

COLORADO COMMUNITY COLLEGE SYSTEM

SYSTEMS PRESIDENT'S PROCEDURES

PEER REVIEW COMMITTEE APPEAL PROCESS

SP 3-20a

Effective: September 9, 1989
Retitled: September 14, 2000
Retitled: August 25, 2001

REFERENCE:

BP 3-20, Due Process for Faculty

APPROVED:

S/ Dorothy A. Horrell, System President

APPLICATION:

When an eligible faculty member requests a review of a college president's action which is appealable under BP 3-20, this procedure applies.

TIMELINES:

Except as otherwise provided herein, Saturdays, Sundays, and faculty nonworking days will be excluded when computing any timeline of ten days or less. Timelines may be extended by written mutual consent of the parties.

PEER REVIEW PANEL:

Pursuant to the policy, each college shall have an elected peer review panel of 13 members; or, in the case of a college which has less than 14 eligible faculty members, the panel shall consist of all eligible faculty members at that college. The college president shall be notified at the time of election of the names of all members on the peer review panel.

PEER REVIEW PROCESS:

1. Request for review

A faculty member who wishes to appeal an action ('appellant') must submit a request for a review within ten calendar days of service of notice of the action. Upon receipt of the request for a review, the college president shall notify the System president/designee who shall arrange legal advice for the peer review committee.

2. Establishment of committee

A peer review committee shall be chosen from the college's established peer review panel. In the case of a college which has less than 13 persons on its panel, special procedures will be developed as necessary to accommodate the smaller panel.

In all other cases, the college president shall ascertain whether the full panel of 13 members is available. In the event that one or more members are unable to serve, or if the appellant is on the panel, substitutes will be chosen by random drawing from the names of all eligible faculty members at the college.

When a full panel is established, the college president shall strike four names from a list of the panel members and, within three days after receipt of the request for review, will forward the list to the appellant. Within three days of receipt, the appellant shall strike four additional names and return the list to the college president.

3. Notification to committee

The College president shall notify the five persons remaining on the list that they constitute the peer review committee. The notice shall designate one member to convene the committee and include a copy of these procedures.

4. Hearing

The designated convenor shall call a meeting of the committee and conduct the election of a chair. The committee chair shall give written notice of the time and place of the hearing which must begin within five days of the president's notification to the peer review committee members.

The committee chair in consultation with the college president shall make arrangements for the hearing. The committee chair shall be responsible for keeping the record which shall include all documents submitted by the parties. The college president shall assign support staff to assist in the compilation of the record.

Pursuant to the policy, the committee shall conduct a full and fair hearing on the issues presented by the parties. Each party shall have the right to present relevant documents, to present witnesses who have relevant information, and to question all witnesses as to relevant facts in order to support their positions. The hearing shall be completed within ten days of convening, or as soon thereafter as is possible.

5. Committee recommendation

The peer review committee shall submit to the college president a written recommendation including the rationale, and the record of the proceedings. A copy of the recommendation shall be provided to the appellant. The committee's recommendation and the record shall be submitted within five days after the completion of the hearing.

6. College president's decision

The college president shall render a decision in writing to the appellant within five days after receiving the committee's recommendation. If the president and the review committee agree, the decision is final.

7. Appeal to the Board

If the president does not agree with the peer review committee, the appellant may submit a written notice of appeal to the Board. The notice shall state all errors the appellant claims in the decision or in the decision making process. Such notice shall be directed to the System president and must be submitted within ten calendar days of receipt of notice of the college president's decision.

8. Board review

Upon receipt of a notice of appeal, the System president shall request the college president to respond to the appellant's claims of error and to forward the complete record of the hearing.

After receipt of the response from the college president, the System president shall arrange for the matter to be considered by the Board no later than 90 days from receipt of the notice of appeal to the Board.

The review by the Board shall be limited to a review of the record of the hearing.

9. Board decision

The System president shall serve a copy of the Board's decision upon all parties.

Attachments:
Suggested Procedures for Peer Review Committee

SUGGESTED PROCEDURES FOR PEER REVIEW COMMITTEE

The following process may be used in the conduct of committee hearings:

1. Each party is permitted to make an opening statement.
2. The college presents its evidence first.
3. The appellant presents his/her evidence second.
4. The college is given opportunity to rebut the faculty member's evidence.
5. The parties may make a brief closing statement to the review committee summarizing their positions, or they may submit proposed written findings of fact and recommendations.

When making its recommendation, the peer review committee should consider the following criteria:

1. The standard of proof is the preponderance of the evidence.
2. The college must prove all facts set forth as grounds for the action appealed.
3. The appellant must prove all facts set forth in his/her defense.