

Procedural Standards for Faculty Sanctions and Dismissals

Policy number: 2.17

Policy section: Academic Affairs

1. Policy Statement

On rare occasions a faculty member may be accused of misconduct or inappropriate behavior serious enough to warrant sanctions, including dismissal for cause. When such accusations arise, it is the policy of the University to attempt to find a mutual satisfactory resolution of the matter through a personal conference between the faculty member and an appropriate administrator. Absent a resolution, the Faculty Senate Committee on Ethics and Tenure will conduct an informal inquiry and, if needed, a formal hearing followed by a report to the President.

The University is committed to the principle that a necessary pre-condition of a strong faculty is that it have first-hand concern with its own membership. This is properly reflected in appointment to and in involuntary separations from the faculty body.

2. Purpose

The purpose of this policy is to outline the process and procedures when considering the dismissal of a faculty member or the imposition of severe or minor sanctions. This policy does not apply when a faculty member is accused of research misconduct, which is covered by University Policy 10.6, Standards for Addressing Research Misconduct.

3. Basis for Dismissal or Sanctions

Adequate cause for a dismissal or sanctions will be related, directly and substantially, to the fitness of the faculty member in his/her professional capacity as a teacher, researcher, or colleague. Dismissal or sanctions will not be used to restrain faculty members in their exercise of academic freedom.

4. Process for Determining Whether to Seek Dismissal or Sanctions

- a. When reasons arise to question the fitness of a faculty member who has tenure or whose term appointment has not expired, the appropriate administrative officer should ordinarily discuss the matter with the faculty member in personal conference. The administrator may at this point reach a mutually satisfactory resolution with the faculty member or impose a minor sanction, such as a reprimand, under the procedures specified in Section 6 of this policy.

- b. If the matter is not resolved by mutual consent or by imposition of a minor sanction, the appropriate administrator may refer the matter for an informal inquiry by the Faculty Senate Committee on Ethics and Tenure, which may, failing to effect a mutually satisfactory resolution between the appropriate administrator and faculty member, recommend that proceedings be undertaken to impose dismissal or severe sanctions such as suspension for a definite term.
- c. If the President, after considering the recommendation of the Faculty Senate Committee on Ethics and Tenure or review of any other resolution of the matter, determines that further proceedings should be undertaken, a hearing should be commenced under the procedures specified in Section 5. An initial statement of charges, framed with reasonable particularity by the President or the President's delegate, shall be provided to the faculty member concerned.

5. Procedures for Dismissal or Severe Sanctions

- a. Following a determination by the President under Section 4c, a hearing committee shall be established by the Faculty Senate Committee on Ethics and Tenure ("the Hearing Committee") that shall not include members of the department(s) involved. These proceedings are confidential.
- b. Pending a final decision by the President, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by his/her continuance. Before suspending a faculty member, pending an ultimate determination of his/her status by the President, the appropriate administrators will consult with the Ethics and Tenure Committee concerning the propriety, length, and other conditions of the suspension. Salary will continue during the period of the suspension.
- c. The Hearing Committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (1) simplify the issues, (2) effect stipulations of facts, (3) provide for the exchange of documentary or other information, and (4) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.
- d. Service of notice of hearing with a specific final statement of charges in writing will be made at least twenty days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges against him/her, or asserts that the charges do not support a finding of adequate cause, the Hearing Committee will

evaluate all available evidence and rest its recommendation upon the evidence in the record.

- e. During the Hearing Committee's proceedings, the faculty member will be permitted to have an academic advisor and counsel of his/her own choice.
- f. At the request of either party or the Hearing Committee, a representative of a responsible educational association will be permitted to attend the proceedings as an observer.
- g. A verbatim record of the hearing or hearings will be taken and a written copy will be made available to the faculty member without cost, at the faculty member's request.
- h. The burden of proof that adequate cause for sanctions or dismissal exists rests with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
- i. The Hearing Committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- j. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the Hearing Committee in securing witnesses and making available documentary and other evidence.
- k. The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where witnesses cannot or will not appear but have made or will make a written statement relating to the matter, the Hearing Committee may determine that the interests of justice require admission of such statement. In such instance, the Hearing Committee will identify the witnesses, disclose their statements, and if possible, provide for interrogatories to be submitted to the witnesses for response in order to clarify any remaining issues relating to the witnesses' statements.
- l. In the hearing of charges of incompetence, the testimony will include that of qualified faculty members from this or other institutions of higher education.
- m. The Hearing Committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- n. The finding of fact and the decision will be based solely on the hearing record.
- o. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the

faculty member or administrative officers will be avoided insofar as is possible until the proceedings have been completed. The President and the faculty member will be given a copy of the record of the hearing.

- p. If the Hearing Committee determines that adequate cause for dismissal or severe sanctions has been established by the evidence in the record, it will so report to the President. If the Hearing Committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons. If the President rejects the report, he/she will state the reasons for doing so, in writing, to the Hearing Committee and to the faculty member, and provide an opportunity for response. Otherwise, the President may sustain the report or return the proceedings to the Hearing Committee with specific objections. The President may, in the process of his/her review, provide opportunity for oral and/or written argument by the principals or their representatives who participated in hearings before the Hearing Committee. If the proceedings are returned to the Hearing Committee, the Hearing Committee will reconsider the matter, taking into account the objections stated by the President and receiving any new evidence if necessary. The Hearing Committee will return a written recommendation after reconsideration to the President, whose decision on the matter, after review of the Hearing Committee's reconsideration, will be final. The faculty member will be notified of the final decision in writing and will be given a copy of the record of the hearing.

6. Procedures for Imposition of Minor Sanctions

If the appropriate administrators believe that the conduct of a faculty member justifies imposition of a minor sanction, such as a reprimand, they will notify the faculty member of the basis of the proposed sanction and provide him/her with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been unjustly imposed may petition the Faculty Senate Committee on Ethics and Tenure for such action as that committee may deem appropriate.

7. Publicity

Any release of information to the public by the University will be made through the President's office.

8. Remarks

Nothing in this policy precludes the responsibility of the corporate officers of the University to take such actions as they deem necessary to protect the interests of the University's faculty, staff, and/or students.

9. Questions

Questions regarding this policy should be directed to the Office of the Provost.

Revised: December 16, 2019

Adopted: June 1, 1994