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# FACULTY DISCIPLINE POLICIES

## TABLE OF CONTENTS

<u>Institution</u>	<u>Page</u>
GRAYS HARBOR [COMMUNITY] COLLEGE <i><a href="http://ghc.ctc.edu/instruction/contract/III.htm#Section_9_Due_Process">http://ghc.ctc.edu/instruction/contract/III.htm#Section_9_Due_Process</a></i>	2
UNIVERSITY OF WISCONSIN-MADISON <i><a href="http://wiscinfo.doit.wisc.edu/secfac/governance/FPP/Chapter_9.htm">http://wiscinfo.doit.wisc.edu/secfac/governance/FPP/Chapter_9.htm</a></i>	3
VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (VIRGINIA TECH) <i><a href="http://www.provost.vt.edu/facultyhandbook/fh-02.html">http://www.provost.vt.edu/facultyhandbook/fh-02.html</a></i>	9
UNIVERSITY OF PENNSYLVANIA <i><a href="http://www.upenn.edu/assoc-provost/handbook/ii_e_16.html">http://www.upenn.edu/assoc-provost/handbook/ii_e_16.html</a></i>	13
UNIVERSITY OF NORTH TEXAS <i><a href="http://www.unt.edu/planning/UNT_Policy/volume3/15_1_33.html">http://www.unt.edu/planning/UNT_Policy/volume3/15_1_33.html</a></i>	23
RICE UNIVERSITY <i><a href="http://www.ruf.rice.edu/~facsec/facmin/Rice_Univ_Organization_Po2.pdf">http://www.ruf.rice.edu/~facsec/facmin/Rice_Univ_Organization_Po2.pdf</a></i>	28
UNIVERSITY OF NEW ORLEANS <i><a href="http://www.uno.edu/~acaf/forms/Policy%20on%20Faculty%20Conduct.pdf">http://www.uno.edu/~acaf/forms/Policy%20on%20Faculty%20Conduct.pdf</a></i>	29
UNIVERSITY OF ALABAMA-HUNTSVILLE <i><a href="http://www.uah.edu/legal/PDF_Files/uah_policy_pdfs/Disciplinary%20Policy%20Final.pdf">http://www.uah.edu/legal/PDF_Files/uah_policy_pdfs/Disciplinary%20Policy%20Final.pdf</a></i>	35
UNIVERSITY OF CALIFORNIA-SANTA CRUZ <i><a href="http://www2.ucsc.edu/ahr/policies/CAPPM/002015.htm">http://www2.ucsc.edu/ahr/policies/CAPPM/002015.htm</a></i>	36
STANFORD UNIVERSITY <i><a href="http://www.stanford.edu/dept/facultysenate/archive/1999_2000/reports/106383/106371.html">http://www.stanford.edu/dept/facultysenate/archive/1999_2000/reports/106383/106371.html</a></i>	41

**GRAYS HARBOR [COMMUNITY] COLLEGE**  
**[http://ghc.ctc.edu/instruction/contract/III.htm#Section\\_9\\_Due\\_Process](http://ghc.ctc.edu/instruction/contract/III.htm#Section_9_Due_Process)**

**Section 9. Due Process/Representation**

No faculty member shall be disciplined without just cause, which must be documented in the official personnel file as described in section 8 of this article. Discipline will be corrective and will move progressively through informal coaching, written warning/reprimand, and dismissal as appropriate, unless the severity of the employee's action requires otherwise. This sub-section shall not apply to decisions regarding renewal or non-renewal of probationers, decisions regarding the re-hire of part-time or special grant employees, dismissal of tenure track employees, or decisions regarding the re-hire of extra-contractual stipend activities.

In the event that informal coaching fails to resolve a problem, any issues that remain shall be addressed in writing and be made available to the faculty member. The faculty member shall have the right to have a GHCFT [Grays Harbor College Federation of Teachers] representative present at any meeting. No disciplinary action shall be taken until such representation is present or within five (5) days of notification, whichever is sooner.

**UNIVERSITY OF WISCONSIN-MADISON**  
[http://wiscinfo.doit.wisc.edu/secfac/governance/FPP/Chapter\\_9.htm](http://wiscinfo.doit.wisc.edu/secfac/governance/FPP/Chapter_9.htm)

**9.01. PREAMBLE.**

The university has a tradition of commitment to professional honesty and integrity, as described in FPP [Chapter 8](#), and also recognizes the need for fair and adequate investigation of alleged violations of rules and policies relating to faculty conduct. The unified rules and procedures contained herein shall apply in faculty disciplinary and dismissal proceedings, within the framework established in sections [UWS 4](#) and [UWS 6](#) of the Wisconsin Administrative Code. Faculty members charged with actions which could lead to discipline or dismissal are entitled to due process both by tradition and by law. While this chapter provides the formal structure for proceeding in disciplinary and dismissal cases, many cases will be resolved by agreement among the parties involved or by formal mediation. In cases involving alleged scholarly misconduct, the rules and procedures are those set forth in faculty document 867a, which is presented in the faculty legislation appended to Faculty Policies and Procedures.

