

**MEMORANDUM**

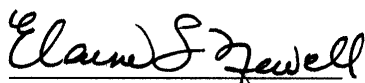
**To:** Board of Regents  
**From:** Board Office  
**Subject:** Employee Appeal  
**Date:** June 7, 2004

**Recommended Actions:**

1. Deny the request of the employee for a personal appearance before the Board related to the employee's appeal of a final institutional decision; and
2. Remand the case back to the institution and instruct it to
  - a. reappoint the faculty member as a tenure-track assistant professor at the institution for at least the 2004-2005 academic year;
  - b. provide the faculty member with clear counseling and guidance regarding his current status in the promotion and tenure process and what improvement is necessary to achieve promotion and tenure at the institution; and
  - c. give the faculty member the opportunity, during the coming year of employment, to reapply and be reconsidered for promotion and tenure at the institution.

**Executive Summary:**

Confidential personnel matter	The Board has in its Exhibit Book a CONFIDENTIAL memorandum and exhibit pertaining to this personnel matter.
Personal appearance requested	The employee has orally requested to address the Board on this matter. The Board Office believes all matters to be considered by the Board in this appeal are on the record and a personal appearance is not necessary.
Final agency action	If the Board adopts the recommended action, this will represent final agency action. The employee may then pursue judicial review as permitted by law.

  
 Elaine S. Newell

Approved:   
 Gregory S. Nichols