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## UNIVERSITY OF WYOMING REGULATIONS

**Subject:** Dismissal of Academic Personnel  
**Number:** UW Regulation 2-6

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### **I. PURPOSE:**

~~To establish dismissal procedures for Academic Personnel, including To establish dismissal procedures for tenured "faculty members," as that employee classification is defined in UW Regulation 1-1(C)(1), for extended term academic professionals, as that employee classification is defined and referenced in UW Regulations 5-1(F) and 5-408, for American Heritage Center academic personnel on extended term appointment, as defined in UW Regulation 7-490, for Law Library academic personnel on extended term appointment, as defined in UW Regulation 7-570, for University Library academic personnel on extended term appointment, as defined in UW Regulation 7-631, and for any other academic personnel holding continuing appointments within classifications that the university has established, or may from time to time establish in the future, that provide for such appointments subject to applicable UW Regulations. For academic personnel with extended term appointments, these procedures apply only to cases where termination for cause is sought prior to the end of the extended term.~~

#### **RATIONALE:**

~~These procedures are intended to afford appropriate due process to individuals employed in the classifications referenced in the preceding section. The procedures are meant to apply principally to faculty members with tenure, as that term is defined in UW Regulation 5-1(D), and to academic personnel with extended term appointments, who are subject to charges potentially culminating in dismissal for "cause", as that term is defined in UW Regulation 5-1(E). The procedures shall also apply to any academic personnel—whether tenured, non-tenured, or contract—when it is alleged that a dismissal action is motivated by inappropriate interference with "academic freedom," as that term is defined in UW Regulation ~~2-X5-1(A)~~.~~

### **II. DEFINITIONS**

**Academic Personnel:** For purposes of this Regulation, Academic Personnel includes non-tenure track academic personnel, academic personnel on a fixed term contract, tenure track

faculty, extended term academic professionals, and tenured faculty as defined in UW Regulation 2-1.

Cause: ~~Cause includes physical or mental incapacity (as delimited by federal and state disability law) or any conduct that seriously impairs the ability of the University of Wyoming to carry out its functions. Such conduct includes neglect of duty, falsification, fabrication, plagiarism, or behavior that leads to a conviction of a felony. Such conduct also includes discrimination as defined by UW Regulation 1-5 and sexual misconduct pursuant to UW Regulation 8-256 and any other related documents and applicable UW Regulation.~~ Cause shall include, but is not limited to, poor work performance; dishonesty; working while under the influence of alcohol or other controlled substances used illegally; absenteeism; damage or unauthorized use of State or University property; refusal to work; harassment; carelessness; assault; insubordination; discourteous treatment of other employees, students or the public; neglect of duty, falsification, plagiarism, or behavior that leads to a conviction of a felony; and violations of state or federal law, UW Regulations, Presidential Directives, or other University rules, policies and procedures.

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Commented [TRE2]: Modified to be consistent with definition of cause outlined in Employee Handbook

### III. POLICY AND PROCEDURE

#### A. Tenured faculty members or extended term academic professionals

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Tenured ~~or extended term~~ faculty members may be dismissed (1) for ~~Cause~~; (2) because of *bona fide* financial exigencies of the University as described in UW Regulation 6-41; or (3) because of program ~~elimination-discontinuance~~ as described in UW Regulation 6-43.

Extended term academic professionals may be dismissed (1) for Cause; (2) because of *bona fide* financial exigencies of the University as described in UW Regulation 6-41; or (3) because of program reorganization, consolidation, reduction or discontinuance as described in UW Regulation 6-43.

Proposed dismissals of faculty members or extended term academic professionals for cause must follow the procedures set forth in ~~UW Regulation 5-80~~ this Regulation. The procedures set forth in ~~UW Regulation 5-80~~ this Regulation do not apply to dismissals of faculty members or extended term academic professionals because of *bona fide* financial exigencies or because of program ~~elimination-reorganization, consolidation, reduction or discontinuance~~ (see ~~Appendix B to UW Regulation 5-35~~ UW Regulation 6-44, which provides a process for hearing the appeal of any faculty member whose appointment is terminated pursuant to UW Regulation 6-41 or UW Regulation 6-43).

