twenty (20) business days of the date on which the faculty member was given written notice of non-reappointment.

7.4 System academic institution appeal procedures shall provide for preliminary consideration within fifteen (15) business days of the faculty member's notice of appeal of the allegations by a faculty committee to determine whether the faculty member has established a prima facie case that the decision was made in violation of the faculty member’s academic freedom, for an illegal reason, or without adequate consideration of the faculty member's record of professional achievement. If the preliminary review committee determines that the faculty member has not alleged a prima facie case, the allegations shall be dismissed and the decision not to reappoint shall stand. If the committee determines that the allegations do establish a prima facie case, the matter shall be referred for an evidentiary hearing under established system academic institution procedures. A prima facie case for purposes of this section means that the faculty member’s evidence, alone and un-rebutted, would establish that a violation as defined in Section 7.3 may have occurred.

7.5 In any evidentiary hearing, the burden of proving that the decision was made in violation of academic freedom or for an illegal reason, or without adequate consideration of the faculty member's record of professional achievement, shall rest with the faculty member. The burden of proof must be met by a preponderance of the evidence; i.e., that which is more convincing, more credible, and of greater weight than contrary evidence. Both the faculty member and the administration have the right of representation at this hearing. The system academic institution shall provide staff support to schedule and hold a hearing. If the appeal is filed before March 1, the hearing shall be scheduled within sixty (60) calendar days from the date the committee chair is notified of the appeal; the chair of the hearing committee may extend the time for completing the hearing fifteen (15) calendar days for good cause shown. If more than one appeal is filed in a given year, some appeals may be delayed until the first full academic term following the notice of appeal. The committee shall complete its report within fifteen (15) calendar days of the completion of the hearing. The importance of conducting the hearing in a prompt manner shall guide the system academic institution and the hearing committee. Hearing committee members’ departments shall assist as needed to accommodate the scheduling of the hearing.

8. DISMISSAL FOR CAUSE HEARINGS

8.1 Summary Dismissal

Each system academic institution may establish procedures for the summary dismissal of faculty for specified causes. Such procedures shall provide the faculty member with notice of the charges, an opportunity to respond to an administrator prior to dismissal, and an opportunity for a post-termination evidentiary hearing appealing the dismissal. Post-termination appeals shall embody the elements set forth in Section 8.2.

8.2 Pre-termination Hearing

8.2.1 Unless summary dismissal procedures are invoked, each system academic institution shall provide a faculty member to be dismissed for cause with notice
of the charges and an opportunity for a fair and impartial hearing by a faculty committee. A faculty member requesting a hearing shall submit a notice of appeal to the system academic institution’s CEO within ten (10) business days of receipt of the notice of termination. The CEO shall notify the hearing committee within five (5) business days of the date the appeal has been filed. The system academic institution shall provide staff support to schedule a hearing. The hearing committee shall schedule a hearing date within sixty (60) calendar days of the notice of appeal. The chair of the hearing committee may extend the time for completing the hearing fifteen (15) calendar days for good cause shown. The committee shall complete its report within fifteen (15) calendar days of the completion of the hearing. The importance of conducting the hearing in a prompt manner shall guide the system academic institution and the hearing committee. Hearing committee members’ departments shall assist as needed to accommodate the scheduling of the hearing. The hearing committee shall formulate explicit findings with respect to each of the grounds for removal presented and shall recommend whether or not, in its judgment, there is good cause for dismissal. The burden of proof is on the system academic institution to establish by a preponderance of the evidence the existence of good cause for dismissal.

8.2.2 The committee’s findings and recommendation whether or not, in its judgment, there is good cause for dismissal shall be conveyed in writing to the CEO and to the faculty member.

8.2.3 If the faculty member's appointment is proposed to be terminated by the CEO, the full report of the hearing committee, the record of the hearing, the CEO's recommendation, and other relevant documentation available to both the faculty member and the system academic institution shall be delivered to the chancellor who shall carry out a review of the documentation. In the event that the chancellor identifies the need for information not contained in the documentation, the chancellor may choose to give the system academic institution and the faculty member an opportunity to present their arguments and take questions from the chancellor. The chancellor shall have a maximum of forty-five (45) days in which to conduct the review. Upon completion of the review, the chancellor shall make a final determination as to the dismissal.

8.2.4 In the event that the review identifies information which is probative of the dismissal, and which was not made available to the faculty review committee and/or the CEO, the chancellor may return the matter to the system academic institution CEO. Upon return to the CEO, the hearing committee shall have fifteen (15) calendar days in which to conduct a follow-up hearing to evaluate the new information and render its recommendation. The CEO will then review its recommendation and take action as appropriate following the guidelines in Section 8.2.3.

8.2.5 A faculty member's termination from employment shall be effective as determined by the chancellor, upon a finding by the chancellor, pursuant to these procedures, that there is good cause for the faculty member’s dismissal.