IN THE SUPREME COURT OF MISSISSIPPI

JOSEPH MICHAEL UPCHURCH

APPELLANT

VERSUS

NO. 2011-CC-00226

CITY OF MOSS POINT,
A BODY POLITIC, AND
ITS CIVIL SERVICE COMMISSION

APPELLEE

ON APPEAL FROM THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

APPELLANT'S REPLY BRIEF

Oral Argument Requested

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November 7, 2011

AMENDED STATEMENT REGARDING ORAL ARGUMENT

Appellant amends his previous statement regarding oral argument to add paragraph (4) below.

In accordance with Rule 34 of the Mississippi Rules of Appellate Procedure, Appellant requests oral argument. This appeal involves an area of law that has yet to be decided by the Supreme Court. There has been no determination by this Court regarding:

- (1) Whether Mississippi Code Annotated § 21-31-5 requires that there be a fully appointed and constituted Civil Service Commission of three members in order for the Commission to have power to terminate an employee.
- (2) Whether there must be a fully appointed and constituted Civil Service Commission of three members at the time it terminates an employee, in order for due process requirements to be met.
- (3) Whether the Civil Service Commission was exercising enforcement authority as an agent of the City of Moss Point, and made the final decision on behalf of the City, when the Commission conducted a de novo investigatory hearing, made findings of fact, and decided to terminate police officer Upchurch's employment.
- (4) Whether the limitation relating to appeals in Miss. Code Ann §21-31-23 is unconstitutional because it invades the powers of the judiciary.

TABLE OF CONTENTS

TABLE O	F AUTHO	ORITIESiii		
ARGUME	ENT	1		
		t has power to hear Upchurch's claims of constitutional and violations1		
	a.	The City's argument is procedurally barred because the City provided no authority1		
	b.	The standard of review requires the Court to look beyond the decision of the lower court to the Commission hearing and decision where the constitutional and statutory violations took place		
	c.	Upchurch attempted to raise his arguments at the trial		
	level	3		
	d.	Even if Upchurch had not raised his arguments at trial, the Court has power to decide them under M.R.A.P. 28(a)(3)3		
II.		It is proper for the Court to decide Upchurch's issues of constitutional and Statutory rights violations in this appeal4		
III.		If the City's interpretation of Miss. Code Ann. § 21-31-23 is adopted, the statute is unconstitutional because it invades the powers of the judiciary5		
IV.		Appellees' factual assertions unsupported by citations to the record should be disregarded8		
V.		Smallman's racially biased and retaliatory testimony and actions drove every one of the Commission findings that resulted in Upchurch's termination9		
VI.		Erroneous factual findings by definition cannot constitute substantial evidence of a fact, and relying upon them is arbitrary and capricious10		
VII		The evidence the Commission relied upon to find "insubordination" was erroneous10		
VII		The evidence the Commission relied upon to find "disregard for departmental policy" was erroneous1		

detective or evidence technician to scene" was erroneous			12
	a.	The City's evidence does not show Upchurch violated a duty to call out a detective or evidence technician	12
	b.	The City's new ground for terminating Upchurch (i.e., failure to provide detail) must be overturned for lack of notice and substantial evidence	14
X.		evidence the Commission relied upon to find "lack of respect" for f Smallman was erroneous	16
	a.	The Court should not consider the alleged comment to Chief Gager because the Commission did not find that it occurred or that it supported termination for "lack of respect."	16
	b.	Savage's and Smallman's hurt feelings do not turn Upchurch's comment about the Chief "leaving in three months" into disrespect	16
	c.	The City's mischaracterizes Upchurch's testimony that he has no respect for the Chief's violations of law	17
	d.	The City has not established there exists a punishable offense of "lack of respect" or that Upchurch's comment met any possible elements for it	18
XI.		City knew all along of the "no confidence" letter the Commission relied n for its finding of "lack of loyalty."	20
XII.	requ	cordance with a United States Supreme Court case, the Commission's irement for minimum membership must be met separately from its irement for a quorum	21
CONCLUSI	ON		24
CERTIFICA	TE OF	SERVICE	25
ADDENDU:	M		26
Miss. Admir	ı. Code	Extract	
Dictionary E	Definitio	ons	

TABLE OF AUTHORITIES

CASES	PAGE(S)
Alexander v. Monsanto Co. 396 Fed.Appx. 137, 140 (5th Cir. 2010)	8
Bynum v. Mississippi Dept. of Educ., 906 So.2d 81, 90 (Miss.App. 2004),	2
Carson v. Veterans Admin., 33 M.S.P.R. 666, 669-70 (1987)	19
City of Vicksburg v. Cooper, 909 So. 2d 126 (2005)	1,2
Douglas v. Blackmon, 759 So.2d 1217, 1221(¶ 13) (Miss.2000)	1
Dowdle Butane Gas Co. v. Moore, 831 So.2d 1124, 1136 (Miss.2002)	1
Entergy Mississippi, Inc. v. Bolden, 854 So.2d 1051, 1057 (Miss. 2003)	1
Gulf Coast Drilling & Exploration Co. v. Permenter, 214 So.2d 601 (Miss.1968)	7
Johnson v. Gray, 859 So. 2d 1006 (Miss. 2003)	3
Jones v. Howell, 827 So.2d 691, 702 (Miss.2002)	1
Matthews v. State, 288 So.2d 714 (Miss.1974)	7
Mayor & Bd. of Aldermen, City of Clinton v. Welch, 888 So.2d 416, 418(\P 10) (Miss.	2004)2
Mississippi Bar v. Jackson, 904 So. 2d 109, 111 (Miss. 2004)	7
Mississippi Mun. Liability Plan v. Jordan, 863 So.2d 934, 940 (Miss. 2003)	3
Mississippi Power Co. v. Harrison, 247 Miss. 400, 152 So. 2d 892 (1963)	3,9
New Process Steel, L.P. v. N.L.R.B., 130 S.Ct. 2635, 2640 (2010)	21-24
Newell v. State, 308 So.2d 71, 77 (Miss. 1975)	7
Noah v. Community Place, Slip Copy, 2011 WL 237701 at *7 (S.D.Miss. 2011)	17
O'Neill v. Department of Housing and Urban Development, 220 F.3d 1354, 1364 (Fe	
Patterson v. City of Biloxi, 965 So.2d 765 (Miss.App. 2007)	18
Redfearn v. Department of Labor, 58 M.S.P.R. 307, 316 (1993)	19
Slav v. Spell. 882 So.2d 254, 261(¶ 20) (Miss.Ct.App.2004)	1

Southeast Miss. Legal Serv. v. Miss. Power, 605 So.2d 796 (Miss.1992)2,5,6
Southern v. Miss. State Hosp., 853 So.2d 1212, 1214-15 (Miss.2003)3
Southern Pacific Lbr. Co. v. Reynolds, 206 So.2d 334 (Miss.1968)7
State Highway Comm'n of Mississippi v. Hyman, 592 So.2d 952, 957 (Miss.1991)3,4
Street v. New York, 394 U.S. 576, 591, 592, 89 S.Ct. 1354 (1969)17,20
Webb v. DeSoto County, 843 So.2d 682, 685 (Miss.2003)1
West Virginia State Board of Educ. v. Barnette, 319 U.S. 624, 63 S.Ct. 1178, 87 L.Ed. 1628 (1943)20
Wilkinson County Bd. of Supervisors v. Quality Farms, Inc., 767 So.2d 1007, 1010(¶ 9) (Miss.2000)2
STATUTES AND OTHER AUTHORITIES
First Amendment, U.S. Constitution4
Fourteenth Amendment, U.S. Constitution4,6
Civil Rights Act of 1866, 42 U.S.C. § 19834
Title VII of Civil Rights Act of 1964, 42 U.S.C. § 2000e
Mississippi Constitution § 1466
Miss. Code Ann. § 21-31-5
Miss. Code Ann. § 21-31-23 5-9
Fed.R.App.P. 28(a)(9)
Miss. Admin. Code § 3-1-1:2.6
M.R.A.P. 28(a)(3)
M.R.A.P 28(a)(6)8
Miss. R. Evid 103
Mississippi Uniform Circuit and County Court Rule 5.03,
The New Oxford American Dictionary, 200519

Appellant, Joseph Michael Upchurch, submits this Reply to Appellee's Brief [hereinafter "City Br."].

I. This Court has power to hear Upchurch's claims of constitutional and statutory violations.

Appellees, the City of Moss Point and its Civil Service Commission [hereinafter collectively "the City"], claim Upchurch's constitutional "argument that the Commission refused to allow him to fully present his case regarding constitutional violations by the City" should not be considered because it is being made for the first time in this Court. (CityBr.1)

a. The City's argument is procedurally barred because the City provided no authority.

The City cites to no authority in support of its argument on this issue in the present appeal. Therefore, its arguments on this issue are procedurally barred. *City of Vicksburg v. Cooper*, 909 So. 2d 126 (2005); *Slay v. Spell*, 882 So.2d 254, 261(¶ 20) (Miss.Ct.App.2004) (citing *Douglas v. Blackmon*, 759 So.2d 1217, 1221(¶ 13) (Miss.2000), as cited in *Cooper*, 909 So.2d at 130. This Court has

consistently held that "an argument unsupported by cited authority need not be considered by the Court." *Dowdle Butane Gas Co. v. Moore,* 831 So.2d 1124, 1136 (Miss.2002). In addition, we have expressly held that "[i]t is the duty of an appellant to provide authority... *Jones v. Howell,* 827 So.2d 691, 702 (Miss.2002).... This Court is therefore procedurally barred from considering unsupported assertions on appeal. *Webb v. DeSoto County,* 843 So.2d 682, 685 (Miss.2003).

Entergy Mississippi, Inc. v. Bolden, 854 So.2d 1051, 1057 (Miss. 2003)

b. The standard of review requires the Court to look beyond the decision of the lower court to the Commission hearing and decision where the constitutional and statutory violations took place.

Even if the Court holds the City's argument is not procedurally barred, the Court has power to review Upchurch's arguments. The Court has been clear about the extent of its

review of City decisions. The Court has made clear that its role is to look beyond the circuit court's decision and review the Commission's decision to terminate Upchurch: "Ordinarily in reviewing the decision of a circuit court, sitting as an appellate court, 'we look beyond the decision of the circuit court and examine the decision of the City,' because 'the circuit court's role was not as a trier of fact, but rather as an appellate court." Mayor & Bd. of Aldermen, City of Clinton v. Welch, 888 So.2d 416, 418(¶ 10) (Miss.2004), as cited in Cooper, 909 So.2d at 129.

Another court explained that the standard of review of a Mississippi appellate court is identical to that of the circuit court, and it consists of determining whether to affirm the administrative agency's decision. *Bynum v. Mississippi Dept. of Educ.*, 906 So.2d 81, 90 (Miss.App. 2004), citing to *Wilkinson County Bd. of Supervisors v. Quality Farms, Inc.*, 767 So.2d 1007, 1010(¶ 9) (Miss.2000).

These cases require the Court to examine whether the City, in reaching its decision, denied Upchurch his right to present his claims that the City had denied his other constitutional and statutory rights.

In addition, the fourth prong of the Court's standard of review requires the Court to determine whether the Commission "violated some statutory or constitutional right of the complaining party." Southeast Miss. Legal Serv. v. Miss. Power, 605 So.2d 796, 798 (Miss.1992). Thus, the Court must review de novo, as a matter of law, the constitutional and statutory rights violations Upchurch attempted to raise at his hearing before the Commission, as well as the constitutional violation the Commission committed by refusing to allow Upchurch to raise them. (See Upchurch Initial Br. I.A & F.)

c. Upchurch attempted to raise his arguments at the trial level.

Upchurch's arguments concerning violations of his constitutional and statutory rights are cognizable by this Court because Upchurch attempted to raise them before the Commission, which served as the trial-level fact-finder. *Johnson v. Gray,* 859 So. 2d 1006 (Miss. 2003). The City admits that the Commission sat "as judge and jury" for Upchurch's termination. (CityBr.7) (See Upchurch's Initial Br. Part I.G, pp. 12-15.)

d. Even if Upchurch had not raised his arguments at trial, the Court has power to decide them under M.R.A.P. 28(a)(3).

Upchurch attempted to raise his arguments before the Commission, but the City objected and the Commission repeatedly cut-off Upchurch's arguments and his witnesses' supporting testimony. (See citations at Upchurch Initial Brief at 33, Part VI.F.) The Commission's refusal to allow Upchurch's counsel to present its case is reversible error. See, e.g., *Mississippi Power Co. v. Harrison*, 247 Miss. 400, 152 So. 2d 892 (1963).

But, even if Upchurch had not raised his arguments at trial, "the Supreme Court can recognize plain error" and hear them anyway. *Johnson v. Gray*, 859 So. 2d 1006 (Miss. 2003) (noting inherent power of court to recognize plain error). The Court has held:

Normally, where a party fails to raise an issue before the trial court, we are procedurally barred from considering that issue. *941 *Southern v. Miss. State Hosp.*, 853 So.2d 1212, 1214-15 (Miss.2003). However, under M.R.A.P. 28(a)(3), "the [C]ourt may, at its option, notice a plain error not identified or distinctly specified." We have held that the plain error rule becomes operable when the appellant "(1) ... has failed to perfect his appeal and (2) when a substantial right is affected." *State Highway Comm'n of Mississippi v. Hyman*, 592 So.2d 952, 957 (Miss.1991).

Mississippi Mun. Liability Plan v. Jordan, 863 So.2d 934, 940 (Miss. 2003).