**B. Other Full Time, Benefited Academic Personnel**

~~During the probationary period~~For full time, benefited Academic Personnel other than ~~tenured faculty members or extended term academic professionals, the President of the University~~Provost may dismiss ~~a faculty member or an academic professional the~~ employee for ~~Ce~~ause prior to the expiration of the contract period after consultation with the appropriate administrative and/or academic officers. ~~The Provost shall inform the employee in writing of the notice of intent to take such an employment action and the reasons for the action. The employee shall have the right to respond in writing or meet with the Provost within three (3) working days of the date of the notice of intent to take disciplinary action. The Provost may extend the deadline for the response or meeting in the Provost's sole discretion. The President~~Provost may also, ~~prior to acting may, if he/she determines it to be necessary or desirable, cause~~initiate an investigation ~~to be made and/or~~ may order a hearing by the appropriate faculty committee. ~~A final decision shall be given to the employee within seven (7) working days from the date of the notice of intent to terminate unless the Provost requires additional time to finalize the decision. The procedures set forth in UW Regulation 5-801 do not apply to dismissals of faculty members for cause during the probationary period.~~

~~Within ten (10) working days after receipt of the Provost's final decision to terminate, the employee may submit a written statement of position to the President, asserting any grounds upon which the employee believes the President should accept, reject or suggest modification to the Provost's decision. The decision of the President shall be final and binding.~~

~~This Section B does not apply to at-will employees, including postdoctoral associates and academic administrators. An at-will appointment allows either the employee, or the employer to end the employment relationship at any time for any reason or for no reason.~~

~~These provisions~~Section III shall not be interpreted as to constitute interference with academic freedom.

**H.IV. PRELIMINARY PROCEEDINGS FOR TENURED FACULTY OR EXTENDED TERM ACADEMIC PROFESSIONALS:**

**A. Personal Conference:**

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If the unit head or ~~comparable administrative officer (hereinafter denoted "AO")~~ Dean ("Administrative Officer"), in consultation with the Provost and Vice President for Academic Affairs ("Provost"), determines the need to dismiss a tenured or ~~extended~~ term academic appointee (~~hereinafter denoted "AA("Employee")~~), the ~~AO~~ Administrative Officer, as the charging officer, shall meet in person with the ~~AA~~ Employee to discuss the matter in confidence. The matter may thereafter be concluded informally by mutual consent without the need for further proceedings.

**B. Referral to a ~~Peer~~ the University Tenure and Promotion Committee for Consultation:**

If, however, the ~~AO~~ Administrative Officer and the ~~AA~~ Employee are unable to reach a mutually satisfactory accord within seven (7) calendar days after the initial personal conference, or at such later time as all parties may agree, the Provost shall refer the matter shall be referred to a committee of the AA's peers, the composition of which shall be determined by the rules or regulations of the involved unit. University Tenure and Promotion Committee. The ~~Peer~~ Committee shall consult in confidence with all involved parties to explore informal resolution of the potential dismissal proceedings. In the event the Committee is able to achieve a resolution, the matter may thereafter be concluded informally, by mutual consent of the ~~AO and AA, without the need for further proceedings.~~ If, however, the Peer Committee is unable to negotiate a resolution, it shall recommend to the AO whether in its judgment formal dismissal proceedings should be initiated. The Peer Committee's findings and recommendations respecting the initiation of formal dismissal proceedings shall be submitted to the AO within 15 days of the Committee's receipt of the charge, or at such later time as all parties may agree. Administrative Officer and the Employee, without the need for further proceedings.