**9.02. CAUSE FOR DISCIPLINE.**

No faculty member shall be subject to discipline except for just cause, based upon a determination that the faculty member has violated a university rule or policy or has engaged in conduct which adversely affects the faculty member's performance of his/her responsibilities to the university but which is not serious enough to warrant dismissal. As used in this chapter, discipline means any sanction except dismissal imposed by the administration against a faculty member for misconduct, including but not limited to an official reprimand, reduction in salary or reduction of a departmentally recommended increase in salary, or reduction in rank.

**9.03. CAUSE FOR DISMISSAL. (See [UWS 4.01](#).)**

No faculty member shall be subject to dismissal except for just cause, based upon a determination that the faculty member's conduct directly and substantially affects adversely, to a degree greater than that reserved for disciplinary action, the ability to carry out satisfactorily his/her responsibilities to the university. Examples of conduct that may warrant dismissal include, but are not limited to, fraud or intentional misrepresentation of facts for personal benefit, gross abuse of authority or influence (e.g., discriminatory or retaliatory actions, particularly where a pattern is evident), or willful and protracted violations of university rules or policies. Layoff and termination for reasons of financial emergency are not dismissals for cause, and such actions are taken pursuant to [Chapter 10](#) of these rules.

**9.04. COMPLAINTS ABOUT FACULTY MEMBERS.**

Complaints against faculty members alleging facts which, if true, might constitute adequate cause for discipline under [UWS 6](#) or dismissal under [UWS 4](#) shall be in writing and shall be filed with the vice chancellor for academic affairs and provost (provost).

**9.05. ACTION BY PROVOST ON COMPLAINTS.**

On receiving a complaint concerning a faculty member, the provost shall determine whether the complaint deals with scholarly misconduct and/or other misconduct. Complaints alleging scholarly misconduct shall be dealt with according to Faculty Document 867a and [FPP 9.14](#). A formal allegation of misconduct in scholarly research will be referred to the chair of the department (or functional equivalent) or to the corresponding academic dean or, in the case of conflict of interest on the part of the chair or academic dean, to the dean of the Graduate School.

If the complaint alleges misconduct other than scholarly misconduct, the provost shall determine whether a *prima facie* case exists for the imposition of discipline or for dismissal. The provost shall also consider the timeliness of the complaint, particularly in light of related state and federal limitations statutes. As used in this section, a *prima facie* case for discipline exists whenever the information submitted in support of the complaint would warrant disciplinary action, if considered on its face to be true and not subject to refutation or exculpatory explanation. A *prima facie* case for dismissal exists whenever this standard is met, but with the additional requirement that the information submitted in support of the complaint be of such substantial character that the magnitude of the alleged conduct warrants contemplation of dismissal if determined to be true. If a *prima facie* case does not exist or if the complaint is not considered timely, the complaint shall be dismissed.

Whenever the provost receives a complaint against a faculty member which he/she deems substantial and which, if true, might lead to dismissal under [UWS 4](#), the provost shall proceed under [UWS 4](#) and the provisions of this chapter of FPP.

#### 9.06. INVESTIGATION AND FURTHER ACTION.

If the provost determines that a *prima facie* case exists for imposition of discipline or dismissal and the case is timely, he/she shall institute an investigation by appointing an investigator or investigators of his/her choosing. The provost shall also offer to discuss the matter with the faculty member concerned, giving the faculty member an opportunity to speak to the matter, and shall provide the faculty member with a written statement of the matter(s) to be investigated. The faculty member shall also receive a copy of the original signed complaint, subject to the possible need to redact information pertaining to third parties that will not be considered part of the investigation. The faculty member concerned shall have the right to be advised and represented by counsel or other representative at his/her expense throughout the investigation and thereafter.

The faculty member can state objections to the provost's selection of investigator(s). The investigator(s) shall investigate the complaint as soon as practicable and provide an oral and/or written report to the provost. Following the investigation the provost shall consult with recent past chairs of the University Committee and the Committee on Faculty Rights and Responsibilities who shall advise the provost as to the actions that should be taken as enumerated in C. below.

Actions that the provost may take are:  
dismiss the case; or

refer the complaint to the department(s) or the equivalent functional unit(s) in which the faculty member concerned holds membership if the investigation indicates that the case involves a matter which should be resolved at the departmental level and in which disciplinary action by the provost is not warranted; or prepare to invoke an appropriate disciplinary action. In doing so, the provost will present the faculty member with a written summary of all evidence obtained both for and against each charge brought forward for disciplinary action or dismissal. The provost shall then invite the faculty member to participate in voluntary and confidential settlement negotiations which could involve, with agreement of both parties, formal mediation.

If formal mediation is invoked, the parties shall agree on the appointment of a mediator or mediators. Formal mediation must be completed within 30 days of the appointment of the mediator(s), unless both parties agree to an extension of no more than 30 days. At any time, either party may withdraw from the mediation process.

if settlement is not achieved by negotiation or mediation, invoke appropriate discipline or dismissal. When the provost invokes either discipline or dismissal, he/she shall provide the faculty member with a copy of any investigatory report produced and a copy of any written recommendation as provided above. The provost shall also inform the faculty member of his/her right to appeal to the Committee on Faculty Rights and Responsibilities (CFRR).