The Court held in another case that admission of an expert witness' testimony was an error and that \$60,000 in funds at stake was a substantial right affected by the error:

This Court will ignore this requirement for preservation on appeal when a substantial right is affected. This Court retains the power to notice plain error. Miss.R.Evid. 103(d); Comment to Miss.R.Evid. 103. The plain error doctrine reflects a policy to administer the law fairly and justly. A party is protected by the plain error rule when (1) he has failed to perfect his appeal and (2) when a substantial right is affected. The Commission's appeal is not perfected because the error was not objected to at trial. And a substantial right is affected. Over \$60,000.00 of the State's money is at issue in this appeal. This is certainly a substantial right affected by the error of admitting Teague's testimony.

Admitting the testimony of Teague, Hyman's expert witness, was plain error. Teague used improper considerations in determining the value of the Hyman property.

State Highway Com'n of Mississippi v. Hyman, 592 So.2d 952, 957 (Miss. 1991).

Similarly, Upchurch's property right in his employment (see Upchurch's Initial Br. at 31, Part VI.B) is a substantial right at stake in this appeal, and the Commission's refusal to allow Upchurch to present evidence of race discrimination and other constitutional and statutory rights violations was a clear error affecting Upchurch's substantial right to employment.

Thus, in the alternative, Upchurch asks the Court to use its inherent authority to notice as error the constitutional and statutory rights violations Upchurch has raised, including that the Commission refused to allow Upchurch to present his case at hearing on his claims of race discrimination and First & Fourteenth Amendment violations, and to determine that these errors affected his substantial right of employment.

II. It is proper for the Court to decide Upchurch's issues of constitutional and statutory violations in this appeal.

The City argues that this appeal is "not the proper avenue" for Upchurch to argue his claims that his termination should be overturned because the City violated his rights under the First & Fourteenth Amendments, and under Title VII (42 U.S.C. §2000e) & Section 1983 (42 U.S.C. §1983), and that these claims should be brought in federal district court instead.

(CityBr.2-3) The City stated it would not respond to these claims made by Upchurch. (CityBr. 3)

The City presented no authority to support this argument. As established in Part I.a, supra, this argument is thus waived as an issue for review, and Upchurch's claims of constitutional and statutory violations stand unrefuted.

Even if the City's argument were not waived, the City is plain wrong. As stated in Part I.b above, this Court has made clear that its role is to review the underlying administrative agency's decision, and the fourth prong of the Court's standard of review requires the Court to determine whether the Commission "violated some statutory or constitutional right" of Upchurch. *Southeast Miss. Legal Serv. v. Miss. Power*, 605 So.2d 796, 798 (Miss.1992). (See Upchurch Initial Br. at Part I, Part VI.F.)

III. If the City's interpretation of Miss. Code Ann. § 21-31-23 is adopted, the statute is unconstitutional because it invades the powers of the judiciary.

The City claims "the only issue before this Court is ... whether the Civil Service Commission's decision to uphold the termination of ... Upchurch was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such grounds." (CityBr.1) The City states that Miss. Code Ann. § 21-31-23 limits the Court to this one issue, and the City objects to the Court deciding any "issues stated by Upchurch [that] exceed this limitation." (CityBr.1) However, the City does later at least concede that "intertwined with this question is whether or not there was substantial evidence before the Commission to support its order and whether it is arbitrary, unreasonable, confiscatory, and capricious." (CityBr.7) The City conveniently leaves out the fourth prong of the Court's standard of review, i.e., whether the Commission's decision violated some constitutional or statutory right of Upchurch. Southeast Miss. Legal Serv. v. Miss. Power, 605 So.2d 796, 798 (Miss.1992).

Indeed, §21-31-23 states that the circuit court shall "hear and determine" a city employee's termination by a civil service commission, and that the "hearing shall be confined to the determination of whether the judgment or order of . . . discharge . . . made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds." *Id.* at last sentence. Apparently based upon this section, the City insists that this Court is "not the proper avenue" for Upchurch claims of constitutional and statutory rights violations. (CityBr.7,1) The City's position seems to be that § 21-31-23 precludes this Court from applying the fourth prong of its standard of review, which would allow consideration of those claims.

Section 21-31-23, if interpreted as the City wants, would be unconstitutional because it attempts to abridge Upchurch's rights of appeal and thus to deny him due process of law under the Fourteenth Amendment. Section 21-31-23 gave Upchurch a right to appeal to the circuit court for review of the Commission decision terminating his employment. Upchurch has a property right in his employment, and abridging his right to appeal is a denial of due process in the taking of his property.

The scope of appellate review of all administrative agency orders is articulated in Mississippi Uniform Circuit and County Court Rule 5.03, which, unabridged, includes all four prongs of the standard of review. The Court has consistently enunciated the four-pronged standard for appellate review. Southeast Miss. Legal Serv., supra, and Upchurch's Initial Brief at Part I.A. The Court also intended for its jurisdiction over appeals to remain unfettered, stating:

This Court's role is made clear by the jurisdiction conferred upon it and the oath of the justices elected to administer its functions. <u>Mississippi</u> <u>Constitution, Section 146 (1890)</u> provides:

The Supreme Court shall have such jurisdiction as properly belongs to a court of appeals.

Newell v. State, 308 So.2d 71, 77 (Miss. 1975).

The Court's pronouncement of its jurisdiction and four-pronged standard of review, which would allow Upchurch's issues of constitutional and statutory rights violations to be appealed, conflicts with Section 21-31-23's limitation of issues for appeal. Under this circumstance, this Court's determinations of jurisdiction and standard of review governs: "Where a statute conflicts with a determination of this Court concerning constitutional interpretation and powers, this Court's determination shall control." *Mississippi Bar v. Jackson*, 904 So. 2d 109, 111 (Miss. 2004). This Court in *Newell* elaborated:

We are keenly aware of, and measure with great respect, legislative suggestions concerning procedural rules and they will be followed unless determined to be an impediment to justice or an impingement upon the constitution. The inherent power of this Court to promulgate procedural rules emanates from the fundamental constitutional concept of the separation of powers and the vesting of judicial powers in the courts. Matthews v. State, 288 So.2d 714 (Miss.1974); Gulf Coast Drilling & Exploration Co. v. Permenter, 214 So.2d 601 (Miss.1968); and Southern Pacific Lbr. Co. v. Reynolds, 206 So.2d 334 (Miss.1968), wherein the following is stated:

... The phrase 'judicial power' in <u>section 144 of the Constitution</u> includes the power to make rules of practice and procedure, not inconsistent with the Constitution, for the efficient disposition of judicial business. 206 So.2d at 335.

Newell, supra, at 77. The Court in Newell stated it is a "universally accepted principle" that if there be a clash between the edicts of the constitution and the legislative enactment, the latter must yield.

Similar to the statute in *Newell*, Section 21-31-23 contravenes the constitutional mandates imposed upon the judiciary for the fair administration of justice, since such administration is thwarted by the terms of the statute, i.e., that no appeal to the court shall

be taken except upon the issue of whether Upchurch's termination was "made in good faith for cause." These terms prohibit the Court from properly applying its appellate jurisdiction and four-pronged standard of review, which would entail entertaining Upchurch's claims of constitutional and statutory rights violations, as well as his claims of lack of substantial evidence due to erroneous factual findings, and of arbitrary and capricious imposition of disciplinary action. (See Upchurch's Initial Brief at Part I) Similar to the statute in *Newell*, this limitation on the courts in Section 21-31-23 must fall.

IV. Appellees' factual assertions unsupported by citations to the record should be disregarded.

The City makes many unfounded factual assertions unsupported by citations to the record, most frequently in its Statement of the Case and Statement of the Facts. (City Br. 1-3)

These assertions are:

- a. Upchurch had a full opportunity to respond to the "no confidence" letter.
- b. The Commission did not add a new ground for termination when it gave "lack of loyalty to Chief Smallman" as a ground for termination. (CityBr.1)
- c. Upchurch's counsel represented to the Commission that Upchurch had been given full due process and "had his day in Court."

These arguments or assertions are waived because the City's brief fails to include citations to the record on appeal, and therefore provides no support for its assertions. As the Fifth Circuit stated, the Rules of Appellate Procedure require that the parties, "rather than the courts of appeals, ferret out and articulate the record evidence considered material to each legal theory advanced on appeal," and failure to do so waives the assertions and associated arguments. *Alexander v. Monsanto Co.* 396 Fed.Appx. 137, 140 (5th Cir. 2010), referencing to Fed.R.App.P. 28(a)(9), which is analogous to M.R.A.P 28(a)(6).

Even if these factual assertions were not waived, they are false. Assertion (a) is false because Upchurch had no notice that the letter was a ground for termination and, as a matter of law, there cannot be an adequate opportunity to be heard and to respond, without notice. Miss. Code Ann. § 21-31-23. (See Upchurch's Initial Brief at VI.C.)

Assertion (b) is false because the letter giving Upchurch notice of the grounds for which he was being terminated did not include "lack of loyalty" for signing the "no confidence" letter. (Ct.T. 13; R.E.247) (See Upchurch Initial Brief at Part VI.C.) The letter speaks for itself.

Assertion (c) is false because the record shows the Commissioners cut-off Upchurch's counsel and witnesses and precluded their further case presentation, evidence, and testimony; Upchurch's counsel stated several times on the record they were attempting to present their case on discrimination and retaliation, which included constitutional and statutory violations. (See Upchurch's Initial Brief at Part VI.) The Commission's refusal to allow Upchurch's counsel to present its case is reversible error. See, e.g., Mississippi Power Co. v. Harrison, 247 Miss. 400, 152 So. 2d 892 (1963).

V. Smallman's racially biased and retaliatory testimony and actions drove every one of the Commission findings that resulted in Upchurch's termination.

The City claims that the discriminatory actions of Police Chief Smallman "are irrelevant because she lacked the authority to terminate Upchurch," and only "the Mayor and the Board were the final resting authority on his termination." (City.Br.2) The City claims "Upchurch provided no evidence that the Mayor and Board of Aldermen have ever discriminated against Upchurch in any way." (CityBr.3)

The City's arguments lack merit. Upchurch established that the Commission took the final action to terminate Upchurch for the City (Upchurch's Initial Br. at Part I.G), and the

Commission, and therefore the City, discriminated against Upchurch by conducting an unlawful and inadequate investigation and hearing into the grounds charged against him (Upchurch Initial Br. at Parts II, III, VI, VII) and by terminating him for grounds based upon discrimination and retaliation (Upchurch Initial Br. at Parts IV, V, VII, VIII).

Smallman's discriminatory actions and motives are the linchpin to the Commission's decision, because Smallman's racially biased and retaliatory testimony drove every one of the Commission findings that resulted in Upchurch's termination.

VI. Erroneous factual findings by definition cannot constitute substantial evidence of a fact, and relying upon them is arbitrary and capricious.

The City justifies the Commission's erroneous factual findings in support of Upchurch's termination by relying on the rule that, "[w]hen presented with conflicting theories as to the actual events which transpired, the jury is the judge of the weight and credibility of the testimony and is free to accept or reject all of some of the testimony given by each witness." (CityBr.7) This statement of the rule may be accurate, but it does not go far enough.

As with any fact found below, this Court may reverse the Commission if its factual findings are clearly erroneous, or if its factual findings do not relate to the elements necessary to prove the offenses for which Upchurch was terminated. Erroneous factual findings by definition cannot constitute substantial evidence of a fact, and relying upon them is arbitrary and capricious. (See legal authority in Upchurch Initial Brief at Part I.C, Parts I.A,B,D-G.)

VII. The evidence the Commission relied upon to find "insubordination" was erroneous.

The City claims Chief Smallman and Officer Cherry "provided strong testimony" to support insubordination. (CityBr.8) This is incorrect, because their testimony does not go to

the elements necessary for a finding of insubordination. To find insubordination, there must be clear communication to the employee directing him to perform an specific action at a particular time and place, and the employee's repeated refusal to perform the action. (See Upchurch Initial Brief at Part VII.A.(1).)

The transcript excerpts cited by the City show only that Smallman gave Upchurch a vague instruction to ensure Cherry received unspecified training somewhere in the field at some unidentified time in the future. (CityBr.9-10) The only contemporaneous memo, that of Smallman, establishes that she told Upchurch to begin training Cherry in the field on November 18th, but the Commission erroneously found Upchurch was insubordinate because Cherry said he had not been trained in the field on November 9th. (Smallman Memo, R.E.105)(Commission Decision, R.E. 13)

This erroneous factual finding cannot constitute substantial evidence under the laws of Mississippi.

VIII. The evidence the Commission relied upon to find "disregard for departmental policy" was erroneous.

The City claims that Upchurch changed his testimony at the Commission hearing about why he did not interrupt Chief Smallman's meeting to get approval for Officer Bond to work 1.75 hours of overtime (costing the Police Department about \$32) to cover for an absent officer. (CityBr.12) The City claims Upchurch:

"knew" he should have gotten permission and in fact testified that the "only" reason he did not was because of the sign on the door. ... However, Upchurch eventually testified the sign had nothing to do with his decision not to get preapproval from the Chief, but rather he felt entitled to make that call. . . . Written policy or not, he knew that pre-approval was needed, but chose to disregard this policy and unilaterally make the call on overtime and early departure.

(CityBr.12)

This is a mischaracterization of the transcripted testimony (CityBr.11-12), and the transcript speaks for itself. (See detailed cites in Part VII.A(2), pp. 40-43, of Upchurch's Initial Brief.) There was no "change" in Upchurch's testimony. He never testified that "the sign had nothing to do with his decision not to get pre-approval."

To the contrary, Upchurch consistently testified that usual departmental practice was to ask the Chief or Deputy Chief for permission for an officer to work overtime, unless those two are unavailable. When they are unavailable, the authority to make the overtime decision falls to the supervisor in charge, who was Upchurch. Upchurch testified that, since the Chief was unavailable because she was in a closed-door meeting with a "DO NOT DISTURB UNLESS EMERGENCY" sign on her door, and the Deputy Chief was unavailable because he was absent, the authority to make the decision fell to Upchurch. He testified that, although being short one patrolman on the street for 1.75 hours would have been a serious situation and warranted making the decision for overtime, according to the usual practice in the department, it was not considered a police "emergency." (T. 119, 120, 123-124) (R.E.181-185). (R.E. 35) (T. 107-108, 116, 78-79; R.E.170,171,178,147-148) (T.136,R.E.194) (T.117, 119, 123-124, 135, 142; R.E.179,181,184-185,193,197) (T-117;R.E.179)

The City produced no evidence contradicting these facts, and the Commission's and the City's mischaracterization of the facts is erroneous, so there is no substantial evidence supporting the Commission's finding.

