

MEMORANDUM

To: Board of Regents

From: Board Office

Subject: Employee Appeal

Date: October 8, 2001

Recommended Actions:

- (1) Deny the request of the employee for review of a final institutional decision with regard to a Letter of Reprimand and Violation of Privacy.
- (2) Remand to the University the request of the employee for review of a final institutional decision with regard to Conflict of Interest and Procedural Unfairness/Lack of Due Process.

Executive Summary:

An employee appeals the University's final institutional decisions. The appealing employee serves a half-time appointment in a Professional and Scientific position, and a half-time appointment as a tenured faculty member. In addition, the employee has other volunteer duties. The University finds that the volunteer role constitutes a conflict of interest with the Professional and Scientific position. The Board has confidential memoranda and supporting documents in this matter.

Background:

An employee requests review of the University's decision to uphold findings that:

- (1) The employee's role as a Professional and Scientific employee creates a **Conflict of Interest** with volunteer duties.
- (2) A **letter of reprimand** was appropriate.

In addition, the employee alleges the existence of:

- (1) **Procedural Unfairness and a Lack of Due Process** in the University's processing of his case.

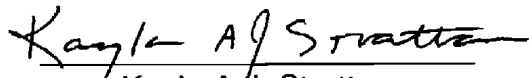
(2) **Privacy Violations** by the University.

In this case:

- The employee's request for review of a final institutional decision is before the Board pursuant to the Regent Procedural Guide, §2.07, as further explained by 4.25.
- The employee is appealing the decision of the institution that find the employee in violation of the University's Policy Prohibiting Conflicts of Interest and the issuance of a Letter of Reprimand.


The Board Office recommends that the Board, based on the record before it, **(1) deny** the request of the employee to review the final institutional decision with regard to the Letter of Reprimand and Violation of Privacy. The Board's decision in this matter represents the final agency action from which the employee may seek judicial review as permitted by law.

The Board Office further recommends that the Board, based on the record before it, **(2) remand** to the University the Conflict of Interest and Procedural Unfairness/Lack of Due Process grievances.



Kayla A.J. Stratton

Approved: _____



Robert J. Barak