**1. Referral to a College Committee for Consultation:** Within three days of the AO's receipt of the Peer Committee's findings and recommendations respecting the initiation of formal dismissal proceedings, the AO shall take one of the following actions. If the general recommendation of the Peer Committee is that formal dismissal proceedings should not be initiated, and the AO concurs in the recommendation, the AO will terminate further consideration of the matter, and notify all parties of the termination. If, on the other hand, the general recommendation of the peer committee is that formal dismissal proceedings should be initiated, and the AO concurs in the recommendation; or, if the AO disagrees with the Peer Committee's general recommendation that no formal dismissal proceedings be initiated, the AO shall refer the matter to the College Dean for consideration. Upon receipt of the AO's referral, the College Dean shall in turn refer the matter to a College Committee, the composition of which shall be determined by the rules or regulations of the involved college or comparable unit, within seven days, or at

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~~such later time as the parties may agree. The College Committee shall consult in confidence with all involved parties to explore informal resolution of the potential dismissal proceedings. In the event the committee is able to achieve a resolution the matter may thereafter be concluded informally, by mutual consent of the AO and AA, without the need for further proceedings. If, however, the College Committee is unable to negotiate a resolution, it shall submit its findings and recommendations to the College Dean as to whether in its judgment formal dismissal proceedings should be initiated. The College Committee's findings and recommendations respecting the initiation of formal dismissal proceedings shall be made to the College Dean within 15 days of the Committee's receipt of the charge, or at such later time as all parties may agree.~~

If, however, the Committee is unable to negotiate a resolution, it shall recommend to the Administrative Officer whether in its judgment the Provost and Vice President of Academic Affairs should initiate formal dismissal proceedings. The Committee shall submit its findings and recommendations respecting the initiation of formal dismissal proceedings to the Administrative Officer within fifteen (15) calendar days of the Committee's receipt of the charge, or at such later time as all parties may agree.

**Notification ~~of~~ the Provost and Vice President for Academic Affairs (hereinafter "Provost"):**

Upon receiving the recommendation of the ~~college committee, the Dean~~Tenure and Promotion Committee, the Administrative Officer shall promptly inform the Provost of the ~~peer committee's findings and college committees'~~ recommendations, along with ~~any the Administrative Officer's recommendation the Dean may choose to make, and shall thereafter submit a report,~~ within ten (10 working) calendar days of receipt of the recommendations of the ~~College Committee. Following consultation with a standing or ad hoc university committee, the~~ Provost shall determine whether to initiate formal dismissal proceedings against the ~~AA. The determination shall be made~~Employee no later than ~~30~~ten (10) calendar days from the Provost's receipt of the ~~Dean's report. In the event the Provost should fail to render the determination respecting whether to initiate formal dismissal proceedings against the AA within 30 days, the AA's personnel record shall be expunged.~~Administrative Officer's recommendation.

**C. AA-Request for Formal Proceedings:**

At any time during the informal, preliminary proceedings set forth above, the ~~AA~~Administrative Officer or the Employee may opt to initiate formal dismissal proceedings by directing a written request to ~~that effect to the Provost. The~~ Provost. ~~Upon the AA's tender of such a request, formal proceedings shall be initiated within 30 days of its receipt by the Provost and, absent agreement of all parties, failure to shall~~

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initiate formal proceedings within ~~this time frame shall result in final termination of the matter with no subsequent opportunity for the university to pursue the same matter, and shall further result in the expunction of the details surrounding the matter from the AA's file~~ ten (10) calendar days of receipt of the request.

### III.V. FORMAL PROCEEDINGS FOR TENURED FACULTY OR EXTENDED TERM ACADEMIC PROFESSIONALS:

#### A. Statement of Charges: Particulars

The Provost shall initiate formal proceedings, ~~within the time frame established in Paragraph 5 of the Preliminary Proceedings, above,~~ by delivering a written statement of particulars to the AA. ~~Copies of the statement will simultaneously also be delivered to the unit head and College Dean.~~ Statement of Particulars to the Employee. The ~~statement~~ Statement of particulars shall include the following:

1. An indication of ~~an~~ the intent to dismiss with the specific grounds for dismissal ~~(hereinafter "(dismissal charges)")~~ as set forth by the ~~AA~~ Provost.
2. A declaration advising the ~~AA~~ Employee that:
  - a. A formal hearing on the dismissal charges will be conducted solely upon the ~~AA's~~ Employee's written request;
  - b. ~~A Hearing Committee selected~~ Employee has thirty (30) calendar days from the Faculty Dispute Resolution Panel by date of the Faculty Senate Executive Committee will conduct any Statement of Particulars to submit, to the Provost, a written request for a hearing held in connection with and a written answer to the dismissal charges;
  - c. ~~Failure to~~ If the Employee does not submit to the Provost a written request for a hearing and a written answer, the Employee will be summarily dismissed;
  - d. ~~If the Employee does submit a written request for a hearing in time for it to be received within 30 thirty days of the statement of particulars' mailing may result in summary implementation of the dismissal charges and a written answer, the Provost has five (5) calendar days to forward the written request for a hearing to the Faculty Senate Executive Committee, who will select a Hearing~~

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Committee from the Faculty Dispute Resolution Panel as established in UW Regulation 5-35.

3. A declaration that the purpose for holding a formal hearing is to determine whether dismissal should occur on the grounds stated.
4. A copy of UW Regulations 5-35~~(6)~~ and 5-801 governing, respectively, the Faculty Dispute Resolution Panel and hearing procedures.
5. An initial list of witnesses whom the AOProvost would expect to testify in support of the dismissal charges at a formal hearing.

**B. 2. Hearing Committee: A**

The Faculty Senate Executive Committee shall choose a Hearing Committee (hereinafter called "HC") shall be chosen from the Faculty Dispute Resolution Panel as established in UW Regulation 5-35(6). The functions, powers, composition of, and challenges to the Hearing Committee HC are as follows:

**6.1.A. Functions:** The HC shall conduct the hearing, make findings, and ~~report, in writing, submit to the President~~ its written conclusions and recommendations ~~to the Provost. It may be represented by counsel, separate and apart from counsel for the AA and from University counsel.~~

**7.2.B. Powers:** The ~~committee~~HC is a fact-finding body and serves solely in an advisory capacity.

**8.3.C. Composition:** The HC shall be composed of five (5) regular members and seven (7) alternates chosen by the Faculty Senate Executive Committee from the Faculty Dispute Resolution Panel. No more than one (1) member of any academic department can serve as a regular or alternate member on the HC. Neither a regular nor any alternate HC member shall be a departmental colleague of the AAEmployee, nor shall any designated HC member be authorized to serve if possessing a good faith belief that personal considerations may interfere with reaching an unbiased decision. In the event a regular or alternate HC member possesses a good faith belief of an inability to make an unbiased decision, the Faculty Senate Executive Committee shall replace the regular or alternate HC member, as the case may be, with a new HC member selected from the Faculty Dispute Resolution Panel. In the event a regular HC member becomes unable to participate in all or a portion of the hearing after it has commenced, the Faculty Senate Executive Committee will, at its sole

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discretion, replace the regular member with one (1) of the seven (7) pre-designated alternate members. The regular HC members will designate one from among their number to serve as Chairperson.

~~D. Within ten (10) calendar days of receiving the request for a hearing from the Provost, the Faculty Senate Executive Committee shall send the composition of the Hearing Committee to both the Employee and the Provost.~~

**9.4. Challenges:** ~~Either~~Both the ~~AA~~Employee or the ~~AO~~Provost may disqualify up to two (2) members of the HC without providing a basis for such disqualification provided the proposed disqualifications are transmitted in writing to the ~~HC Chairperson no later than seven days after the regular HC members have been designated.~~Faculty Senate Executive Committee no later than seven (7) calendar days after the composition has been sent to Employee and the Provost. The Faculty Senate Executive Committee shall replace the member with a new HC member selected from the Faculty Dispute Resolution Panel and shall send the new composition of the HC to the Employee and the Provost within seven (7) calendar days. This composition is final.