- IX. The evidence the Commission relied upon to find "failure to call detective or evidence technician to scene" was erroneous.
 - a. The City's evidence does not show Upchurch violated a duty to call out a detective or evidence technician.

The City claims the evidence from Chief Smallman, Officer Clark, and Officer Savage shows Upchurch "did not adequately perform his duties." (CityBr.14) But, the undisputed

evidence shows Upchurch did not have any duty to call out a detective or evidence technician (i.e., CID), or to override the Deputy Chief, who had this duty but failed to call out the detective or evidence technician. (See Part VII.A(3), pp. 43-45, of Upchurch's Initial Brief.)

Moreover, the City's evidence from Clark and Savage shows they urged Upchurch to abrogate the police department directive (R.E. 37) by either calling out CID anyway or allowing them to do so; but Upchurch refused, stating: "you don't have the authority." (See transcript excerpt at City Br.13, C.S.T. 182-183; quote from memo at City Br.12.) This evidence does not show Upchurch did not perform his duties – it shows just the opposite, i.e., that he as a supervisor enforced Chief Smallman's police department directive by preventing his subordinates from calling in a detective or evidence technician.

Clark and Savage misunderstood the reason why Upchurch would not allow himself or them to call in CID, and their report of the reason why is uncorroborated hearsay, contradicted by more competent evidence: the direct testimony from Upchurch himself as to his reason why. (T.136,117;R.E.194,179) (T. 119, 120, 123-124) (R.E.181-185). (R.E. 35) (T. 107-108, 116, 78-79; R.E.170,171,178,147-148) (T.117, 119, 123-124, 135, 142; R.E.179,181,184-185,193,197) I

It does not matter that the subordinate officers misunderstood as to Upchurch's reason, because the objective, unrefuted testimony as to Upchurch's action (i.e., keeping anyone but the Deputy Chief from calling out CID) shows he was carrying out to the letter the orders (directive) from a higher level.

Therefore, the evidence cited by the City does not support the facts the City claims, and the factual findings of the Commission are erroneous and not supported by substantial evidence.

b. The City's new ground for terminating Upchurch (i.e., failure to provide detail) must be overturned for lack of notice and substantial evidence.

When Smallman was confronted at the Commission hearing with a copy of her own written directive preventing Upchurch from calling out CID, she changed the reason Upchurch was being terminated. She changed it to claim that Upchurch should "have explain[ed] what they [had] and why they need[ed] the evidence tech out or the investigator out." (CityBr.13; C.S.T.215) And now the City argues that this is its new reason for termination, as well. (CityBr.13-14)

But the City cannot terminate an employee for a reason where proper notice was not given. Miss. Code Ann. § 21-31-23 provides, "before any such employees may be removed or discharged, he shall be given written notice of the intended termination, which notice shall state the reasons for termination and inform the employee he has the right to respond in writing to the reasons given for the termination . . . and respond orally . . ." The letter of notice served upon Upchurch never gave this as a reason for termination (see Upchurch Initial Brief, Part VI.C), so it must be reversed due to lack of notice and failure of due process.

In addition, the City cannot show Upchurch breached this alleged new duty, because the City produced no competent contemporaneous evidence that Upchurch had any such duty.

Moreoever, the only evidence on this issue is that of Smallman's opinion, which lacks evidentiary foundation. Inexplicably, Smallman testified that Upchurch should have given more details to the Deputy Chief about the robbery when Upchurch called the Deputy Chief from the scene of the robbery. But, Smallman showed she had no foundation upon which to make this statement, because she testified she did not even know Upchurch had called the Deputy Chief that night, and the City admits this. (CityBr.13; C.S.T. 215) This means she did

not even know what details Upchurch gave in the conversation, or whether they were insufficient to meet some newly invented duty.

All of the City's evidence regarding this issue is from lower-ranking witnesses (Clark and Savage) unfamiliar with the departmental directive on who had the authority to call out a detective or evidence technician but who testified the directive was violated anyway. Or, it is from a witness (Smallman), admittedly unfamiliar with the facts of what happened that night, who did not even know Upchurch had performed his duty to notify the Deputy Chief of the robbery, and who did not even know what Upchurch said during the notification. But this did not stop her from erroneously testifying anyway, under oath, that Upchurch failed to make proper notification.

In short, it was the African-American Deputy Chief's duty to call the detective or evidence technician out and to inform his boss, Chief Smallman, of his management/supervisory decision. It was the same Deputy Chief who failed to call out CID, and who failed to inform the Chief he had been called the night of the robbery by Upchurch but had decided not to call out CID. Yet, it was white Lieutenant Upchurch that African-American Chief Smallman and the African-American Commissioners decided to fire for failure to call out CID.

This is race discrimination and retaliation, and it must be reversed. (See Part IV, V, & VIII of Upchurch's Initial Brief.)

- X. The evidence the Commission relied upon to find "lack of respect" for Chief Smallman was erroneous.
 - a. The Court should not consider the alleged comment to Chief Gager because the Commission did not find that it occurred or that it supported termination for "lack of respect."

The City claims "lack of respect" is supported by substantial evidence because the Commission found "that said statement[was] disrespectful" to Chief Smallman when Upchurch saw his old friend, Chief Gager, away from the police station and greeted him by saying, "now that is a Chief right there." (CityBr.14) However, the Commission did not make this finding of fact or rely upon this evidence to support the termination for "lack of respect." (See Commission findings at R.E.13.) Therefore, the City's Brief erred by stating this, and the Court should not consider this statement when examining the Commission's decision.

Furthermore, this comment does not constitute "lack of respect" for the reasons stated in Parts X.b thru d below regarding other comments.

b. Savage's and Smallman's hurt feelings do not turn Upchurch's comment about the Chief "leaving in three months" into disrespect.

Instead, the Commission stated it relied upon a finding that Upchurch said Smallman would not be in the Chief's position in three months, to terminate him for lack of respect. (R.E.13) Upchurch testified what he meant by that: he was not disrespectful but repeating idle gossip like several other officers who were not disciplined for it. As Upchurch himself pointed out, such an idle comment does not pass muster for "disrespect," when the norm in this workplace is for the Police Chief herself to use racial slurs and refer to white police officers by the disrespectful, disparaging, and racially discriminatory term "white boys." (Upchurch Testimony, C.S.T. 130) (City Br.16) (See Upchurch Initial Brief at Part IV.B(1), p. 24)

But the City points to hearsay testimony from Officer Savage that is not even on point, as the substantial evidence supporting the Commission's finding. (CityBr.15) Specifically, the City asked Savage if he perceived Upchurch's comment as "disrespectful," but Savage did not say yes. Instead, he testified he "perceived it as being insubordinate due to the simple fact that . . . I was tired of hearing how the Chief was going down." When asked the leading question of whether he was "personally offended" by the comment, Savage said yes. (CityBr.15)(C.S.T. 208-209)

The City points to Smallman's claims that Upchurch's comments made her "feel bad and belittled." (CityBr.15) Apparently, the Chief is a sensitive person and reacted to the comment when other individuals may not have. In any case, Smallman's undue hurt feelings are surely no reason for terminating an upstanding police officer's long-standing career. In other contexts, courts have found that such "claims of being belittled and disrespected" through such "subtle means" are "not sufficiently severe or pervasive enough." *Noah v. Community Place*, Slip Copy, 2011 WL 237701 at *7 (S.D.Miss. 2011). It is firmly settled that under the United States Constitution the public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers. *Street v. New York*, 394 U.S. 576, 591, 592, 89 S.Ct. 1354 (1969).

In conclusion, Savage's and Smallman's hurt feelings do not turn Upchurch's comment about the Chief leaving in three months into disrespect.

c. The City's mischaracterizes Upchurch's testimony that he has no respect for the Chief's violations of law.

The City points to Upchurch's testimony before the Commission that he did not respect the way she treated him, as substantial evidence of disrespect. (CityBr.16) But this

is yet another mischaracterization of the hearing transcript, which speaks for itself. (See citations to Upchurch's Testimony in Upchurch's Initial Brief at Part VII.A(4).)

What the transcript really shows is that Upchurch testified he had no respect for the Chief's violations of the law: specifically, he said he had no respect for the Chief's racially discriminatory treatment of him and for her disparaging him with racial slurs, both of which are violations of law. (C.S.T. 109, 130) Even the quotes the City selected to copy into its brief show this. (City Br. 16)

d. The City has not established there exists a punishable offense of "lack of respect" or that Upchurch's comment met any possible elements for it.

These facts do not satisfy the elements for a finding of "disrespectful." Even Savage declined the opportunity to characterize the statements as "disrespectful," instead stating he was just "tired of hearing" them.

The City has not even shown there is a punishable offense in the City's civil-service system for "lack of respect." Comments worse than the one Upchurch made are historically not viewed by Mississippi police departments as sufficient reasons for disciplinary action.

See, e.g., *Patterson v. City of Biloxi*, 965 So.2d 765 (Miss.App. 2007).

As another example, there is no offense of "disrespect" listed in the Mississippi Administrative Code as an actionable offense. (See Addendum for Code Extract.) Under Miss. Admin. Code § 3-1-1:2.6, the Attorney General's Office established disciplinary procedures in accordance with procedures set forth by the State Personnel Board, requiring all disciplinary actions to comply. The Section does not list "lack of respect" or anything similar as a punishable offense.

The Federal government recognizes an offense of "insolent disrespect toward supervisors," which "so seriously undermines the capacity of management to maintain

employee efficiency and discipline that no agency should be expected to exercise forbearance for such conduct more than once." O'Neill v. Department of Housing and Urban Development, 220 F.3d 1354, 1364 (Fed. Cir. 2000), citing to Redfearn v. Department of Labor, 58 M.S.P.R. 307, 316 (1993); Carson v. Veterans Admin., 33 M.S.P.R. 666, 669-70 (1987) (same). But this definition has not been adopted in Mississippi.

Furthermore, Upchurch's comment would hardly qualify under the Federal offense.

The City put forth no evidence establishing the comment "so seriously undermined the capacity of management to maintain" any employee's efficiency or discipline; all Savage said was that he was "tired of hearing it," and Smallman in effect said her feelings were hurt, but neither said they let their work or discipline suffer as a result.

Upchurch's comment does not meet the "insolent" element of the Federal offense.
"Insolent" is defined in *The New Oxford American Dictionary*, 2005, as "showing a rude and arrogant lack of respect." (See Addendum for definition.) The City produced no evidence that Upchurch was ever rude or arrogant in his conduct toward the Chief.

"Disrespect" is defined in the same dictionary as a "lack of respect" or "insult." (See Addendum for definition.) The definition of "insult" in turn is "to treat with... scornful abuse." There is no evidence that Upchurch ever treated the Chief with scornful abuse.

"Respect" is defined as "a feeling of deep admiration for someone ... elicited by their abilities, qualities, or achievements." (See Addendum for definition.) But, whether Upchurch admired the Chief's "abilities, qualities, or achievement" was not addressed at any point in the proceedings below, so there is no substantial evidence on this point. Failure to deeply admire supervisory personnel could hardly withstand scrutiny in most workplaces as an offense warranting termination.

In the absence of a super-ordinate law establishing a requirement or definition for "disrespect for the Chief of Police," it is Upchurch's right to freedom of expression that prevails: In *Street, supra,* at 593-594, the Supreme Court relied upon *West Virginia State Board of Educ. v. Barnette,* 319 U.S. 624, 63 S.Ct. 1178, 87 L.Ed. 1628 (1943), to hold that protestors could not even be held liable for "disrespecting" this country's flag, as it would violate rights of free expression assured by the Fourteenth Amendment.

It can be seen that the evidence the City points to as substantial is either a mischaracterization by the City and the Commission, or not even on point for showing there exists a punishable offense of "lack of respect" or any element thereof. Therefore, the City has not borne its burden of proof.

XI. The City knew all along of the "no confidence" letter the Commission relied upon for its finding of "lack of loyalty."

Upchurch has argued he did not have notice that the "no confidence" letter was being used as a ground for terminating his employment. (Upchurch Initial Brief at Part VI.C) In response, the City claims "Upchurch raised the 'no confidence' letter at the hearing for the first time in an effort to prove that he was retaliated against" (CityBr.1, 16), implying it was not required to give Upchurch notice. The City claims it "heard of the 'no confidence' letter at the termination hearing for the first time." (CityBr.1)

This is false. Upchurch testified the letter was addressed and presented to the City (Aldermen). There was no rebuttal testimony. The Commissioners stated in their decision that Upchurch's participating in the letter to the Aldermen was a motivating factor in the decision to terminate him. (R.E.13,48-49) (T104-105,167-168)(See Upchurch Initial Br. at Part VII.A(4).)

XII. In accordance with a United States Supreme Court case, the Commission's requirement for minimum membership must be met separately from its requirement for a quorum.

There were only two individuals appointed as members of the Civil Service

Commission at the time of Upchurch's hearing and termination decision. Miss. Code Ann. §

21-31-5 states that the members of the Commission shall be three in number. Miss. Code

Ann. § 21-31-5(3) states that "a majority of the members of the Commission shall constitute a quorum."

The City claims Upchurch's argument is that full boards and councils, and not quorums, must be present in order for a governmental entity to conduct business.