#### 9.07. COMMITTEE ON FACULTY RIGHTS AND RESPONSIBILITIES.

When a faculty member appeals a disciplinary action to the committee, the committee shall: conduct fact-finding hearings if requested by the faculty member or by the provost or if deemed necessary by the committee; make recommendations to the chancellor concerning the validity of the appeal.

When a faculty member appeals dismissal, the committee shall under [UWS 4.03](#) serve as the standing committee to hear and act on the case, except for cases involving allegations of misconduct in scholarly research in which the Hearing Committee on Misconduct in Scholarly Research shall be the standing committee, under Faculty Document 867a.

#### 9.08. CFRR HEARINGS.

When CFRR is holding a fact-finding hearing in a discipline case or is acting as a hearing body in a dismissal case, it shall operate as provided in [UWS 4.05](#) and [4.06](#). Additionally, the faculty member shall have a right to: service of notice of hearing with specific charges in writing at least twenty days prior to the hearing; notification of the name(s) of the complainant(s); be heard by all bodies passing judgment or making recommendations; refrain from testifying without such omission being used as formal evidence of guilt; and a stenographic record of all hearings and transcripts thereof at no cost to him/her.

#### 9.09. FINDINGS BY CFRR.

A finding of just cause for the imposition of discipline or just cause for dismissal must be based on clear and convincing evidence in the hearing record.

A finding by the committee of just cause for discipline or just cause for dismissal requires a majority vote with not more than two dissenting votes. Otherwise, the committee shall report that just cause for discipline or just cause for dismissal has not been established. The vote shall be reported in every case.

#### 9.10. SUSPENSION.

The faculty committee to be consulted by the chancellor in considering suspension under [UWS 4.09](#) is the University Committee.

#### 9.11. TRANSMITTAL OF CFRR FINDINGS IN DISCIPLINE CASES.

CFRR shall transmit its findings of fact and recommendations in discipline cases in writing to the chancellor, with copies to the provost, to the faculty member involved, and to the complainant within ten days of the conclusion of its proceedings.

Within ten days of the transmittal of the committee's findings and recommendations to the chancellor, the faculty member concerned or the original complainant may file written objections with the chancellor.

The chancellor shall, as soon as practicable after the expiration of this ten-day period, render his/her decision and transmit such decision to the committee, the provost, the faculty member concerned, the original complainant, and the University Committee.

#### 9.12. CFRR TRANSMITTAL OF FINDINGS IN DISMISSAL CASES.

CFRR shall transmit its findings of fact and recommendations in dismissal cases in accordance with [UWS 4.07](#).

#### 9.13. NO FURTHER JEOPARDY.

Following recommendations of CFRR and a decision by the chancellor, or following action by the provost if the committee is not involved, the faculty member concerned shall not be subject again under these rules to the same charges arising from the original complaint.

#### 9.14. PROCEDURES WHEN MISCONDUCT IN SCHOLARLY RESEARCH IS ALLEGED.

Whenever the provost acting pursuant to Faculty Document 867a (2/4/91) has decided to bring charges that would warrant discipline or dismissal of a faculty member on the basis of misconduct in scholarly research, sections [9.01](#) through [9.05.B](#), [9.10](#), and [9.13](#), of this chapter, as well as other sections specifically noted below, shall govern faculty dismissal and disciplinary actions as follows:

The report of the Inquiry Committee provided for in Faculty Document 867a (2/4/91), Part II.B.5-7, shall constitute the investigation required by [9.06.A](#), and the complaint referred to in [9.01](#), and [9.04](#). After reviewing the report of Inquiry Committee and the response, if any, of the faculty member, if the provost believes that dismissal may be warranted, the provost shall proceed in accordance with [UWS 4](#), or, if the provost believes that lesser discipline may be warranted, the provost shall proceed in accordance with [9.06.C.3](#), or [9.06.C.4](#), and [UWS 6.01](#). If the provost decides to dismiss the case,

he/she shall proceed in accordance with [9.06.C.1](#). Hearings subsequent to the provost's actions shall be conducted by the Hearing Committee on Misconduct in Scholarly Research under Faculty Document 867a, Part IIIA and may be appealed to CFRR, as provided below and in Faculty Document 867a, Part III.B.

The Hearing Committee on Misconduct in Scholarly Research provided for in Part III.A.1. of Faculty Document 867a shall consist of three to five members, a majority of whom shall be UW-Madison faculty members. The chair, who shall be a law trained UW-Madison faculty member, and one additional UW-Madison faculty member shall be appointed for two-year terms. Other members shall be experts in areas germane to the scholarly misconduct allegations in question, and any member who does not come from the UW-Madison faculty shall be a tenured faculty member at an institution of higher education in the United States. All members shall be selected by the provost after consultation with the University Committee.