**C. Scheduling the Formal Hearing:**~~The~~

Within thirty (30) calendar days after final formation of the HC, the Chairperson of the Hearing Committee, in consultation with the ~~AA~~Employee and ~~AO~~the Provost, shall designate a time, date and place for the formal hearing, and for any proceedings ancillary to the formal hearing, and shall notify all involved parties of such times, dates and places. ~~Sufficient time for the preparation of a defense, not to exceed 60 days after receipt of the formal charges by the HC Chairperson, in the absence of good cause shown, shall be allowed to the AA.~~

**D. Pre-Hearing Conference:**

A pre-hearing conference shall be scheduled fourteen (14) calendar days prior to the formal hearing, or at such other time as all parties may agree, to exchange evidence and witness lists. ~~A preliminary list of witnesses for the formal hearing will be developed at this conference.~~

**B.E. Performance of Duties During Dismissal Proceedings:**

A.—Suspension of the ~~AA~~Employee during the pendency of dismissal proceedings lies within the discretion of the Provost. Any such suspension, however, shall be with

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pay, except in the event suspension is based on a criminal conviction or on an abandonment of employment.

~~B.~~ In the absence of suspension during the pendency of dismissal proceedings, ~~as described above in paragraph A, the AA~~ the Provost may, ~~in reassign~~ the ~~alternative, be reassigned~~ Employee to any duties reasonably suited to the ~~AA's~~ Employee's skills and abilities that the Provost deems warranted. Any such reassignment shall be with pay.

~~2.~~ ~~Committee Proceedings:~~

VI. COMMITTEE PROCEEDINGS FOR TENURED FACULTY OR EXTENDED TERM ACADEMIC PROFESSIONALS

A. Hearing procedure

~~A.~~ The AAHC shall ~~submit to hold~~ the AO and the Chairperson of the HC a written answer to the dismissal charges that must be received by the Chairperson within 30 days of the Provost's initiation of Formal Proceedings as described in Paragraph 1 of the Formal Proceedings section, above.

~~B.~~ Failure of the AA to dispute the charges reflected in the statement of particulars will be deemed an admission of the charges. The HC will in that event be privileged to consider whether the admission establishes on its face adequate grounds for dismissal, or whether, notwithstanding the admission, hearing testimony will be required to determine whether the University has satisfied its burden of proving that dismissal of the AA is warranted. The HC shall thereafter either convene a hearing, or, in the event it determines no hearing to be necessary, forward its written recommended findings and decision to the AA, AO and Provost.

~~C.~~ If, on the other hand, the AA submits a written answer, the HC shall conduct a hearing to consider both the statement of particulars and the AA's written answer to the statement. The following guidelines apply throughout the hearing:

- ~~1. i.~~ The hearing shall be held in confidence unless the AA Employee requests, in writing, a public hearing. In that event, the HC may, at its discretion, allow a public hearing.
- ~~ii.~~
2. The AA and the AO have Employee has the option of being represented by counsel, or by any other individual. ~~The HC may also be represented by counsel.~~ If the AA Employee chooses to be represented by counsel, he/she is responsible for all costs of that counsel. ~~If the AO and/or HC exercise their~~

~~option to arrange for counsel, the University Legal Office will contract for that counsel.~~

~~iii.~~

~~3. The HC shall determine the order of proof, is entitled to conduct the questioning of witnesses, and shall determine the relevance of evidence. The HC shall at all times make good faith efforts to develop reasonably grounded and reliable evidence.~~

~~iv.~~

~~4. The HC shall attempt to resolve factual disputes by receiving witness testimony and other relevant evidence offered by the parties.~~

~~v.~~

~~5. All witnesses shall testify under oath or affirmation. All parties have the right to hear and confront witnesses. Parties or their representatives, if any, have the right to question all witnesses testifying in connection with the hearing in person. At the sole discretion of the HC, testimony may be taken by deposition upon good cause shown.~~

~~vi.~~

~~6. The HC may direct the parties to produce evidence on specific issues and may call witnesses and introduce evidence on its own motion.~~