(CityBr.17) This is incorrect. Upchurch's argument is that the Commission was not lawfully appointed because it had only two members appointed at the time of Upchurch's hearing, when three were required for the Commission's powers to vest. Upchurch argues that the vacancy on the Commission membership impaired the ability of the Commission, and the remaining Commissioners, to exercise any power or authority to act, and the Commission must have authority to act in general before it can have authority to establish a quorum.

The United States Supreme Court faced a similar question. Where a statute establishing an organizational delegation stated the delegated entity was to consist of three members, the United States Supreme Court held that the delegated entity must "maintain a membership of three in order for the delegation to remain valid." New Process Steel, L.P. v. N.L.R.B., 130 S.Ct. 2635, 2640 (2010). The Supreme Court held this interpretation of the statutory provision was necessary in order to give meaning to its language that the entity's members were to number three. *Id.*

The Supreme Court rejected a contrary reading of the provision, which is similar to the one the City urges in this appeal (CityBr. 16-18), because it would erode the meaning of the quorum and other provisions of the statute:

The contrary reading, on the other hand, allows two members to act as the Board *ad infinitum*, which dramatically undercuts the significance of the Board quorum requirement by allowing its permanent circumvention. That reading also makes the three-member requirement in the delegation*2641 clause of vanishing significance, because it allows a *de facto* delegation to a two-member group, as happened in this case. Under the Government's approach, it would satisfy the statute for the Board to include a third member in the group for only one minute before her term expires; the approach gives no meaningful effect to the command implicit in both the delegation clause and in the Board quorum requirement that the Board's full power be vested in no fewer than three members. Hence, while the Government's reading of the delegation clause is textually permissible in a narrow sense, it is structurally implausible, as it would render two of [the statute's other] provisions functionally void.

New Process Steel, supra, at 2640-41. These same factors are present in the statute in Upchurch's case. The City's reading would allow two members to act as the Commission ad infinitum, which would dramatically undercut the significance of the Commission's quorum requirement by allowing its permanent circumvention. Since the quorum requires "a majority of the members of the Commission," the City's reasoning of allowing the Commission to function with a vacancy in appointments circumvents the intent of the quorum provision, by requiring a quorum in effect to consist of 100% of the Commission's two-person membership.

The City's reading also makes the three-member requirement in Section 21-31-23 of vanishing significance, because it allows the operation of a two-member Commission, as happened in Upchurch's case. Under the City's approach, it would satisfy Section 21-31-23 for the Commission to include a third member for only temporarily before leaving the Commission, and then the Commission could continue to function indefinitely as a two-

member Commission. This approach gives no meaningful effect to the command implicit in the statutory provision establishing the Commission's membership, i.e., that the Commission's full power be vested when it has no fewer than three members. Hence, the City's reading of the statute would render certain provisions thereof functionally void.

The City argues that, because the Commission's quorum requirement was met, it does not matter if the Commission's membership requirement was not met. (CityBr. 17) The Supreme Court rejected a similar argument in *New Process Steel*, stating:

But the fact that there are sufficient members participating to constitute a quorum does not necessarily establish that the larger body is properly constituted or can validly exercise authority.[footnote omitted] In other words, that only two members must participate to transact business in the name of the group, does not establish that the group itself can exercise the Board's authority when the group's membership falls below three.

New Process Steel, supra, at 2643.

Applying the Supreme Court's holding in *New Process Steel* to the case at hand: just because the two Commissioners present for Upchurch's hearing and decision would have been enough for a quorum, does not mean that the Commission was properly constituted or could validly exercise authority. That only two Commissioners must participate to transact business in the name of the Commission, does not establish that those two Commissioners can exercise the Commission's authority when the Commission's membership falls below three.

According to *New Process Steel*, they cannot. For this reason, the hearing conducted and the decision rendered by the two Commissioners were fatally flawed and must be reversed, reinstating Upchurch's employment and seniority.

CONCLUSION

For the above reasons, the Commission's decision does not pass the standard of review. The Court should reverse it and the court orders affirming it, and order that Upchurch be awarded reinstatement, seniority, and other make-whole relief.

In the alternative, Upchurch requests the Court to remand this case to the Commission for a hearing on the constitutional and statutory rights violations raised by Upchurch in his Initial Brief before this Court.

Respectfully submitted, this the 7th day of November 2011.

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CERTIFICATE OF SERVICE

Pursuant to Rules of Appellate Procedure 31, I hereby certify that I have sent by Federal Express, overnight delivery, an original and three true and correct copies of the above and foregoing Appellant's Reply to Appellee's Brief to:

Clerk, Mississippi Supreme Court Gartin Justice Building 450 High Street Jackson, MS 39201

I certify that I have this date mailed, via First Class U.S. mail, postage prepaid, a true and correct copy of the above and foregoing Appellant's Brief to the following:

Amy Lassiter St. Pe', Esq. Nathan A. Bosio, Esq. Wilkinson, Williams, Kinard, Smith & Edwards P.O. Box 1618 Pascagoula, MS 39568 The Honorable Robert P. Krebs Jackson County Circuit Court P.O. Box 998 Pascagoula, MS 39568 TRIAL COURT JUDGE

I further certify that, pursuant to M.R.A.P. Rule 28, I have served on the above addressees one electronic copy of the above and foregoing on an electronic disk and state that this brief was written in MicroSoft Word format.

SO CERTIFIED, this the 7 day of No vember 2011.

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VDDENDNW

Miss. Admin. Code 3-1-1:2.6

Alternatively cited as MS ADC 24 000 001

West's Mississippi Administrative Code <u>Currentness</u>
Title 3. Attorney General
Subtitle 1. Attorney General's Office

Rule 1. Attorney General's Office Employee Manual

3-1-1:2.6. DISCIPLINE/GRIEVANCE

DISCIPLINE AND GRIEVANCE POLICY

The Attorney General's Office has established disciplinary and grievance policies and procedures, in accordance with the procedures set forth by the State Personnel Board. These policies are fair, prompt, and legally sufficient. All disciplinary actions will be taken in accordance with these policies. All disciplinary actions are grievable. The procedures for filing a grievance follow the discipline policies.

GUIDELINES OF OFFENSES

Group One Offenses

Generally, group one offenses are less severe and may be addressed by written reprimands. The accumulation of three written notices of group one offenses within a three month period may result in suspension without pay not to exceed three working days. A fourth written notice occurring during a six month period may result in demotion or dismissal.

Group one includes, but is not limited to, the following of offenses

- (a) Unexcused tardiness;
- (b) Abuse of state time such as unauthorized time away from the work area or failure to notify supervisor promptly upon completion of assigned work;
- (c) Obscene or abusive language; and,
- (d) Conviction of a moving traffic violation while operating a state-owned vehicle.

Group Two Offenses

Acts and behavior in this group are generally more severe than group one offenses. Actions taken to address second group offenses may include written reprimand and/or suspension without pay not to exceed five working days. Two group two offenses within one year may result in demotion or dismissal.

Accumulation of one written reprimand during a one year period for a group two offense and three written reprimands for group one offenses may result in demotion or dismissal.

Group two includes, but is not limited to, the following offenses:

- (a) Insubordination, including, but not limited to, resisting management directives through action and/or verbal exchange, and/or failure to follow supervisor's instructions, perform assigned work, or otherwise comply with established written policy;
- (b) Violation of safety rules in the absence of a threat to life;
- (c) Leave usage without justifiable and reasonable excuse for such absence;
- (d) Failure to report to work without giving proper notice to supervisor;
- (e) Leaving the work site without permission during working hours in the absence of a threat to life; and,
- (f) Unauthorized use or misuse of state property or records.

Group Three Offenses

Acts and behavior in this group are of such a serious nature that the commission of a group three offense may result in a written reprimand and/or suspension without pay for up to 30 days, demotion or dismissal.

Group three includes, but is not limited to, the following offenses:

- (a) Absence or leave in excess of five (5) consecutive working days without satisfactory explanation;
- (b) Use of alcohol or unlawful manufacture, distribution, dispensing, possession or use of controlled substances while on the job or on the employer's premises:

- (c) Reporting to work under the influence of, or when ability is impaired by, alcohol or the unlawful use of controlled substances:
- (d) Falsification of records, such as, but not limited to, vouchers, reports, time records, leave records, employment applications, or other official state documents;
- (e) Willful or negligent defacement of state records or property, or another employee's property;
- (f) Acts of physical violence or fighting;
- (g) Violation of safety rules where there exists a threat to life or human safety;
- (h) Unauthorized possession or use of firearms, dangerous weapons, or explosives;
- (i) Threatening or coercing employees or supervisors;
- (j) Criminal convictions for felonies or misdemeanors while employed;
- (k) Acts of conduct occurring on or off the job which are plainly related to job performance or of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the agency's duties to the public or to other state employees:
- (1) Engaging in prohibited political activity (refer to Section 3.0); and,
- (m) Leaving the work site without permission where there exists a threat to life or human safety. CORRECTIVE ACTION

An employee's supervisor may attempt to correct unacceptable behavior with a verbal warning, counseling and/or other informal means. Corrective action of this nature is considered informal; however, a written account of the action taken is placed in the employee's personnel file. Documentation of corrective actions may be kept indefinitely in order to establish a pattern of employee conduct.

FORMS OF DISCIPLINE

Employees may be disciplined by their supervisors by four formal actions: written reprimand, suspension, demotion and dismissal. Suspension, demotion and dismissal are actions which adversely affect employment status and compensation and require that the affected employee be afforded due process prior to such actions being taken. Written notice of intent to effect any action adversely affecting compensation or employment status and the specific reasons for such action will be given to the employee at least 10 working days prior to the effective date of the intended action. The specific reasons listed shall be the only matters addressed throughout any appeals process. The written notice will contain any steps the employee must take prior to final action being taken.

ay be adopted in advers 's anger is the only resource? sources) one's personal regarded as able to heir ircumstances: we had resources. It the ability its to overcome difficulties ing aid. I archaic their the flower of the French and their control of the rench and their control of their control 3 archaic a leisure occup e (a person or organiz y, staff, and other assers ration: ensuring that prolete French ressourse, feran as a noun) of Old French in recover (based on source-less adj.

ôrsfel: - zôrs-/ ►adj. haviii and clever ways to ever at CREATIVE. —re-source ess n.

pective. ■ respectively. ondent.

▶ n. 1 a feeling of deep at omething elicited by their evernents: the director ha is an actor. the state of ay: his first chance in over the business. due regard

rights, or traditions of the this. • (respects) a person respects to your parents: 200 or detail: the governments

omeone or something

ilities, qualities, or achie everyone she worked with cted academic. See note at for the feelings, wishes ected his views. avoid hat t is incumbent upon all back it. agree to recognize ment): he urged all foreign of their country of resident om Latin respectus, from

spect to as regards: ups were similar with respeay one's last respects iue) respect used as a normal intended to mitigate. of disagreement or critical r, I think you've got to be it

ri,spekta bilatē/ ≯n. t.m. oper, correct, and social ons of respectability. epted as valid or impoes l: scientific respectability. ektebal/ adj. 1 regarded oper, or correct: they spectable lady.

(of a per or behavior) decent respectable pair of paterns ortance: a respectable bor ceptable in number. DP grew by a respectable dis th standards.

if > n. a person who has r something: I'm always idency, but not necessarily o

pecter of --- not be in tc.: Jesus was no respecter tall > adj. feeling or show : they sit in respectful silen e-spect-ful-ness n. ting/ prep. dated or fort to: he began to have serio

tiv/ ▶adj. [attrib.] belongij each of two or more ! about their respective d h (in the sense 'relative val Latin respectivus, from ed, from the verb respect d by French respectif, tive **nively** /nˈspektivlē/ Þ*ad*v. separately or indi-vand in the order already mentioned (used umerating two or more items or facts that the to a previous statement): they received senone year and eight months, respectively.

ectively

ie'spell by (past and past part -spelled or t -spelt) [trans] spell (a word) again or difesp. phonetically in order to indicate its dation.

le l'resperebel; ri'spīrebel/ ▶adj. (of the air able or fit to be breathed. \(\bigsim \) (of particles in ble to be breathed in: woodworking can create offine respirable dust. Plate 18th cent.: from espirable or late Latin respirabilis, from respihe out (see RESPIRE).

l'respe,rāt/ ▶v. |trans.| Medicine & Biology person or animal) to breathe by means of respiration. >mid 17th cent.: backfrom RESPIRATION.

on |,respetrāsHen| ▶n. the action of breathates affect respiration.

chiefly Medicine a single Biology a process in living organisms inhe production of energy, typically with the foxygen and the release of carbon dioxide exidation of complex organic substances. fiddle English: from Latin respiratio(n-), from breathe out' (see RESPIRE).

Hor /'respe, rater/ > n, an apparatus worn over thand nose or the entire face to prevent the ion of dust, smoke, or other noxious suban apparatus used to induce artificial res-

tory /'respere tore; ri'spīre-/ ▶adj. of, relator affecting respiration or the organs of resh: respiratory disease.

atory dis-tress syn-drome >n. another DE HYALINE MEMBRANE DISEASE.

tory pig-ment >n. Biochemistry a substance hemoglobin or hemocyanin) with a molecasisting of protein with a pigmented prosgroup, involved in the physiological transport en or electrons

tory quo-tient ▶n. Physiology the ratio of ine of carbon dioxide evolved to that of oxyusumed by an organism, tissue, or cell in a

atory syn-cytial vi-rus ⊁n. Medicine a proving that causes disease of the respiratoact is a major cause of bronchiolitis and mia in young children and may be a conng factor in sudden infant death syndrome. fory tract In the passage formed by the mose, throat, and lungs, through which air uring breathing.

tory tree In. Zoology a branched respiratoin the body cavity of sea cucumbers.

in spir v [intrans.] breathe: he lay back, respir-[trans.] a country where fresh air seems imposre. I (of a plant) carry out respiration, esp. when photosynthesis has ceased.

poetic/lit over hope, courage, or strength after a time gulty; the archduke, newly respiring from so long a ate Middle English: from Old French respirer grespirare breathe out, from re- 'again' + spi-

meter |,respa¹rāmatar| ⊁n. Biology a device asures the rate of consumption of oxygen by organism or organic system.