The Hearing Committee shall proceed in accordance with the provisions of [UWS 4.04-4.06](#) and Faculty Document 867a, Part III.A. and E. In order to make a finding of misconduct in scholarly research, the committee must be satisfied that there is clear and convincing evidence of such misconduct.

Within 10 days after receipt of the Hearing Committee's report, the faculty member may appeal to CFRR by giving written notice of the appeal to the chair of CFRR. CFRR shall review the record made before the Hearing Committee, but shall not receive any new evidence. CFRR may ask members of the Hearing Committee to explain matters within their expertise, and the faculty member is entitled to be present when any such explanation is given and to ask pertinent questions. Within ten days after giving notice of appeal, the faculty member may submit written arguments to CFRR. CFRR will hear oral argument if the faculty member or the Hearing Committee requests it.

The action of the Hearing Committee shall be affirmed unless CFRR determines (a) that the Hearing Committee's factual findings are clearly erroneous, or (b) that the committee erred in applying the law and that this error influenced the committee's decision, or (c) that the recommended sanction is inappropriate. In determining whether a factual finding is clearly erroneous, the question to be answered by CFRR is not whether it would have reached the same conclusion as the Hearing Committee but, rather, whether reasonable people could have considered the findings to have been supported by clear and convincing evidence. Similarly, the criterion for reviewing the sanction shall be whether reasonable people could consider it appropriate under the circumstances of the case. If CFRR finds error as defined above, it will recommend to the chancellor actions to remedy the error. If CFRR finds an inappropriate sanction was recommended, it will recommend a different sanction.

If the Hearing Committee decision is appealed to CFRR, CFRR shall formulate a written decision and transmit it to the chancellor and the faculty member within ten days after the conclusion of its proceedings. Within ten days thereafter, the faculty member may file objections with the chancellor.



If no appeal is taken to CFRR from the Hearing Committee decision, the faculty member may file objections with the chancellor within ten days after receipt of the Hearing Committee's report.

Procedures thereafter shall be according to [UWS 4.07-4.10](#) or [UWS 6.01](#).

**VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY  
(VIRGINIA TECH)**

<http://www.provost.vt.edu/facultyhandbook/fh-02.html>

## **2.11 Imposition of a Severe Sanction or Dismissal for Cause**

### **2.11.1 Adequate Cause**

Adequate cause for imposition of a severe sanction or dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

Adequate cause includes:

1. violation of professional ethics (see especially section 2.7);
2. incompetence as determined through post-tenure review;
3. willful failure to carry out professional obligations or assigned responsibilities;
4. willful violation of university and/or government policies;
5. falsification of information relating to professional qualifications;
6. inability to perform assigned duties satisfactorily because of incarceration; or
7. personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately-charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-tenure review) or by the relevant administrator (for example, the department head, equal opportunity officer, internal auditor, or campus police). Generally, these investigations result in a report of findings; some reports also include a recommendation for sanctions. The report is directed to the relevant administrator for action; it will also be shared with the faculty member. Imposition of a severe sanction or initiation of dismissal for cause proceedings, if warranted, shall follow the procedures set forth below.

### **2.11.2 Imposition of a Severe Sanction**

**Definition and Examples:** A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, imposed for unacceptable conduct and/or a serious breach of university policy.

Routine personnel actions such as a recommendation for a below average or no merit increase, conversion from a calendar-year to an academic-year appointment, reassignment, or removal of an administrative stipend do not constitute “sanctions” within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in the Faculty Handbook.

Process for Imposing a Severe Sanction: The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction shall follow the same procedures as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or ad hoc faculty committee will conduct an informal inquiry (step two). The requirement for such an informal inquiry shall be satisfied if the investigation was conducted by an appropriately-charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct policies) and, having determined that in its opinion there is adequate cause for imposing a severe sanction, refers the matter to the administration.

### **2.11.3 Dismissal for Cause**

The following procedures apply to faculty members with tenure or continued appointment, or in the case of involuntary termination of an instructional faculty member on a fixed-term regular appointment before the end of the term. Procedures for dismissal for cause for administrative and professional faculty without tenure or continued appointment are contained in section 3.0 of the Faculty Handbook. Dismissal for cause procedures for special research faculty is contained in the Special Research Faculty Handbook.

Dismissal will be preceded by:

1. Step one: Discussions between the faculty member and the department head or chair, the dean, and/or the provost, looking toward a mutual settlement.
2. Step two: Informal inquiry by a standing (or, if necessary, ad hoc) faculty committee having concern for personnel matters. (This committee shall attempt to effect an adjustment and, failing to do so, shall determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the president's decision whether to proceed.)
3. Step three: The furnishing by the president (in what follows, the president may delegate the provost to serve instead) of a statement of particular charges, in consultation with the department head or chair and dean. The statement of charges will be included in a letter to the faculty member indicating the intention to dismiss, with notification of the right of a formal hearing. The faculty member will be given a specified reasonable time limit to request a hearing, that time limit to be no less than 10 days.

