

# ----- AAUP NEWS FLASH -----

January 6, 2010

## **AAUP WINS MAJOR VICTORY TO PROTECT YOUR ACADEMIC DUE PROCESS RIGHTS**

On December 17, 2009, the Public Employee Relations Commission (“PERC”) ruled in favor of an AAUP petition filed on your behalf to protect your academic due process rights. At issue was whether the University is obligated to negotiate with the AAUP the following procedural due process protections:

- right to notice of allegations;
- an opportunity to respond to allegations; and
- a written determination of the investigatory results prior to the imposition of discipline.

UMDNJ took the position that it could conduct its investigations and impose discipline in an any manner it deemed appropriate without providing notice of allegations, an opportunity to respond, or providing written charges. The AAUP argued and PERC agreed that “[t]he procedural protections sought by the AAUP are fundamental protections that intimately and directly affect employees who are the subject of an investigation and/or discipline” and that “procedural protections afforded to employees after a disciplinary investigation and before the imposition of discipline are mandatorily negotiable subjects.” This decision invalidates the University’s investigatory procedure and requires UMDNJ to negotiate over procedural protections in its investigatory procedure with the AAUP prior to implementing it. We expect to initiate negotiations shortly and will continue to work with the leadership of the faculty organizations at the various schools. Attached for your review is the full text of the decision.