~~vii.~~

~~7. All evidence is part of the hearing record. All HC decisions are based solely on the hearing record. The burden of proof that there is adequate cause for dismissal rests at all times with the AOProvost and shall be satisfied only by clear and convincing evidence in the record considered as a whole.~~

~~viii. The HC may allow the parties to object to evidence on relevance grounds. At its discretion, the HC may allow amendments to the statement of particulars or to the AA's answer to the statement, at any time following the commencement of the hearing and before the closing of the hearing. If, in the judgment of the HC, such an amendment would introduce new issues or factual disputes for which the adverse party could not reasonably have been prepared, the HC may allow the hearing to be continued or extended to allow the adverse party adequate time to prepare.~~

~~ix.~~

8. The HC may allow the parties to object to evidence on relevance grounds.

8.9. The HC may grant reasonable continuances, especially when required in the interests of justice to meet newly presented evidence for which a party could not reasonably have been prepared.

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~~9.10.~~ The HC shall not be bound by formal rules of procedure or evidence otherwise applicable in civil litigation.

~~xi.~~

~~10.11.~~ The Provost's office shall secure the cooperation of witnesses insofar as feasible.

~~xii.~~

~~11.12.~~ Every administrative office of the University shall make available to the ~~AA~~Employee and ~~AO~~the Provost any requested documents over which the University has control, and which are not privileged from disclosure by law.

~~xiii. Allegations of the AA's inadequate work performance must be supported by competent and reliable evidence. Testimony concerning such alleged inadequacies should be corroborated.~~

~~12.13. xiv. The University shall produce a written verbatim record of the hearingthe hearing shall be produced, the at its expense of which shall be borne by the University.~~

~~D. The order of proceedings shall, to the extent practicable, conform to the following pattern:~~

~~**B. 4.—Order of Proceedings**~~

~~13.1.~~ The parties shall have the opportunity to present opening statements.

~~2.~~

~~14.2.~~ The ~~AO~~Provost shall present evidence in support of the charges and stated grounds for dismissal.

~~3.~~

~~15.3.~~ The ~~AA~~Employee shall present evidence in opposition to the charges and stated grounds for dismissal.

~~4.~~

~~16.4.~~ The HC shall permit the parties such rebuttal evidence as is not cumulative, repetitious, or irrelevant.

~~5.~~

~~17.5.~~ The parties shall have the opportunity to present closing arguments.

~~6.~~

~~18.6.~~ The HC may vary the order of proceedings if circumstances warrant, and may admit any evidence probative of the issues in dispute. The HC is not bound by formal rules of evidence.

~~**C. E.—Written Recommendations, Findings, and Rationale**~~

Within thirty (30) calendar days of the close of hearing, the HC shall notify the AAEmployee, the AO and the Provost, and the President in writing, of its recommendations, findings and rationale in support of the decision; and shall provide all parties with the official record upon which the decision was based.

**3. Consideration by the Provost**

~~Within 30 days of receipt of the HC's recommendation, the Provost shall take one of the following courses of action:~~

**VII. If the HC has concluded that CONSIDERATION BY THE PRESIDENT**

The President shall review the HC's recommendations, findings, and rationale and the record of the underlying proceedings and shall submit his or her written recommendation to the Board of Trustees within thirty (30) calendar days of receipt of the HC's recommendations, findings and rationale. The President shall provide all parties with a copy of his or her written recommendation.

**VIII. CONSIDERATION BY THE BOARD OF TRUSTEES**

~~A. The Board of Trustees shall review the evidence of record has not established cause for dismissal. President's written recommendation and the Provost accepts the conclusion, then the charges in question shall be expunged, the record of hearing shall not become part of the AA's personnel file, and the AA shall remain in, or be reinstated to, as the case may be, his or her position, with all rights and privileges attendant thereto.~~