Procedures for conducting a formal hearing, if requested: If a hearing committee is to be established, the president will ask the Faculty Senate, through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members should be nominated on the basis of their objectivity, competence, and regard in which they are held in the academic community. They shall be determined to have no bias or untoward interest in the case and to be available at the anticipated time of hearing. The faculty member and the president will each have a maximum of two challenges from among the nominees without stated cause. The president will then name a five-member hearing committee from the remaining names on the nominated slate. The hearing committee will elect its own chair.

Pending a final decision on the dismissal, the faculty member will be suspended only if immediate harm to himself or herself or to others is threatened by continuance. If the president believes such suspension is warranted, consultation will take place with the Reconciliation Committee of the Faculty Senate concerning the propriety, the length, and other conditions of the suspension. Ordinarily, salary will continue during such a period of suspension.

The hearing committee may hold joint pre-hearing meetings with both parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair and expeditious.

Notice of hearing of at least 20 days will be made in writing. The faculty member may waive appearance at the hearing, instead responding to the charges in writing or otherwise denying the charges or asserting that the charges do not support a finding of adequate cause. In such a case, the hearing committee will evaluate all available evidence and rest its recommendation on the evidence in the record.

The committee, in consultation with the president and the faculty member, will exercise its judgment as to whether the hearing should be public or private. During the proceedings, the faculty member will be permitted to have an academic advisor and legal counsel. At the request of either party or on the initiative of the hearing committee, a representative of an appropriate educational association shall be permitted to attend the hearing as an observer.

A verbatim record of the hearing will be taken.

The burden of proof that adequate cause exists rests with the institution.

The hearing committee will grant adjournment to enable either party to investigate evidence about which a valid claim of surprise is made. 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 evidence. The faculty member and administration will have the right to confront and cross-examine all witnesses. The committee will determine the admissibility of statements of unavailable witnesses and, if possible, provide for interrogatories.

The hearing committee will not be bound by strict rules of legal evidence, and may admit any evidence that is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

The findings of fact and the recommendation will be based solely on the hearing record.

The president and the faculty member will be notified of the recommendation in writing and will be given a written copy of the record of the hearing.

If the hearing committee concludes that adequate cause for dismissal has not been established, it will so report to the president. In such a case, the committee may recommend sanctions short of outright dismissal or may recommend no sanctions. If the president rejects the recommendation, the hearing committee and the faculty member will be so informed in writing, with reasons, and each will be given an opportunity for response.

**Appeal to the Board of Visitors:** If the president decides to impose dismissal or other severe sanction, whether that is the recommendation of the hearing committee, the faculty member may request that the full record of the case be submitted to the board of visitors (or a duly constituted committee of the board). The board's review will be based on the record of the committee hearing, and it will provide opportunity for argument, written or oral or both, by the principals at the hearing or their representatives. If the recommendation of the hearing committee is not sustained, the proceeding will be returned to the committee with specific objections. The committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The board will make a final decision only after study of the committee's reconsideration.

**Notice of Termination/Dismissal:** In cases where gross misconduct is decided, termination will usually be immediate. The standard for gross misconduct shall be behavior so egregious that it evokes condemnation by the academic community generally and is so utterly blameworthy as to make it inappropriate to offer additional notice or severance pay. Gross misconduct shall be determined by the first faculty committee that considers the case. In cases not involving gross misconduct: (a) a faculty member with tenure or continued appointment will receive up to one year of salary or notice, and (b) a probationary faculty member will receive up to three months salary or notice. These terms of dismissal shall begin at the date of final notification of dismissal.

**UNIVERSITY OF PENNSYLVANIA**  
[http://www.upenn.edu/assoc-provost/handbook/ii\\_e\\_16.html](http://www.upenn.edu/assoc-provost/handbook/ii_e_16.html)

**II.E.16. Procedure Governing Sanctions Taken Against Members of the Faculty**

(Source: Trustees, June 20, 1997; Almanac, October 21, 1997)

1. Introduction and Definitions

Introduction

The imposition of a sanction on a faculty member of the University of Pennsylvania is a rare event. However, when situations that might lead to such an action arise, they must be handled fairly and expeditiously. It is essential to have a process that both protects the rights of faculty members and addresses the legitimate concerns of the University. This policy replaces the previously existing "Suspension or Termination of Faculty for Just Cause" (Handbook for Faculty and Academic Administrators 1989, as revised 1991, pages 47-51) and also modifies the "Procedures of the Senate Committee on Conduct" (Almanac October 31, 1989).

Any cases initiated after this policy is in force, even if the alleged actions preceded its adoption, will be governed by the procedures prescribed here. This document simplifies the previous processes and relates them to a Dean's procedures for imposing minor sanctions. The result is a more coherent and less cumbersome process.