Medicine an nt for measuring the air capacity of the

frespet; ri'spit/ ▶n. a short period of rest or from something difficult or unpleasant: the dicampments will provide some respite from the [in sing.] a brief respite from a dire fond shortshort delay permitted before an unpleasant ion is met or a punishment is carried out.

rare postpone (a sentence, obligation, etc.): tion was only respited a few months.

archaic delay or extension of time to; reprieve from or execution: some poor criminal the wheel, respited for a day. >Middle English: Old French respit, from Latin respectus 'refuge.

care ▶n temporary institutional care of a dent elderly, ill, or handicapped person, prorelief for their usual caregivers.

dent /n'splendent/ ►adj. attractive and imthrough being richly colorful or sumptuwas resplendent in a sea-green dress. See note n. Plate Middle English: from Latin resplenshining out,' from the verb resplendere, from re- (expressing intensive force) + splendere to glit--re-splend-ence n. -re-splend-en-cy n. -resplend-ent-ly adv.

re-spond /ri'spand/ >v. |reporting verb| say something in reply: [intrans.] she could not get Robert to respond to her words | |with clause| he responded that it would not be feasible | with direct speech "It's not part of my job." Belindu responded. = (of a congregation) say or sing the response in reply to a priest. [intrans.] (of a person) act or behave in reaction to someone or something: she turned her head, responding to his grin with a smile. react quickly or positively to a stimulus or treatment: his back injury has failed to respond to treatment. = [trans.] Bridge make (a bid) in answer to one's partner's preceding bid.

▶n. 1 Architecture a half-pillar or half-pier attached to a wall to support an arch, esp. at the end of an arcade. 2 (in church use) a responsory; a response to a versicle. Plate Middle English (in the noun senses): from Old French, from respondre 'to answer, from Latin respondere, from re- 'again' + spondere 'to pledge. The verb dates from the mid 16th cent. —re-spond-ence |-dens| n. (archaic) —re-spond-ency |-dense| n. (archaic) —re-spond-en n.

re-spond-ent /n'spand-ent/ •n. 1 a defendant in a lawsuit, esp. one in an appeals or divorce case. 2 a person who replies to something, esp. one supply ing information for a survey or questionnaire or re-

sponding to an advertisement.

>adj. |attrib.| 1 in the position of defendant in a lawsuit: the respondent defendant. 2 replying to something, esp. a survey or questionnaire: the respondent firms in the survey. 3 Psychology involving or denoting a response, esp. a conditioned reflex, to a specific stimulus. early 16th cent. (sense 2 of the noun): from Latin respondent- 'answering, offering in return, from the verb respondere (see RESPOND).

re-spon-sa /ri'spānsə/ > plural form of везронзим. re-sponse /ri'spans/ >n. a verbal or written answer: without waiting for a response, she returned to her newspaper (we received 400 applications in response to one job ad. a written or verbal answer to a question in a test, questionnaire, survey, etc. a reaction to something: an extended, jazzy piano solo drew the biggest response from the crowd | an honors degree course in Japanese has been established in response to an increasing demand. - Psychology & Physiology an excitation of a nerve impulse caused by a change or event; a physical reaction to a specific stimulus or situation. # the way in which a mechanical or electrical device responds to a stimulus or range of stimuli. ■ (usu. responses) a part of a religious liturgy said or sung by a congregation in answer to a minister or cantor. ■ Bridge a bid made in answer to one's partner's preceding bid. Middle English: from Old French respons or Latin responsum 'something offered in return,' neuter past participle of respondere (see

re-sponse time >n, the length of time taken for a person or system to react to a given stimulus or event. Electronics the time taken for a circuit or measuring device, when subjected to a change in input signal, to change its state by a specified fraction of its total response to that change.

re-sponse variable In. another term for DEPEN-DENT VARIABLE.

re-spon-si-bil-i-ty /n,spānsə bilətē/ ►n. (pl. -ties) the state or fact of having a duty to deal with something or of having control over someone: women bear children and take responsibility for child care. - the state or fact of being accountable or to blame for something: the group has claimed responsibility for a string of murders. . the opportunity or ability to act independently and make decisions without authorization; we would expect individuals lower down the organization to take on more responsibility. # (often responsibilities) a thing that one is required to do as part of a job, role, or legal obligation; he will take over the responsibilities of overseas director. | in sing. | (responsibility to/toward) a moral obligation to behave correctly toward or in respect of: individuals have a responsibility to control personal behavior.

re-spon-si-ble |ri'spansebel| ► adj. [predic.] having an obligation to do something, or having control over or care for someone, as part of one's job or role: the department responsible for education. . being the primary cause of something and so able to be blamed or credited for it: the gene was responsible for a rare type of eye cancer. | attrib. | (of a job or position) involving important duties, independent decision-making, or control over others. | predic. | (responsible to) having to report to (a superior or someone in authority) and he answerable to them for one team manager is responsible to the league pable of being trusted: a responsible a accountable for one's behavior the p gence of the child as a responsible being. (in the sense 'answering to, correspond obsolete French, from Latin respons-fered in return, from the verb response SPOND). - re-spon-si-ble-ness n. I-blěl adv.

THE RIGHT WORD accountable, answe responsible.

Responsible is an adjective that app who is in charge of an endeavor or to has been delegated, and who is subj or blame in case of default (respons everyone out of the building in the event of Answerable implies a legal or mo for which one must answer (the pare) be answerable for their children's behavior

Accountable is more positive than answerable, suggesting that something trusted to someone who will be call for how that trust has been carried c rectly accountable to the department hea that had been allocated to her group).

Liable is more restricted in scope th foregoing words: it refers exclusively ment of blame or the payment of m ages in the event of a mishap (because sible for the accident, he was held liable for

re-spon-sive /ri'spänsiv/ ►adj. 1 reactin positively: a flexible service that is respons social and economic patterns. = respondir with interest or enthusiasm: our most e responsive students. 2 answering: I'm i nibble on my line: I jig it several times, but sponsive tug. = (of a section of liturgy) u es. --re-spon-sive-ly adv. --re-spon-siv

re-spon-so-ri-al /ri,spăn'sôrêai/ ►adj. (o. liturgical chant) recited in parts with tional response between each part. re-spon-so-ry /ri'spänsərē/ ►n. (pl. -ries) (

tian Church) an anthem said or sung by choir after a lesson. Plate Middle Englis Latin responsorium, from Latin responsfrom the verb respondere (see RESPOND). re-spon-sum /ri¹spänsam/ ▶n. (pl. -sa /-sa reply by a rabbi or Talmudic scholar to

on some matter of Jewish law. Lat

res pu-bli-ca /rās 'pōōbli,ka; 'pəblika/ ▶n. t public, or commonwealth. Latin, liter matter.

res-sen-ti-ment /ra sante man/ ≯n. a ps state arising from suppressed feelings of hatred that cannot be acted upon, fre sulting in some form of self-abasement man (used by Nietzsche in this sense) fi ressentiment feeling.

rest¹ /rest/ >v |intrans.| 1 cease work or in order to relax, refresh oneself, strength: he needed to rest after the feverish going to rest up before traveling to Englar allow to be inactive in order to regain health, or energy; her friend read to her w ed her eyes. [trans.] leave (a player) out temporarily: both men were rested for the ■ (of a dead person or body) lie buried body rested in his tomb. ■ (of a problem or left without further investigation, disc treatment; the council has urged the planning not to allow the matter to rest. # Itrans.] allo lie fallow: the field should be grazed or reclude the case for the prosecution or the a law case: the prosecution rests. See also r CASE below. 2 [intrans.] be placed or supp to stay in a specified position; her elbow on the arm of the sofa. | trans. | place (son: that it is supported in a specified positio a hand on her shoulder. a (rest on/upon) alight or be steadily directed on: his eyes r on the boy. [rest on/upon] be based on or in; depend on: the country's security reste liances. | | Irans. | (rest something in/on) p trust, or confidence on or in: she rested l

Pronunciation Key a ago; ar over: 'a or ,a u fur, a hat; à rate; à car; CH chew, e let; è sec í fit; í by: i(a)r ear; ng sing: ó go; ó for: oi boy; o goo: Ou out: SH she; TH thin; TH then: (h)w wh

The New Oxford American Dictionary

SECOND EDITION

FIRST EDITION

Elizabeth J. Jewell Frank Abate

SECOND EDITION

Erin McKean



il meetings. —dis-pu-ta-tious-ly adv. ness n.

t/>n a disagreement, argument, or ial dispute between the two countries | ispute is altogether insignificant. See ... •a disagreement between manployees that leads to an action of mployees: if this dispute cannot be remal strike is inevitable.

bout (something); discuss heatedly: ge on the bill! | initians. | he taught and alpoets. | question whether (a statefact) is true or valid: the accusations | with clause| the estate disputes that it he embankment. | compete for; strive livers crashed while disputing the lead. | a landing or advance|: the Sudanese ound upon which to dispute the advance. | via Old French from Latin disputare | late Latin to dispute'), from distrection. | — dis-putant | - 'pyōōtnif o.

ond dispute certain or certainly; the main part of his argument was beipen to dispute not definitely decids are always open to dispute.

on Jois kwāləfi kāshən/ >n. the acfying or the state of being disqualicondition that disqualifies someone or activity: such an offense is no longer

kwāle, fij » v (-fies, -fied) (trans.) (often pronounce (someone) ineligible for tivity because of an offense or inwas disqualified from driving for six late (someone) from a competition infingement of the rules: he was disling a drug test. W (of a feature or chare (someone) unsuitable for an office art murmur disqualified him for military

vi-it/ $\triangleright n$, a feeling of anxiety or worry: nout animal testing.

as adj. (disquieted) make (someone) ious: she felt disquieted at the lack of in-

is'kwi-iting/*adj. inducing feelings of try: he found Jean's gaze disquieting.

HY adv.

 $dis'kwi-i,t(y)\overline{ood}/Pn$, a state of uneasi-

'diskwe'zishen/ >n a long or elaboscussion on a particular subject: nothios how quicker than a disquisition on inis. >late 15th cent.: via French from ⟨n-⟩ 'investigation.' based on quaerere ginal sense was 'topic for investigation discourse in which a subject is inves-7th cent.). —dis-qui-si-tion-al |-shent|

ale], Benjamin, 1st Earl of Beacons.), British statesman; prime minister 4-80. He was largely responsible for on of the second Reform Act (1867), d that Britain bought a controlling inject Canal (1875) and made Queen Vicof India.

/ Pv. [trans.] (usu. be disrated) reduce ower rank.

sri'gård/ • v. (trans.) pay no attention to; y of evidence is too substantial to disregard. BLECT.

or state of disregarding or ignoring stant disregard for the law.

relish| archaic ≥ n. a feeling of dislike or lish for any pursuit is ample reason for

d (something) with dislike or distaste: ed that some members should disrelish your

if [,disn'membar] by [trans.] dialect fail they had a word for it, but I disremember

dis-re-pute / disra'pyoot/ > n, the state of being held in low esteem by the public: one of the top clubs in the country is close to bringing the game into disrepute.

dis-re-spect | disn'spekt| > n. lack of respect or courtesy: growing disrespect for the rule of law.

v. (trans) informal show a lack of respect for; insult: a young brave who disrespects his elders. —dis-re-spect-ful-ly [-fale] adj. —dis-re-spect-ful-ly [-fale] adv.

disrobe [dis'rob] by [intrans.] take off one's clothes: the girl disrobed slowly and chimbed into the high bed.

Itake off the clothes worn for an official ceremony: they walked to the vestry to disrobe. Itans. I undress (someone): Kate remembers being disrobed. Itake Middle English: from DIS- (expressing reversal) + ROBE, perhaps on the pattern of French desrober.

dis-rupt |dis'ropt| *v. |trans.| interrupt (an event. activity, or process) by causing a disturbance or problem: a rail strike that could disrupt both passenger and freight service. *drastically alter or destroy the structure of (something): alcohol can disrupt the chromosomes of an unfertilized egg. *late Middle English: from Latin disrupt- 'broken apart,' from the verb disrupper. *dis-rupt-ter (also dis-rup-tor |-tor|) n. —dis-rup-ton |-rops-Hon| n.

dis-rup-tive [dis'roptiv] *adj. causing or tending to cause disruption: disruptive and delinquent children | the hours of work are disruptive to home life. —dis-rup-tive-ly adv. —dis-rup-tive-ness n.

diss by variant spelling of ois.

dis-satis-fac-tion |dis,satis-taks-nan| > n. lack of satisfaction: widespread public dissatisfaction with incumbent politicians.

dis-sat-is-fied |dis'satis_fid| ▶adj. not content or happy with something: small investors dissatisfied with rates on certificates of deposit | dissatisfied customers. —dis-satis-fied-ly adv.

dis-satis-fy /dis'satis, fi/ >v. (-fies. -fied) [trans.] fail to satisfy (someone).

dis-saving /dis'sáving/ ≥n. the action of spending more than one has earned in a given period. ■ (dissavings) the excess amount spent. —dis-saver |-ver| n.

dis-sect /di'sekt; di-/ ▶v. {trans.} (often be dissected) methodically cut up (a body, part, or plant) in order to study its internal parts. ■ analyze (something) in minute detail: novels that dissect our obsession with other and urban angst. > late 16th cent.: from Latin dissecticut up. from the verb dissecare, from dis-'apart' + secare 'to cut.' —dis-section /-'seks+en/ n. —dis-sector /-ter/ n.

dis-sect-ed /di'sektid; di-/ >adj. 1 having been cut up for anatomical study. 2 having a divided form or structure, in particular: *\(\textit{\textit{Botany}}\) (of a leaf) divided into many deep lobes. *\(\textit{Geology}\) (of a plateau or upland) divided by a number of deep valleys.

dis-sem-i-nate |di-sema, nat| > v. |trans.| spread or disperse (something, esp. information) widely: health authorities should foster good practice by disseminating information. See note at SCATTER. ■ [usu. as adj.] (disseminated) spread throughout an organ or the body: disseminated colonic cancer. → late Middle English: from Latin disseminate 'scattered.' from the verb disseminare, from dis-'abroad' + semen, semin-'seed.'—dis-semi-na-tion |-, sema-'nas-na-tor| -, natar| n. —dis-semi-na-tor| -, natar| -, natar

dis-semi-nule /dr'seme_nyool + n. Botany a part of a plant that serves to propagate it, such as a seed or a fruit. ⇒early 20th cent.: formed irregularly from dissemination (see Disseminate) + -u.e.

dis-sen-sion |di-sens-non| ▶n. disagreement that leads to discord; this maneuver caused dissension within feminist ranks. 'Middle English: via Old French from Latin dissensio(n-), from the verb dissentire (see ois-



a l'in setl a thing that is put in or inserted: a doors with their original stained-glass insets. . a jeture or map inserted within the border of rone. a section of fabric or needlework ininto the material of a garment; elastic insets in aband. an insert in a magazine or similar

-t/(-set-ting; past and past part. -set or -set-ted) e inset) put in (something, esp. a small picmap) as an inset: type in the text to be inset. ate with an inset: tables inset with reramic tiles.

lah lin'sHäle! ▶ exclam, if Allah wills it. ≥ from

≥ /'in'sHor/ ▶adj. at sea but close to the shore: ickerel and bluefish have returned to inshore waters used at sea but close to the shore: an inshore

ward or closer to the shore: birds heading intheir breeding sites.

