

## NFA Disciplinary Process (approved by NFA State Board 5/1/2019)

According to the Bylaws of the Nevada Faculty Alliance (NFA), Article III, Section D:

**Disciplinary Action and Due Process:** A member may be disciplined for failure to subscribe to the goals and objectives of the NFA and to abide by its bylaws. The NFA guarantees that no member may be censured, suspended or expelled from NFA without a due process hearing which shall include an appropriate appellate procedure.

This document outlines a disciplinary process consistent with the bylaws.

In order to request disciplinary action by the NFA against a member (hereinafter the respondent), written allegations – either electronic or on paper – must be submitted by an NFA member in good standing (hereinafter, the petitioner) to the President of the State NFA Executive Board. If, upon review, the board president determines that the allegations, if true, are sufficient to merit some form of disciplinary action, the president shall decide to convene a hearing committee.

The president of each state chapter shall appoint one of that chapter's active members to serve on the hearing board. The Executive Board shall appoint one member of the hearing committee to serve as its chair. In addition, the Executive Board may appoint one outside member who is not an NFA member, but has relevant prior experience in higher education administration or disciplinary matters.

No member of the Executive Board may serve on the hearing committee, and no NFA member with a conflict of interest related to the allegations, the petitioner, or the respondent may serve on the hearing committee. If a chapter president or a member of the Executive Board, including the president of the Executive Board, has a conflict of interest, he or she must be recused from any role in the disciplinary hearing, and any responsibilities will fall on the next in line.

The respondent shall be informed of the allegations in writing by the chair of the hearing committee, and given a chance to respond to the allegations in writing. The hearing committee will consider written evidence presented by both the petitioner and the respondent, along with any written evidence submitted by witnesses of the alleged misconduct.

After reviewing the written evidence, the hearing committee may decide by simple majority vote to dismiss the allegations, or the hearing committee may decide to proceed with a hearing if both the petitioner and the respondent consent. If both parties do not consent to a hearing, then the hearing committee shall make its recommendations to the Executive Board based only on the written evidence, and shall also note which party failed to consent to a hearing.

If a hearing is scheduled, the chair will work with all relevant parties to schedule a hearing date. At the hearing, both the petitioner and the respondent will be allowed to present their cases, including the testimony of witnesses. Members of the hearing committee may ask questions, but neither the petitioner nor the respondent may cross examine each other. The hearing shall be informal and confidential in nature, and the burden of proof shall be a preponderance of the evidence. Neither party shall be represented by legal counsel.

Following the conclusion of the hearing, the hearing committee will meet to review the evidence, and vote to determine if the respondent's conduct failed to meet the goals and objectives of NFA. If a simple majority of the board agree on the misconduct, they will then vote to recommend an

appropriate sanction, including: (1) censuring the respondent, (2) suspending the respondent for a defined period of time, or (3) expelling the respondent from membership. The chair of the committee will report to the Executive Board, the petitioner, and the respondent in writing.

If the hearing committee decides that the respondent engaged in misconduct, the respondent has the right to appeal the decision of the hearing committee within five working days of receiving written notice of the decision, and shall be informed of that right by the chair of the hearing committee. Any appeal by the respondent shall be in writing, and must state the reasons for disagreement with the decision of the hearing committee. The appeal shall be sent to the president of the Executive Board, who will forward all written materials to the members of the Executive Board. Written materials shall include the original allegation, the response, the evidence submitted by witnesses, the hearing committee's decision, and the appeal.

If the hearing committee decides that the respondent engaged in misconduct, and the Executive Board has either received the respondent's appeal or allowed sufficient time for an appeal, the Executive Board shall make its decision. By a simple majority vote, the Executive Board may either affirm the decision of the hearing committee, it may reject the hearing committee's decision that misconduct took place, or it may impose a lesser sanction. The decision of the Executive Board is final and public. It is then the responsibility of the Executive Board to impose the decision and inform the participants.