Definitions

- 1) "Charging party" - the Provost, a Dean, a Provost's or Dean's designee who shall be a faculty member of the University, or a Group for Complaint (Definition No. 6).
- 2) "Complainant" - individual bringing to the attention of a Dean or the Provost a situation that may call for a sanction (Definition No. 14) against a faculty member (Definition No. 5). The complainant may be a student or faculty or staff member of the University, or any individual outside the University who believes that a major infraction (Definition No. 8) or minor infraction (Definition No. 10) of University behavioral standards by a faculty member has occurred.
- 3) "Counsel" - an advisor, who may be an attorney.
- 4) "Dean" - the Dean of one of the University's schools.
5. "Faculty member" - a member of the standing faculty, or a standing faculty clinician-educator.
- 6) "Group for Complaint" - a charging party elected by the standing faculty of a school, by a secret ballot, from its own tenured professors which by the fact of its election shall be empowered to take action that may result in the imposition of a major sanction (Definition No. 9) pursuant to these procedures. The size of the Group for Complaint shall be determined by the faculty but shall not be less than three.
- 7) "Hearing Board" - either the University Tribunal or the School Committee on Academic Freedom and Responsibility (CAFR). The respondent shall determine whether the Hearing Board will be the University Tribunal (Definition No. 18) or the School CAFR.

- 8) "Major infraction of University behavioral standards" - an action involving flagrant disregard of the rules of the University or of the customs of scholarly communities, including, but not limited to, serious cases of the following: plagiarism; misuse of University funds; misconduct in research; repeated failure to meet classes or carry out major assigned duties; harassment of, improperly providing controlled substances to, or physical assault upon, a member of the University community; the bringing of charges of major or minor infractions of University standards against a member of the University community, knowing these charges to be false or recklessly indifferent to their truth or falsity; violation of the University's conflict of interest policy or commission of serious crimes such as, but not limited to, murder or rape.
- 9) "Major sanction" - serious penalties that include, but are not limited to, termination; suspension (Definition No. 15); reduction in academic base salary; zero salary increases stipulated in advance for a period of four or more years.
- 10) "Minor infraction of University behavioral standards" - an action involving disregard of the University's rules or of the customs of scholarly communities that is less serious than a major infraction.
- 11) "Minor sanction" - penalties less serious than a major sanction that may include, but are not limited to, a private letter of reprimand; a public letter of reprimand; special monitoring of specific future research, teaching, supervision of students, or other activities related to the minor infraction.
- 12) "Misconduct in Research Procedures" - the "Procedures Regarding Misconduct in Research" set forth in the current Handbook for Faculty and Academic Administrators.
- 13) "Respondent" - the faculty member complained against.
- 14) "Sanction" - penalties imposed by the Trustees, the President, the Provost, or a Dean on a faculty member.
- 15) "Suspension" - temporary removal of all or a substantial portion of a faculty member's University activities with or without compensation.
- 16) "Termination" - cancellation of a faculty member's appointment and compensation, as of a certain date.
- 17) "University Just Cause Panel" - a University-wide Panel from which University Tribunals are chosen. This Panel shall be composed of tenured professors: twelve from the School of Arts and Sciences; twelve from the School of Medicine; six each from the School of Engineering and Applied Sciences, the School of Veterinary Medicine, and the Wharton School; and three from each of the remaining schools of the University. They shall be appointed, for staggered three-year terms except where an appointment is to complete the term of a person who leaves the panel early. Terms start on July 1. Appointments may be renewed.

The Chair of the Faculty Senate, after consultation with the Past Chair and Chair-elect, has the responsibility for designating the members of the Panel from current or past members of the various School Committees on Academic Freedom and Responsibility and/or past members of the Senate Committee on Academic Freedom and Responsibility (SCAFR).

This shall be done in consultation with the current or past chairs of the various Committees on Academic Freedom and Responsibility, and with due regard for the need

for appropriate diversity on University Tribunals. It is also the responsibility of the Chair of the Faculty Senate to inform the prospective members of the Panel about their responsibilities as members of a Tribunal.

18) "University Tribunal" - a body of six tenured professors selected from the Just Cause Panel to hear evidence in a particular case. No more than two members of a Tribunal shall hold primary appointments in the same school. Not less than one of the members shall be from the school of the respondent. The Tribunal shall be created by the process described below. That process shall continue until a Tribunal of six that includes at least one member of the faculty of the school of the respondent can be designated. Once the members of the Tribunal have been designated, they will then elect a chair. Members of the Tribunal shall serve until the case is completed regardless of the termination date of their appointment to the University Just Cause Panel. The Chair of the Tribunal shall conduct the Tribunal's business and preside at hearings but not cast votes except to break ties. Once having served as members of a Tribunal, faculty members are excused from further membership on the University Just Cause Panel for the remainder of their terms. The Chair of the Faculty Senate shall designate a faculty member from the same school to serve the remainder of the term in accordance with the process described in Definition No. 17.

19) "Working days" - shall mean Mondays through Fridays except when the University is officially closed.

## 2. Suspension or Termination for Just Cause: Preliminary Procedures

### Types of Charges

Two types of charges, governed by two separate but related processes, are covered by these procedures: major infractions of University behavioral standards and minor infractions of University behavioral standards. In each situation, appropriate action shall be initiated promptly by a member of the University administration who shall normally be the Dean of the school in which the faculty member's primary appointment lies but who may, in unusual circumstances, be another Dean or the Provost. The Dean or Provost may act personally or through a delegate.