∄ □ inshore of nearer to shore than.

▶n. ['in'sid] ¶ [usu, in sing] the inner side or · of a thing: she ran a finger around the inside of I ■ the side of a bend or curve where the edge ace is shorter: the inside of the bend. . the side cetrack nearer to the center, where the lanes orter: he was blocked on the inside at the furlong 2 the inner part; the interior: the inside of the s like an oven | these boats are built of very thin with ribs on the inside. = (usu. insides) informal much and bowels: my insides are out of order. inside) informal a position affording private in-

tion: will you be my spy on the inside? n'sid; 'in,sid/ |attrib.| situated on or in, or defrom, the inside: an inside pocket. #{in some ports) denoting positions nearer to the center field; possibly the best inside linebacker in the counin basketball) taking place within the perimethe defense: he missed three consecutive inside ■(of a pitch in baseball) passing between the and the strike zone: an inside pitch to a right-Lhitter

& adv. Lin'sid! * situated within the confines nething): [as prep.] a radio was playing inside the rent | he fitted a light inside the cupboard | as adv.] kson is writing for you inside. # moving so as to p within (something): [as prep.] Anatoly reached

his shirt and brought out a map [[as adv] we walked ■ [adv] indoors: they sat inside playing cards. in (the body or mind of a person), typically reference to sensations of self-awareness: las she felt a stirring of life inside her | I just roll the s around inside my head | [as adv.] I was screaming informal in prison; sentenced to three years in-*Baseba# close to the batter. ■ (in basketball, r, and other sports) closer to the center of the than (another player); [as prep.] he went inside ; and scored near the post | [as adv.] he does an exjob of getting the ball inside to Randall. 2 prep. in nan (the period of time specified): the oven will said for itself inside 18 months. late Middle Englenoting the interior of the body): from in +

SE I inside of informal within: something inside of inted to believe him. . in less than (the period of specified): rerigging a ship for a voyage inside of a

in for-mation ▶ n information only available ase within an organization.

> job > n. informal a crime committed by or with ssistance of a person living or working on the ises where it occurred.

e out bady, with the inner surface turned outwe made a very quick change, and her dress was put

n such a condition; inside-out clothes.

SES @ know something inside out know some-

negat practice of trauming on the stock fidential information.

in-side track >n the inner, shorter course. I figurative a position of advanhad the inside track for the starring role. in-sid-i-ous /in'sidēes/ ►adj. proceedin subtle way, but with harmful effects mitted diseases can be insidious and son symptoms. I treacherous; crafty: tangent sidious alliance. >mid 16th cent.: from 'cunning,' from insidiae 'an ambush insidere 'lie in wait for,' from in-lo ---in-sid-i-ous-ly adv. —in-sid-i-ous-gi

in-sight /'in,sit/ ▶n. the capacity to gain and deep intuitive understanding thing: this paper is alive with sympather Shakespeare. = an understanding of the nals would give marine biologists new inst havior of whales. - Psychiatry new under mentally ill person of the causes of Middle English (in the sense inner vision, wisdom'): probably of Scanding German origin and related to Swedis & indsigt. Dutch inzicht, and German sight-ful /in'sittel/ adj. -in-sight-ful in-sight med i-ta-tion ⊁n, a form of Bin tion that employs concentration strate

the intention of gaining insight into a in-sig-ni-a /in'signēə/ ≥ n. (pl. same o = 1 distinguishing mark of military membership of an organization blem: a khaki uniform with colonel's if chiefly poetic/literary a distinguishing of something: they left eternally metty of melancholy. Dmid 17th cent.: from insigne 'sign, badge of office,' neutro tinguished (as if by a mark), from

bodily sensations and mental events

signum 'sign.' USAGE Insignia is, in origin, and gular form is insigne, but this modern use, insignia takes tile u occasionally, insignias both

in-sig-nif-i-cant /,insig'nifikent/ unimportant to be worth considerate required was insignificant compared ing I no detail is insignificant. (of power or influence. meaningle enchanting phrases. -In-sig-nif-care i-can-cy n. --in-sig-nif-i-cant-ly act in-sin-cere /,insin'si(ə)r/ ≯adj. not esp

feelings: she flashed him an instruction cent.: from Latin insincerus, from 'sincere.' -in-sin-cere-ly adv. itēl n. (pl. -ties).

in-sin-u-ate /in'sinya,wat/ ▶κ ti hint (something bad or reprehen rect and unpleasant way: [with ating that she had slept her way to the oneself into) maneuver oneself favor or office) by subtle manipula be taking over, insinuating her ■ [trans.] slide (oneself or a smoothly into a position: the bigs between one's skin and clothes. Death in legal contexts in the sense the official register'): from duced tortuously,' from the Very 'in' + sinuare 'to curve.' -in-si sin-u-a-tor /- water/ n.

in-sin-u-a-tion /in,sinyōō'āsн**елі** hint or suggestion of something ing to deserve all your victous institu insinuation. Pmid 16th cent.: from from insinuare (see INSINUATE). in ain id detained had lacking

--- assertively: [with clause] the reinsisted that all was not doom and gloom | with gooh] "I really am all right now," Isabel insisted. oth cent. (in the sense 'persist, persevere'): atin insistere 'persist,' from in- 'upon' + sistere

ne fin'sistens/ n. the fact or quality of inthat something is the case or should be done: stence on unilateral nuclear disarmament. -in-

ant fin'sistent/ adj. insisting or demanding ning; not allowing refusal: Tony's soft, insistent ring [with clause] she was very insistent that I call regular and repeated, and demanding attenclephone started ringing, loud and insistent. —In-

n 'slloo; 'sē-/ >adv. & adj. in its original place: mosaics and frescoes have been left in situ | as adj. thin of in situ pumping engines. in position: jas guests were all in situ. Omid 18th cent.: Latin. tety /,inse'bri-itĕ/ ≥n. drunkenness.

inso tar (also in so far) adv. (insofar as) to tent that: he decided that philosophy spoke of perproblems only insofar as they illustrated general ones.

on /,insö'läsHən/ ▶n. technical exposure to rays. The amount of solar radiation ig a given area. Pearly 17th cent.: from Latin a), from the verb insolare, from in 'toward'

maol removable sole worn in a shoe mith, as a deodorizer, or to improve the fit. sixed inner sole of a boot or shoe.

of respect: she hated the insolent fone of his e note at IMPERTINENT. Plate Middle English the sense 'extravagant, going beyond acle limits'): from Latin insolent- 'immoderate. stomed, arrogant, from in 'not' + solentccustomed' (from the verb solere). -in-so-In-so-lent-ly adv.

e fin'sălyabalj ▶adj. 1 impossible to solve: odem is not insoluble. 2 (of a substance) incabeing dissolved: once dry, the paints become inwater. Plate Middle English: from Old or from Latin insolubilis, from in 'not' + solu-Socuece). —In-sol-u-bil-i-ty / , salyə bilite/ o. u-bli-ize /- liz/ v —in-sol-u-bly /-ble/ adv.

ble /in'sālvəbəl/ >adj. rare term for insolu-

in'sålvənt/ adj unable to pay debts company became insolvent. relating to in-Insolvent liquidation.

solvent person. —in-sol-ven-cy n.

a fin'samnee/ ▶ n. habitual sleeplessness; in-Sleep. bearly 17th cent: from Latin, from Leepless, from in- (expressing negation) + eep in-som-ni-ac /-ne,ak/ n. & adj.

ship inso mach/ Padv. 1 (Insomuch that) to

extent that: self is the source of evil insomuch party of the soul increases as it loses selfhood ch as) inasmuch as: the artist touches on the insomuch as they impact on his primary focus. the English: originally as in so much, transach en tant (que) 'in so much (as)."

nce /in'sooseens; ,ansoo'syans/ >n. casual oceni; indifference: an impression of boyish plate 18th cent.: French. from insouciant. n-sou-ciant ad in-sou-clantily adv. /in,sorsing/ ►n. the practice of using an on's own personnel or other resources to a task: offshore insourcing of expense report the practice whereby an organization own personnel to accomplish specific a client, at the client's place of on the pattern of nurrows

Dearly 17th cent.: from Latin inspect. 'looked into, examined,' from the verb inspicere (from in-'in' + specere 'look at'), or from its frequentative, inspectare. -in-spection /-'speksHan/ n. in-spec-tor /in'spekler/ ▶n. 1 an official employed to ensure that official regulations are obeyed, esp. in public services: a prison inspector. # Brit. an official who examines bus or train tickets to check that they are valid. 2 a police officer ranking below a superintendent or police chief: [as title] Inspector Simmons. —in-spec-to-ri-al /,inspek-toreal/ adj. —in-

in-spec-tor-ate /in'spekterit/ n. a body that ensures that the official regulations applying to a particular type of institution or activity are obeyed: the factory

in-spec-tor gen-er-al (abbr.: IG) ►n. (pl. in-spec-tors general) an official in charge of inspecting a particular institution or activity: a report by the Pentagon's inspector general. Military a staff officer responsible for conducting inspections and investigations In-spiration /,inspe'rashen/ ▶n. 1 the process of being mentally stimulated to do or feel something. esp. to do something creative: Helen had one of her flashes of inspiration | the history of fashion has provided designers with invaluable inspiration. In the quality of having been so stimulated, esp. when evident in something: a rare moment of inspiration in an otherwise dull display. a a person or thing that stimulates in this way, he is an inspiration to everyone. a sudden brilliant, creative, or timely idea: then I had an inspitation. • the divine influence believed to have led to the writing of the Bible. 2 the drawing in of breath: inhalation. an act of breathing in; an inhalation. Middle English (in the sense 'divine guidance'): via Old French from late Latin inspiration.), from the

in-spi-ra-tion-al /,inspe-rasheni/ ▶adj. providing or showing creative or spiritual inspiration: the team's

in-spira-to-ry /in'spira,tôrê/ ▶adj. Physiology relating

in-spire /in'spir/ ▶v. [trans.] 1 fill (someone) with the urge or ability to do or feel something, esp. to do something creative: [trans] his passion for romantic literature inspired him to begin writing | as ad/ (inspiring) so far, the scenery is not very inspiring. See note at En-COURAGE. © Create (a feeling, esp. a positive one) in a person; their past record does not inspire confidence. (inspire someone with) animate someone with (such a feeling): he inspired his students with a vision of freedom.

give rise to: the movie was successful enough to inspire a sequel. 2 breathe in (air): inhale. Middle English enspire, from Old French inspirer, from Latin inspirare 'breathe or blow into,' from in- 'into' + spirare 'breathe.' The word was originally used of a divine or supernatural being, in the sense impart a truth or idea to someone. —in-spir-er n. —in-spir-

in-spired /in'spird/ adj. 1 of extraordinary quality, as if arising from some external creative impulse: they had to thank the goalie for some inspired saves. • (of a person) exhibiting such a creative impulse in the activity specified: she was an inspired gardener. 2 (of air or another substance) that is breathed in: inspired air must be humidified. —in-spir-ed-ly adv.