~~B. If, on the other hand, the HC has concluded that the evidence of record has established adequate cause for dismissal, but the Provost rejects the conclusion, the Provost shall provide all parties of record with written reasons for the rejection, and shall allow all such parties 30 days from their receipt of the Provost's written reasons for rejection within which to file written responses to the reasons. Following the expiration of this 30 day period, the charges in question shall be expunged, the record of hearing shall not become part of the AA's personnel file, and the AA shall remain in, or be reinstated to, as the case may be, his or her position, with all rights and privileges attendant thereto, unless the Provost, within 15 days following the 30 day period allowed to parties to file responses, chooses on further reflection to adopt the HC's decision. In that event, the Provost shall forward findings, conclusions, and recommendations from the underlying proceedings, with the record of hearing and the Provost's individual recommendation, to the President for further consideration~~

~~C. If the HC has concluded that the evidence has established adequate cause for dismissal and the Provost accepts the conclusion, the Provost shall forward findings, conclusions, and~~

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~~recommendations from the underlying proceedings, with the record of hearing, to the President for further consideration.~~

- ~~D. If the HC has concluded that the evidence has not established cause for dismissal, and the Provost rejects the conclusion, the Provost shall provide all parties of record with written reasons for the rejection, and shall allow all such parties 30 days from their receipt of the Provost's written reasons for rejection within which to file written responses to the reasons. If, after reviewing written responses submitted within the 30 day period, the Provost continues to reject the HC's conclusion, the Provost shall, within 15 days following the 30 day period allowed to parties to file responses, forward findings, conclusions, and recommendations from the underlying proceedings, with the record of hearing and the Provost's recommendation, to the President for further consideration. If, on the other hand, after reviewing written responses submitted within the 30 day period, the Provost chooses on further reflection to adopt the HC's conclusion, the charges in question shall be expunged, the record of hearing shall not become part of the AA's personnel file, and the AA shall remain in, or be reinstated to, as the case may be, his or her position, with all rights and privileges attendant thereto.~~

#### **4. — Consideration by the President**

~~Within 30 days of receipt from the Provost of findings, conclusions, and recommendations from the underlying proceedings, with the record of hearing, the President shall take one of the following courses of action:~~

- ~~A. If the Provost has decided that the evidence has established adequate cause for dismissal and the President accepts the decision, the President shall forward findings, conclusions, and recommendations from the underlying proceedings, with the record of hearing and the President's recommendation, to the Board of Trustees for further consideration.~~
- ~~B. If the Provost has decided that the evidence has established adequate cause for dismissal and the President rejects the decision, the President shall provide all parties of record with written reasons for the rejection, and shall allow all such parties 30 days from their receipt of the President's written reasons for rejection within which to file written responses to the reasons. Following the expiration of this 30 day period, the charges in question shall be expunged, the record of hearing shall not become part of the AA's personnel file, and the AA shall remain in, or be reinstated to, as the case may be, his or her position, with all rights and privileges attendant thereto, unless the President, within 15 days following the 30 day period allowed to parties to file responses, chooses on further reflection to adopt the Provost's decision. In that event, the President shall forward findings, conclusions, and recommendations from the underlying proceedings, with the record of hearing and the President's recommendation, to the Board of Trustees for further consideration~~

#### **9. — Consideration by the Board of Trustees**

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~~Within 60 days of receipt from the President of findings, conclusions, and recommendations from the underlying proceedings, with the record of hearing, or as soon thereafter as is and if practicable, the Board of Trustees shall review the proposed decision to dismiss the AA. The Board at its discretion may provide further opportunity to the parties for oral or written argument. Whenever possible, the Board shall render its final decision on the dismissal within 60thirty (30) calendar days of its receipt of findings, conclusions, and recommendations from the underlying proceedings, President's recommendation. The Board of Trustees shall provide all parties with the record of hearing, or within 60 days from the conclusion a copy of any additional arguments allowed its final decision.~~

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**Responsible Division/Unit:** Office of the Provost and Vice President for Academic Affairs

**Source:** None

**Links:** <http://www.uwyo.edu/regs-policies>

**Associated Regulations, Policies, and Forms:** None

**History:**

University Regulation 801, Revision 1 and Change 1; adopted 7/17/2008 Board of Trustees meeting

Revisions adopted 3/23/2012 Board of Trustees meeting

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