### Preliminary Procedures

Should a question arise regarding the possible imposition of a sanction, the Dean or Provost shall normally interview the respondent in the presence of any department chair concerned and afford opportunity for informal adjustment of the matter. If the matter is adjusted informally to the satisfaction of the Dean or Provost and the respondent, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the Dean or Provost shall consult with several tenured members of the University faculty who are not currently members of the University Just Cause Panel or the school CAFR. Relying on these consultations, the Dean or Provost shall decide whether to invoke the just cause procedures in a case involving major infractions of University behavioral standards, to impose minor sanctions directly in a case involving minor infractions of University behavioral standards, or to drop the matter. If the decision is to drop the matter, the Dean or Provost shall notify the respondent and any complainant in writing.

### Formation of a Group for Complaint



If the Dean or Provost decides to drop the matter or impose a minor sanction, no further proceedings shall be initiated with the single exception of the faculty's prerogative to form a Group for Complaint. If a faculty has by resolution requested its Dean to examine a situation possibly involving imposition of a major sanction and within 15 working days following the date such resolution was adopted, neither the Dean, another Dean, nor the Provost has either initiated proceedings for imposition of a major sanction or provided reasons for not initiating such proceedings that are deemed satisfactory by the faculty, then, within 30 working days, the faculty may elect from its own members a Group for Complaint. Members of the University Just Cause Panel and the School CAFR shall withdraw from faculty meetings when these matters are considered and shall not be eligible for membership on the Group for Complaint. The secretary of the faculty shall record the minutes of this meeting and attach as appendices any written information upon which the faculty's vote to elect the Group was based. If formed, the Group shall receive this material and promptly conduct an investigation and may initiate proceedings for imposition of a major sanction if it determines that there is substantial reason to believe that just cause exists therefor. A determination by the Group not to initiate further proceedings shall be reported to the faculty, the Dean, the Provost, the respondent and any complainant, with the Group's reasons for making such determination, and no further action shall be taken by the faculty. However, the Group for Complaint may recommend that the Dean or Provost, where appropriate, impose a minor sanction. If a Dean, Provost or Group for Complaint decides to pursue the case against the faculty member, that individual or group shall initiate other proceedings as described in the remaining sections of this policy.

### 3. Minor Sanction

#### Imposition by Dean or Provost

If, having consulted with several members of the tenured faculty, the Dean or Provost concludes that the situation involves only a minor infraction of University behavioral standards, the Dean or Provost shall impose a minor sanction on the respondent. He or she shall notify the respondent of this decision and take the steps necessary to put the sanction into effect after the two-week time period for the possible initiation of the mechanisms needed to create a Group for Complaint.

#### Application for Relief to Faculty Grievance Commission

The respondent may apply to the Faculty Grievance Commission for relief from any minor sanction imposed by the Dean or Provost. However, subsequent formation of a Group for Complaint requires that the Grievance Commission cease all activity regarding such relief until a final decision has been reached concerning a major sanction.

### 4. Major Sanction

#### Charging Party Requests Formation of Hearing Board:

#### Respondent's Options

1) If the charging party believes that a major infraction of University behavioral standards has occurred, the charging party shall promptly request that the Chair of the Faculty Senate determine, within three working days, whether the respondent wishes to be heard by a University Tribunal or the school CAFR. If the respondent chooses the University Tribunal, the Chair of the Faculty Senate shall prepare a list of 10 faculty

members from the University Just Cause Panel who will constitute the potential members of the University Tribunal.

2) The 10 potential members are to be drawn from a randomly ordered list of members of the University Just Cause Panel that is stratified to insure that at least two shall hold primary appointments from the school of the respondent and no more than three shall hold primary appointments from a single school. Only the Chair of the Faculty Senate and the Executive Assistant to the Faculty Senate Chair shall know the order of the names on this list. The Chair of the Faculty Senate shall provide the potential members with copies of these procedures.

**Charging Party and Respondent Informed of Potential Members of Hearing Tribunal**

If the respondent chooses to be heard by a University Tribunal, the Chair of the Faculty Senate shall, within 5 working days following the respondent's choice, provide to the charging party and the respondent an alphabetic listing of the potential members of the Tribunal.

**Disqualification of Potential Members of Hearing Board**

1) The charging party and the respondent each shall be entitled to move to disqualify for prejudice any potential member of the Hearing Board. Such motion shall set forth, in writing, the reasons therefor and shall be delivered to the Chair of the Faculty Senate if the hearing is to be conducted by a University Tribunal or to the chair of the School CAFR if the Hearing is to be conducted by that body not later than 15 working days after the potential members have been named.

2) Motions to disqualify members of the school CAFR shall be decided by the remaining members of the committee. If the remaining members decide that disqualification is proper, an alternate member, if any is available, shall serve as a substitute for the disqualified member. If an alternate member is not available, the remaining members shall select a substitute.