In-spirit /in'spirit/ >v (-spirit-ed, -spirit-ing) |trans. [usu, as adj.] (inspiriting) encourage and enliven (someone): the inspiriting beauty of Gothic architecture.

in-spis-sate /'inspi,sat: in'spis,at/ >v (trans.) (usu. as adi. (inspissated) thicken or congeal: inspissated secretions. Dearly 17th cent.: from late Latin inspissatmade thick. from the verb inspissare (based on Latin spissus 'thick, dense'). -in-spis-sa-tion /,inspi-

in-spis-sa-tor /'inspi,sater; in spis ater/ >n. a heating

.. we re planning to 1 (someone) in a new po. ceremony: he was installe dral of St. Barbara in Crac a new place, condition, behind her table. Vlate Mi medieval Latin installar 'place, stall.' Sense I dat —in-stall-er n. in-stal-la-tion /,inste'las-

process of installing som

being installed: the install tioning system. 2 a thing is large piece of equipment. installations. a military or nuclear installations. an within a gallery: a video inst in-stall-ment /in'stôlment/ (n. 1 a sum of money due payments for something, si riod of time: the first installm the purchase price is paid in ins eral parts of something tha cast, or made public in seque the final installment in his Vietna of installing something; insti begin early next year. ⊅mid 18 arrangement of payment by ation of obsolete estalment (pr with installation), from Ang

talement, from Old French estal in-stall-ment plan ▶n. an arran by installments. in-stance /'instans/ ≯n. 1 an ex currence of something: a serious the search finds every instance wh a particular case: in this insta 2 rare Law the institution of a le v (trans.) cite (a fact, case, etc.) a ample: here he instances in particu Middle English: via Old French presence, urgency, from instare upon, from in- 'upon' + stare 'to s sense was 'urgency, urgent entrea the instance of. In the late 16th cen ed a particular case cited to disp. sertion, derived from medieval L ample to the contrary' (translati objection's hence the meaning 'si

▶PHRASES □ at first instance Law : hearing concerning a case. Oat the mal at the request or instigation of: instance of the police. ofor instance take Canada, for instance. o in the fi etc.) instance in the first (or seconthe first (or second, etc.) stage of a p bunal should be formed, in the first insti

these and other charges. in-stan-cy /ˈinstənsē/ ▶n. archaic urge servants to press the message with gi early 16th cent.: from Latin instantia in-stant /'instent/ >adj 1 happening (mediately: the offense justified instant . food) processed to allow quick prepa coffee. ■ (of a person) becoming a speci. mediately or very suddenly: become an i aire. prepared quickly and with little e promise instant solutions. producing in sults: an instant lottery ticket. 2 urgent; pr stant desire to blame others when things go wi positive] dated (in business letters) of month: your letter of the 6th instant. Co. PROXIMO, ULTIMO. 4 archaic of the preser ►n. 1 a precise moment of time: come here ut that instant the sun came out. 2 a very of time; a moment: for an instant the moon i 3 informal instant coffee. Diate Middle

senses 2, 3, and 4 of th.

tissue will be resorbed. Anid 17th cent.: from Latin resorbere, from re- (expressing intensive force) + sorbere absorb.

'es-or-cin-of $|to^*zorso|$, |not|| = n. Chemistry a crystalline compound originally obtained from galbanum resin, used in the production of dyes, resins, and cosmetics. • Alternative name: 1,3-dihydroxybenzene: chem. formula: $C_6H_4(OH)_2$. 'late 19th cent.' from the earlier term resorcin + -ol.

e-sorp-tion /rê'sōrpsHan; -'zōrp-/≯n, the process or action by which something is reabsorbed; the resorption of water. ■ Physiology the absorption into the circulation of cells or tissue: bone resorption. Vearly 19th cent.; from RESORB, on the pattern of the pair absorb, absorption. —re-sorp-tive /-tiv/ adj.

B-sort [ri'zon] > n. 1 a place that is a popular destination for vacations or recreation, or which is frequented for a particular purpose; a seaside resort [a health resort. ■ archaic the tendency of a place to be frequented by many people; places of public resort. 2 the action of furning to and adopting a strategy or course of action, esp. a disagreeable or undestrable one, so as to resolve a difficult situation: Germany and Italy tried to resolve their economic and social failures by resort to facsism. ■ [in sing.] a strategy or course of action that may be adopted in a difficult situation: for only resort is surgery.

intrans.] (resort to) 1 turn to and adopt (a stratety or course of action, esp. a disagreeable or undeirable one) so as to resolve a difficult situation: the luke was prepared to resort to force if negotiation failed. 2 formal go often or in large numbers to: local auhorities have a duty to provide adequate sites for gypsies residing in or resorting to" their areas. | late Middle inglish (denoting something one can turn to for asistance); from Old French resortir, from re- 'again' + mir 'come or go out.' The sense 'place frequently isited dates from the mid 18th cent. -re-sort-er n *HRASES = as a first (or last or final) resort before nything else is attempted (or when all else has uled). In the last resort ultimately, in the last rent what really moves us is our personal convictions, Isugested by French en dernier ressort.

-sort /re 'sort/ ▶ v. [trans.] sort (something) again or ifferently.

sound /ri'zound/ ▶v. [intrans.] (of a sound, voice, c.) fill a place with sound; be loud enough to echo; other scream resonnded through the school. ■(of a ace) be filled or echo with a particular sound or aunds; the office resounds with the metronomic clicking keyboards. ■ figurative (of fame, a person's reputam, etc.) be much talked of; whatever they do in the neties will not resound in the way that their earlier hierments did. ■ [trans.] poetic/literary sing (the aises) of; Horace resounds the praises of Italy, ■ [trans.] soil, and caves, her viewless steps resound. I late Mide English; from RE- 'again' + the verb sound', sugsted by Old French resoner or Latin resonare 'sound ain.'

iounding /n'zounding/ >adj. 1 (of a sound) loud ough to reverberate: a resounding smack across the c. 2 [attrib] tunnistakable; emphatic: the evening s a resounding success.—re-sounding-ly adv.

iource ['fe,sôrs; 're'zôrs; ri'sôrs. n'zôrs] ≯n.
usu. resources] a stock or supply of money, maials, staff, and other assets that can be drawn on
a person or organization in order to function eftively: local authorities complained that they lacked rerces. ■(resources) a country's collective means of
porting itself or becoming wealthier, as repreted by its reserves of minerals, land, and other
ets. ■(resources) available assets. 2 an action or

11000 11.

re-source-ful /ri'sôrsfel; -'zôrs-/ >adj. haviity to find quick and clever ways to over culties. See note at CREATIVE. —re-source-ful-ness n.

resp. ►abbr. ■ respective. ■ respectively. ■ respelling. ■ respondent.

re-spect /n'spekt/ >n. 1 a feeling of deep for someone or something elicited by the qualities, or achievements: the director is spect for Douglas as an actor. 1 the state of mired in such a way, his first chance in off to regain respect in the business. 1 due resteelings, wishes, rights, or traditions of spect for human rights. 1 (respects) a per greetings; give my respects to your parents lar aspect, point, or detail: the government this respect is a mixed one.

▶ v. {trans.} admire (someone or something a result of their abilities, qualities, or active was respected by everyone she worked with traditions of: I respected academic. See notion and their seed of the feelings, wish traditions of: I respected his views. ■ avoid interfering with: it is incumbent upon all spect the environment. ■ agree to recognition by (a legal requirement): he urged all forto respect the laws of their country of residual to respect the laws of their country of residual to respect to back at, regard, from specere 'look at.'

PHRASES C with respect to as regards, ence to: the two groups were similar with y sex, and diagnoses. ○ in respect that become's respects, pay one's last respect with (or with all due) respect used as mula preceding, and intended to mitigat of, an expression of disagreement or enabled due respect, Father, I think you've got to be minded these days.

re-spect-a-bil-i-ty [n, spekta-bil-i=] \(\bar{n} = \text{n} \) quality of being proper, correct, and social able: provincial nations of respectability. \(\bar{n} \) quality of being accepted as valid or import in a particular field: scientific respectability. \(\bar{re-spect-a-bile} \) [n' spektabəl] \(\bar{n} \) adj. \(\bar{1} \) regardety to be good, proper, or correct: the stage no life for a respectable lady. \(\bar{n} \) (of a peatance, clothes, or behavior) decensentable: a perfectly respectable pair of pairs some merit or importance: a respectable in number and adequate or acceptable in number amount: America's CDP grew by a respectable amount: America's CDP grew by a respectability |-bie] adv. |as submodified ture of respectably |-bie] adv. |as submodified ture of respectably high standards.

re-spect-er /n' spekter/ *n. a person who has gard for someone or something: I'm alway of the office of the presidency, but not necessary ident.

▶ PHRASE (1) be no respecter of —— not be by status, wealth, etc.: Jesus was no respect-ful /ri'spektfel/ ▶ adj. feeling of erence and respect: they sit in respectful spect-full-ness not respectfull-ness not respectfull-ness not respectfull-ness not respecting /ri'spekting/ ▶ prep. dated of reference or regard to: he began to have respecting his car.

re-spec-tive /ri'spektiv/ *adj. [attrib.] beliating separately to each of two or in things: they chatted about their respective. The sense relative): from medieval Latin respective. regarded, considered, from the vertices. RESPECT, reinforced by French respective.

cial respiration. mile state and a state of the later of the state of

**stion | respe'rās+en| > n. the action of breathriates affect respiration. ■ chiefly Medicine a single place affect respiration. ■ chiefly Medicine a single the Biology a process in living organisms ining the production of energy, typically with the ge of oxygen and the release of carbon dioxide the oxidation of complex organic substances. Middle English: from Latin respiratio(n-), from the over 'breathe out' (see RESPIRE).

are to frespe, rater/ ▶ n. an apparatus worn over mouth and nose or the entire face to prevent the faction of dust, smoke, or other noxious substantial of dust, smoke, artificial research. ■ an apparatus used to induce artificial research.

don.

**ra-to-ry | 'respara, tore'; ri'spira-| ** adj. of, relatto, or affecting respiration or the organs of restion: respiratory disease.

MODE CONTROL OF THE MEMBRANE DISEASE.

n for HYALINE membrane In. Biochemistry a substance training to the mocyanin with a mole-consisting of protein with a pigmented prosection, involved in the physiological transport targen or electrons.

payers of carbon tent *n. Physiology the ratio of the problem of carbon dioxide evolved to that of oxygonume of carbon dioxide evolved to that of oxygonume on the problem of the problem

piratory syncytial virus *n. Medicine a manyxovirus that causes disease of the respiratorate. It is a major cause of bronchiolitis and memonia in young children and may be a conducting factor in sudden infant death syndrome. Diratory tract *n. the passage formed by the most, nose, throat, and lungs, through which air isses during breathing.

piratory tree • n. Zoology a branched respiratoring in the body cavity of sea cucumbers.

*spire [d'spir] ▶ v. | intrans.] breathe: he lay back, respiragueply { | Irans.] a country where fresh air seems impossible trespire. ■ (of a plant) carry out respiration, espiration, espiration, espiration has provided to the production of the provided to the production of the provided to the provid

Phrom-e-ter | respa'ramator| ▶ n. Biology a device at measures the rate of consumption of oxygen by a living organism or organic system. ■ Medicine an enument for measuring the air capacity of the stage.

Pipe / respat. ri'spit/ * n. a short period of rest or the from something difficult or unpleasant: the respect encampments will provide some respite from the respite from the respite from a dire food short. * a short delay permitted before an unpleasant respite from a manufeasant respite from a manufeasant respite from a manufeasant respite from a manufeasant respite from a punishment is carried out.

lans) rare postpone (a sentence, obligation, etc.);
execution was only respited a few months. archaic
fact a delay or extension of time to; reprieve from
the or execution; some poor criminal from the
thor the wheel, respited for a day. Middle English,
an Old French respit, from Latin respectus refuge.

pite Care ≥ n. temporary institutional care of a pendent elderly, ill, or handicapped person, proling relief for their usual caregivers.

plend-ent [n'splendant] | Adj. attractive and imsive through being richly colorful or sumptushe was resplendent in a sea-green dress. See note plant. late Middle English: from Latin resplensional court from the verb resplendere, from

a versicle. Date Middle English (in the hour senses): from Old French, from responder to answer, from Latin respondere, from re- again' + spondere to pledge. The verb dates from the mid 16th cent.—re-spondence | dans| n. (archaic) —re-spondence | dans| n. (archaic) —re-spondere n.

re-spondent in spandent in a lawsuit, esp. one in an appeals or divorce case. 2 a person who replies to something, esp. one supplying information for a survey or questionnaire or responding to an advertisement.

sponding to an authorization of defendant in a lawadj. [attrib.] 1 in the position of defendant in a lawsuit: the respondent defendant. 2 replying to something, esp. a survey or questionnaire: the respondent firms in the survey. 3 Psychology involving or denoting a response, esp. a conditioned reflex, to a specific stimulus. "early 16th cent. (sense 2 of the noun): from Latin respondent- answering, offering in return." from the verb respondere (see RESPOND).

re-spon-sa /ri'spansa/ ▶ plural form of RESPONSUM. re-sponse /ri'spans/ In a verbal or written answer: without waiting for a response, she returned to her newspaper | we received 400 applications in response to one job ad a written or verbal answer to a question in a test, questionnaire, survey, etc. a reaction to something: an extended, jazzy piano solo drew the higgest response from the crowd | an honors degree course in Japanese has been established in response to an increasing demand. Psychology & Physiology an excitation of a nerve impulse caused by a change or event; a physical reaction to a specific stimulus or situation. • the way in which a mechanical or electrical device responds to a stimulus or range of stimuli. # (usu. responses) a part of a religious liturgy said or sung by a congregation in answer to a minister or cantor. ■ Bridge a bid made in answer to one's partner's preceding bid. Middle English: from Old French respons or Latin responsum something offered in return,' neuter past participle of respondere (see RESPOND)

re-sponse time ▶n the length of time taken for a person or system to react to a given stimulus or event. ■ Electronics the time taken for a circuit or measuring device, when subjected to a change in input signal, to change its state by a specified fraction of its total response to that change.

re-sponse variable >n another term for DEPENDENT VARIABLE.

re-spon-si-bil-i-ty /ri,spänsə*bilətē/ ≯n. (pl. -ties) the state or fact of having a duty to deal with something or of having control over someone: women bear children and take responsibility for child care. - the state or fact of being accountable or to blame for something: the group has claimed responsibility for a string of murders. • the opportunity or ability to act independently and make decisions without authorization: we would expect individuals lower down the organization to take on more responsibility. I (often responsibilities) a thing that one is required to do as part of a job, role, or legal obligation; he will take over the responsibilities of overseas director. | in sing | (responsibility to/toward) a moral obligation to behave correctly toward or in respect of: individuals have a responsibility to control personal behavior.

