

**MEMORANDUM OF AGREEMENT CONCERNING REMOVAL FROM
MEMBERSHIP IN A GRADUATE PROGRAM OF
THE GRADUATE SCHOOL—NEW BRUNSWICK**

The Graduate School in New Brunswick will remove faculty members from a graduate program in accordance with the following procedures:

1. If the faculty of a graduate program determines to review its membership, the faculty of that graduate program will prepare a statement setting forth how existing general criteria for graduate faculty membership shall be applied in its program. The statement shall include the program's specific criteria and their application to the existing general criteria. This statement shall be promulgated to all members of the graduate program. The graduate program director shall notify the dean when a program determines to review its membership and shall forward the criteria statement developed by the program faculty.
2. If the faculty of a graduate program determine to review the program members such a review will encompass all members of the program faculty, and no individual recommendation will be made until the entire review is completed
3. No such review will occur earlier than one year after the promulgation of the criteria statement, as specified in 1. above.
4. When the faculty of a graduate program has determined to review its members, the graduate program director will so notify the program members at least 30 days prior to the commencement of the review. That notice will specify the materials on which the review will be based and a statement of the procedures by which the review will be conducted, as determined by the program faculty, in accordance with the bylaws of the program and the Graduate School.
5. Each faculty member shall have the right to prepare a packet of information concerning his/her work in the discipline's graduate program and in other related disciplines' graduate programs, if any. Each faculty members shall have the right to request a meeting with the reviewing body. If a faculty member makes such a request, he/she shall state the reason for the request in writing. If the request is refused, reasons shall be given in writing.
6. If any documents, other than those provided by the faculty member or referenced in the materials provided by the faculty member of those in the personnel file are considered by the reviewing body, the faculty member shall receive a copy of the document and shall have 10 working days to make any written response he or she may wish in regard to the document.
7. If, as a result of a review, a faculty member is requested to withdraw from a graduate program, he or she shall receive a written request to do so which shall include the reasons for the request and the bases for those reasons.

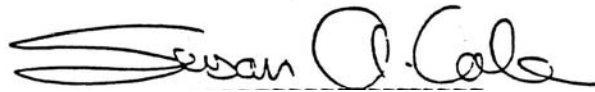
8. If the faculty member refuses to withdraw from the graduate program, he or she shall direct that refusal in writing to the graduate program director and shall include the reasons for the refusal.
9. After consideration of the faculty member's refusal, the faculty of the graduate program will either rescind its request to withdraw or it will address to the dean of the Graduate School a request that the faculty member be dropped from the program. If the decision is to rescind the request to withdraw, the graduate program director shall do so in writing to the faculty member concerned. If the decision is to request that the faculty member be dropped from the program, the graduate program director will do so in writing to the dean of the Graduate School, explaining the reasons for the request and attaching both the original request to withdraw and the faculty member's refusal to withdraw. The graduate program director will provide a copy of these documents to the faculty member concerned.
10. Within 30 days of receipt of the request from the program, the dean shall transmit it for advice to the Committee of Review of the Graduate School, copying the faculty member concerned.
11. Within 30 days of receipt of the transmission from the dean, the Committee of Review shall meet to consider the faculty member's appeal of the graduate program's decision. Any member of the Committee of Review who is affiliated with the graduate program in question will excuse him/herself from this consideration. The Committee of Review will provide an opportunity for the faculty member concerned to appear before it and to present any documents, written statement, or other material which the faculty member deems relevant. The faculty member may be accompanied by an AAUP advisor in his or her meeting with the Committee of Review.
12. The Committee of Review will forward its advice and recommendation to the dean within 4 months of the date on which it received the request from the dean for advice. The Committee of Review will provide a copy of its advice to the faculty member concerned and to the program director.
13. Within 30 days of receipt of the advice from the Committee of Review, the dean will make a decision as to whether or not to drop the faculty member from the graduate program and will convey that decision and the reasons for the decision in writing to the faculty member, to the program director, and to the Committee of Review. The decision of the dean will be final.
14. If the dean determines to drop a faculty member from a graduate program and that faculty member is not a member of any other graduate program, the dean will so notify the President, and the faculty member will receive a letter from the President stating that he or she no longer holds an appointment as a member of the faculty of the Graduate School in New Brunswick. The dean's notification to the President will not occur until one month after the date of the dean's decision in order to permit the faculty member time to

affiliate with another graduate program if the faculty member is able to do so and desires to do so.

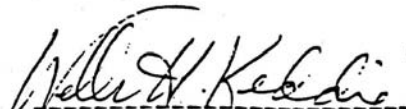
15. If the dean determines not to drop the faculty member from the program, no further review of the faculty member may be initiated by that program unless all members of the program are reviewed again.
16. A decision to remove an individual from membership in a graduate program shall not be grievable under Article IX or Article X of the Agreement. Whether or not pursued, the procedures described above will constitute the sole and exclusive remedy available to a bargaining unit member in regard to removal from a graduate program or the graduate faculty.

The sole exception to this provision shall be those instances where a faculty member alleges that the final decision of the dean to drop the faculty member from a graduate program was based on discrimination by the dean on the basis of race, creed, color, sex, religion, nationality, marital status, age, handicap, status as a Vietnam-era or disabled veteran, sexual orientation, membership or non-membership in or activity on behalf of or in opposition to the AAUP. In such instances only, the decision of the dean may be appealed as an Article IX, Category Three grievance.

17. The fact that a faculty member has been requested to withdraw from a graduate program or has been removed from a graduate program shall not, in and of itself, be determinative of any other personnel action.



Susan A. Cole,
Vice President for University
Administration and Personnel
Wells
Team



H. Keddie,
Co-Chair, AAUP Bargaining

[February 7, 1990]
Date