups, of the Committee's conclusion and factual findings.

(e) To recommend to the appropriate University officer, or group, whether action should be taken with respect to the charge, and the nature of such action.

(f) To recommend sanctions less severe than appointment termination where the Committee judges less severe sanctions appropriate.

4.15.3 Function of Professional Conduct Committee. The Professional Conduct Committee's function shall be to ascertain facts, to interpret standards of professional conduct applicable to persons engaged in teaching, extension work, research, service, and administration at the University, to apply those standards to the facts, to advise other persons or groups whether a violation of professional conduct has occurred, and to recommend an appropriate sanction, if it concludes a violation has occurred. The Professional Conduct Committee does not have power to impose sanctions, and its findings of fact, interpretations of professional standards, advice, and recommendation are not binding. The Professional Conduct Committee shall not serve as a prosecutor of cases involving alleged violations of professional standards. The Committee acts only in an advisory capacity.

4.16 **"Extraordinary Circumstances Because of Financial Exigencies" and "Financial Exigency" Defined.** As used in Chapter IV of these *Bylaws* the term "extraordinary circumstances because of financial exigencies" or the term "financial exigency" shall mean a bona fide, imminent financial crisis of such magnitude, caused by financial circumstances beyond the control of the Board of Regents, that within a particular major administrative unit (campus) as a whole normal operations cannot be maintained and programs of the major administrative unit must therefore be significantly altered.

History: Added, 53 BRUN 80 (12 Dec. 1987)

4.17 **Declaration of a Financial Exigency.** A state of financial exigency may only be found and declared by the Board of Regents upon the recommendation of the President in accordance with policy established by the Board for declaration of a state of financial exigency.

History: Added, 53 BRUN 80 (12 Dec. 1987)