re-spon-si-ble |ri| spansaba|| adj. |predic.| having an obligation to do something, or having control over or care for someone, as part of one's job or role: the department responsible for education. The being the primary cause of something and so able to be blamed or credited for it: the gene was responsible for a rare type of eye cancer. | attrib.| (of a job or position) involving important duties, independent decision-making, or control over others. | predic.| (responsible to) having to report to (a superior or someone in authority)

tor which one must answer to be answerable for their children's b Accountable is more positin answerable, suggesting that son trusted to someone who will for how that trust has been carety accountable to the department that had been allocated to her gron Liable is more restricted in s foregoing words; it refers excl

ment of blame or the payme:

ages in the event of a mishap

sible for the accident, he was held

re-spon-sive /ri¹spänsiv/ ►adj. 1 positively: a flexible service that i social and economic patterns. with interest or enthusiasm: o responsive students. 2 answeri nibble on my line: I jig it several sponsive tug. # (of a section of 1 es. -re-spon-sive-ly adv. -re re-spon-so-ri-al /ri,spān'sôrèal liturgical chant) recited in p tional response between each re-spon-so-ry /ri¹spänsərē/ ►n. tian Church) an anthem said (choir after a lesson. Plate Mic Latin responsorium, from Lat: from the verb respondere (see re-spon-sum /ri'spänsəm/ ►n. reply by a rabbi or Talmudic on some matter of Jewish reply.

res publica /rās 'poobli,kā; 'r public, or commonwealth, matter.'

res-sen-ti-ment /re,säntē'mā state arising from suppress hatred that cannot be acte sulting in some form of sel man (used by Nietzsche in t ressentiment 'feeling.'

rest! /rest/ ▶v. (intrans.) 1 ce. in order to relax, refres strength; he needed to rest afti going to rest up before travel allow to be inactive in or health, or energy; her friend ed her eyes. ■ [trans.] leave (; temporarily; both men were ■ (of a dead person or boo hody rested in his tomb. ■ (of : left without further inves treatment: the council has un not to allow the matter to rest lie fallow: the field should b clude the case for the prost a law case: the prosecution r CASE below. 2 [intrans.] be] to stay in a specified posit on the arm of the sofa. I [trai that it is supported in a sp a hand on her shoulder. = (r alight or be steadily directs on the boy.

(rest on/upon) in; depend on: the country liances. ■ [trans.] (rest some trust, or confidence on or

Pronunciation Key a ago; E fur; a hat; ā rate; ā car; CH (ifit: i by; i(a)r ear; NG sing; ō { goo; ou out; SH she; TH thin;] If instrument $| \cdot | \cdot | \cdot |$ is a player of the first $| \cdot | \cdot |$ and $| \cdot | \cdot |$ and $| \cdot | \cdot |$ and $| \cdot | \cdot |$ instrument

of instrumentalism.

instremen 'talite; -men-/ *n. (pl. callity of serving as an instrument that agency: a corporate body can act is mumentality of human beings. *a as an instrument or means to an

in i, instremen' tăs Hen; -men-/ Instruments used in a piece of frin which a piece is arranged for imann's specified instrumentation of iman. The arrangement or compete of music for particular musical geriment in instrumentation. 2 meatis regarded collectively: the controls of an aircraft. It design, provisiuming instruments.

al (also instrument board) In. a fadriver's or pilot's seat, on which creati's instruments are situated finse'bordo-ii/ Inad, defiant of auth to orders: an insubordinate atticlately adv. —in-sub-or-di-na-

inseb'stanchel | ►adj. lacking tity, the huts are relatively few and insufficial evidence. ■ not solid or real; and light made her face seem insubtrent: from late Latin insubstance + substantialis (see Substantial).

Hy f.,stanché'alitě | n. —in-sub-

esol(e)rebol() adj. too extreme to the heat would be insufferable by July. Ing unbearable arrogance or concoully insufferable French chauvinism. Ish: perhaps via French (now dishased on Latin suffere 'endure' (see laterableness a.—in-suffera-bly

issefishense! > n. the condition of insufficiency of adequate housing | insufficiency of adequate housing | insufficiencies. ability of an organ to perform its rinal insufficiency. > early 16th cent. competence, inability'): from late is from in 'not' + Latin sufficere 'be

All v (trans) 1 Medicine blow (air, mio a cavity of the body. In this way, by the the tooly) in this way, by the the on (someone) to syminfluence. Plate 17th cent.: from though the the thing of the th

Alter | N. 1 a device for blowing face in order to make fingerprints imment for medical insufflation. In the cerebral cortex. Omid 19th fifty island.

and, ≽n. an insulating material.

of pag. 1 ignorant of or uninterideas, or peoples outside one's is stabbornly insular farming people. with other people: people living remis insular existences. 2 of, relating lind: the movement of goods of insular thing to the art and craftwork of oid in the early Middle Ages, esp. a ndwriting: insular illumination of the imate) equable because of the interimate) equable because of the interimate in the interior of the cent. (as a noun denotion late Latin insularis, from insularity], insiyly a larité; -ler-l n. —in-

Rial by [trans.] (often be insulated) thing by interposing material that soft heat or the intrusion of sound; will insulated against all outside noise. Passage of electricity to or from twening it in nonconducting materially insulated to prevent short circuits. It from the unpleasant effects or eliming; he claims that the service is combined from outside pressures. 2 archaic

make (land) into an island: the village was insulated by every flood of the river. >mid 16th cent. (sense 2): from Latin insula 'island' + -ATE3.

in-su-lating tape ▶n. another term for PRICTION TAPE. in-su-lation f,ins(y)o'läsHon/ ▶n. the action of insulating something or someone: keep your home warmer through insulation | heat insulation. ■ the state of being insulated: his comparative insulation from the world. ■ material used to insulate something, esp. a building: fit insulation to all exposed pipes.

in-su-la-tor /'ins(y)ə,lātər/ ▶n. a thing or substance used for insulation, in particular: ■a substance that does not readily allow the passage of heat or sound: cotton is a poor insulator. ■a substance or device that does not readily conduct electricity. ■a block of material, typically glass or ceramic, enclosing a wire carrying an electric current where it crosses a support.

in-sul-lin /'insələn/ ►n. Biochemistry a hormone produced in the pancreas by the islets of Langerhans that regulates the amount of glucose in the blood. The lack of insulin causes a form of diabetes. ■ an animal-derived or synthetic form of this substance used to treat diabetes. ▶early 20th cent.: from Latin insula 'island' +-4N'.

in-su-lin shock ▶n. Medicine an acute physiological condition resulting from excess insulin in the blood, involving low blood sugar, weakness, convulsions, and potentially coma.

in-su-li-tis / inse litis/ > n. Medicine disease of the pancreas caused by the infiltration of lymphocytes.

in-sult *v. [in'səlt] [trans.] speak to or treat with disrespect or scornful abuse: you're insulting the woman I love [[as adj.] (insulting) their language is crude and insulting to women.

►Th. I'in, soll 1 a disrespectful or scornfully abusive remark or action: he hurled insults at us | he saw the book as a deliberate insult to the Church. ■ a thing so worthless or contemptible as to be offensive: the present offer is an absolute insult. 2 Medicine an event or occurrence that causes damage to a tissue or organ: the movement of the bone causes a severe tissue insult. I mid 16th cent. (as a verb in the sense 'exult, act arrogantly'): from latin insultare 'jump or trample on, from in 'on' + saltare, from salire 'to leap. The noun (in the early 17th cent. denoting an attack) is from French insulte or ecclesiastical Latin insultus. The main current senses date from the 17th cent. the medical use dating from the early 20th cent. ←insulter n. —in-sult-ing-ly adv.

►PHRASE □ add insult to injury act in a way that

▶PHRASE □ add insult to injury act in a way that makes a bad or displeasing situation worse.

in-su-per-a-ble |in'sōōp(ອ)rebal| ▶ adj. (of a difficulty or obstacle) impossible to overcome: insuperable financial problems. → Middle English (in the general sense 'invincible'): from Old French, or from Latin insuperabilis, from in-'not' + superabilis (from superare 'overcome'). — in-su-per-a-bil-i-ty |-,sōōp(ə)rə'bilité| n. —in-su-per-a-bil-i-dav.

in-sup-porta-ble / inse portabel / adj. 1 unable to be supported or justified: he had arrived at a wholly insupportable conclusion. 2 unable to be endured; intolerable: the heat was insupportable. Amid 16th cent. from French, from in- not '+ supportable (from supporter 'to support'). —in-sup-porta-bly |-ble| adv.

in-sur-ance /in'sHoorens/ > n. 1 a practice or arrangement by which a company or government agency provides a guarantee of compensation for specified loss, damage, illness, or death in return for payment of a premium: many new borrowers take out insurance against unemployment or sickness.

The business of providing such an arrangement: Howard is in insurance. money paid for this: my insurance has gone up. money paid out as compensation under such an arrangement: when will I be able to collect the insurance? an insurance policy. 2 a thing providing protection against a possible eventuality: seeking closer ties with other oil-supplying nations as insurance against dis-ruption of Middle East supplies I young people are not an insurance against loneliness in old age. Plate Middle English (originally as ensurance in the sense 'ensuring, assurance, a guarantee'); from Old French enseurance, from enseurer (see ENSURE). Sense 1 dates from the mid 17th cent.

in-sur-ance a-gent ▶n. a person employed to sell insurance policies.

In-sur-ance car-ri-er >n, an insurer; an insurance company.

in surance policy $\triangleright n$, a document detailing the terms and conditions of a contract of insurance.

in-sure [in'sHoor] ▶v. [trans.] arrange for compensation in the event of damage to or loss of (property). or injury to or the death of (someone), in exchange for regular advance payments to a company or government agency: the table should be insured for \$2.500 | the company had insured itself against a fall of the dollar | (intrans.) businesses can insure against exchange rate fluctuations. ■ provide insurance coverage with respect to: subsidiaries set up to insure the risks of a group of companies. ■ (insure someone against) figurative secure or protect someone against (a possible contingency): by appeasing Celia they might insure themselves against further misfortune | |intrans.| such changes could insure against further violence and unrest. > late Middle English (in the sense 'assure someone of something'): alteration of Ensure. —in-sur-a-bil-i-ty |-, shooro'bilité| n. —in-sur-a-bile adj.

USAGE There is considerable overlap between the meaning and use of insure and ensure. In both U.S. and British English, the primary meaning of insure is the commercial sense of providing financial compensation in the event of damage to property: ensure is not used at all in this sense. For the more general senses, ensure is more likely to be used, but insure and ensure are often interchangeable, particularly in U.S. English: bad is posted to insure that the defendant appears for trial the system is run to ensure that a good quality of service is maintained.

in-sured fin's Hoord ≥ adj. covered by insurance: the insured car | a privately insured patient | an insured risk.

▶n. (the insured) (pl. same) a person or organization covered by insurance.

in-sur-er [in's Hooter] In. a person or company that underwrites an insurance risk; the party in an insurance contract undertaking to pay compensation. in-sur-gent [in's erjont] India (in this) in active re-

n-sur-gent in serjoint Page, Janual, 1881ing in active revolt: alleged links with insurgent groups. See note at UP-RISING. • of or relating to rebels: a series of insurgent attacks.

▶n. (usu. insurgents) a rebel or revolutionary: an attack by armed insurgents. "mid 18th cent. (as a noun): via French from Latin insurgent- 'arising,' from the verb insurgere, from in- 'into, toward' + surgere 'to rise.' —in-sur-gence n. —in-sur-gency n. (pl. -cies). in-sur-mounta-ble l, inser/mountabel/ ▶adi, too great to be overcome: an insurmountable problem. —in-surmounta-bly adv.

in-sur-rec-tion / inso rekshon/ ▶ n. a violent uprising against an authority or government: the insurrection was savagely put down | opposition to the new regime led to armed insurrection. See note at uprising. ≥ late Middle English: via Old French from late Latin insurrection-in, from insurgere rise up. —in-sur-rec-tion-ary adj. —in-sur-rec-tion-ist n. & adj.

int. ►abbr. = interior. = internal, = international.

in-tact [in-takt] * adj. [often as complement] not damaged or impaired in any way; complete: the church was almost in ruins, but its tower remained intact. *> late Middle English: from Latin intactus, from in-inot' + tactus (past participle of tangere 'touch'). —in-tactness n.

in-tact fam-i-ly > n. a nuclear family in which membership has remained constant, in the absence of divorce or other divisive factors.

in-ta-gliat-ed fin'talē, ātid; -'tālē-f > adj. archaic carved or engraved on the surface. > late 18th cent.: from Italian intagliato 'engraved,' past participle of intagliare, from in 'into' + tagliare 'to cut.'

in-ta-glio |in'talyō; -'tāl-| ▶ n. (pl. -glios) a design incised or engraved into a material: the dies bore a design in intaglio. ■ a gem with an incised design. ■ any printing process in which the type or design is etched or engraved, such as photogravure or dry point.

Ve (-glioes, -glioed) [trans.] [usu. as adj.] (intaglioed) engrave or represent by an engraving: a carved box with little intaglioed pincapples on it. Emid 17th cent.: Italian, from intagliare engrave.

in-take [in,tak] > n. 1 an amount of food, air, or another substance taken into the body; your daily intake of calories | his alcohol intake. ■ an act of taking something into the body; she heard his sharp intake of breath | a protective factor is the intake of cereal fiber. 2 a location or structure through which something is taken in. e.g., water into a channel or pipe from a river, fuel or air into an engine or machine, commodities into a place, etc.: cut rectangular holes for the air intake. ■ the action of taking something in: facilities for the

Pronunciation Key ə ago; ər over; 'ə or ,ə up; 'ər or ,ər fur; a hat; ā rate; ā car; CH chew; e let; ē see; e(ə)r air; i fit; i hy, i(ə)r ear; NG sing; ō go; ō for, oi boy; ŏo good; ōo goo; ou out; SH she; TH thin; TH then; (h)w why, ZH vision