3) If the respondent has chosen to be heard by a University Tribunal, the Chair of the Faculty Senate shall convene the potential members of the Tribunal after the deadline for motions to disqualify has passed, but no later than 25 working days after the potential members have been named. The potential members shall immediately elect a pro tempore chair from those members who are not named in a motion to disqualify. These members shall decide, by majority vote, whether to disqualify the members named in the motions. The pro tempore chair shall provide the list of potential members who have not been disqualified to the Chair of the Faculty Senate. The Chair of the Faculty Senate will designate the six of the remaining eligible members who rank highest on the randomized list as the University Tribunal for this case.

**Members of University Tribunal Named**

If more than four members of the group or all members of the faculty of the school of the respondent are disqualified, the Chair of the Faculty Senate shall, without identifying those who were not excused, provide an additional list of four more than the number excused, in the manner provided in paragraphs IV.A., B., and C.

**Hearing Board Determines Whether to Proceed**

- 1) Once the composition of the Hearing Board is determined, the charging party shall promptly send to the Chair of the Hearing Board, the respondent and the Dean and Provost a written statement which sets forth in as much detail as is practicable the grounds for the complaint and for the recommendation of a major sanction. In the case of misconduct in research, the report of the formal investigation committee issued under the Misconduct in Research Procedures shall be included. The notice to the respondent shall be by certified mail. To determine whether formal hearings shall take place, the Hearing Board shall immediately consider the statement from the charging party, consult the relevant documents, and afford the charging party opportunity to present oral and written argument, but shall not hold a hearing to receive evidence.
- 2) If the Hearing Board concludes that the grounds stated, if true, would clearly not constitute just cause for imposition of a major sanction, it shall issue a report to that effect, sending copies to the charging party, the President, any complainant, and the respondent. The substance of the complaint shall not be the basis of any further proceedings with respect to major sanctions. However, the Hearing Board may remand the case to the Dean or Provost for further proceedings or actions in accordance with paragraph 3.A. that relates to a minor sanction.
- 3) If the Hearing Board concludes that the grounds stated, if true, might constitute just cause for the imposition of a major sanction, and it believes that there is probable cause that in further proceedings the grounds stated will be found to be true, it shall conduct such proceedings as hereinafter provided.
- 4) The Hearing Board shall normally issue its determination within 15 working days of receiving the complaint, unless circumstances clearly warrant a delay, in which case the record shall detail reasons for the delay.

#### Notification of Right to a Hearing

If further proceedings are conducted, the Chair of the Hearing Board shall send to the respondent, by certified mail, written notice that the respondent may preserve the right to a hearing by notifying the Hearing Board's Chair, in writing, within 15 working days following the respondent's receipt of such notice. The Hearing Board may at its discretion and in exceptional circumstances, grant a short extension of this time period at the respondent's request and upon a showing of good cause. The charging party shall supply to the Chair of the Hearing Board a summary statement of the evidence to be presented by the charging party, including a list of witnesses, copies of relevant extracts from the Statutes and standing resolutions of the Trustees of the University of Pennsylvania, a copy of these procedures, and copies of any other University documents that are relevant to the respondent's procedural rights in this matter. The Chair of the Hearing Board shall furnish these documents with the notice to the respondent.

#### Hearing Board Procedure in the Absence of Participation by Respondent

If the respondent does not request a hearing, the charging party shall nevertheless present evidence to the Hearing Board. The Hearing Board shall then make a written report of its findings, conclusions and recommendations and send a copy of its report and a transcript of the testimony prepared as in paragraph 4.I. below to the charging party and the respondent within 20 working days following the receipt of the charging party's evidence. If the Hearing Board concludes that the charging party has not shown clear and

convincing evidence of just cause for the imposition of a major sanction, no major sanction may be imposed, and the substance of the complaint shall not be the basis for any further proceedings with respect to major sanctions. However, based on clear and convincing evidence of a minor infraction, the Hearing Board may recommend that the Dean or Provost impose a minor sanction and he or she will normally implement that recommendation. If the Hearing Board concludes that the charging party has shown clear and convincing evidence of just cause for the imposition of a major sanction, the Hearing Board shall promptly send to the President a copy of its report recommending the major sanction and a transcript of the testimony.

#### Hearing Board Procedure when Respondent Participates

If the respondent requests a hearing before the Hearing Board, the Chair of the Hearing Board shall notify the charging party and the respondent in writing of the date and place of the hearing, within 5 working days following the receipt of the respondent's request. The hearing shall be held at the earliest date that is practicable to the respondent, charging party and Hearing Board, and ordinarily no more than three months from the notification date. Delay of the hearing beyond three months from the notification date shall require a written request to the Hearing Board from the charging party or respondent, and be granted only if the Hearing Board deems that more time is required. Not less than 15 working days prior to the date of the hearing, the respondent shall provide to the Chair of the Hearing Board a written answer to the charging party's statement of the grounds for the complaint and for the recommendation of a major sanction.

#### Procedures During a Hearing

Hearings shall be private with two exceptions. The respondent shall have the right to invite as observers representatives of national professional academic associations concerned with matters of academic freedom and tenure. Other observers may be invited to attend if the charging party, the respondent and the Chair of the Hearing Board consent. A transcript of the hearing shall be made at the expense of the University. The charging party has the burden of proving by clear and convincing evidence that there is just cause for imposition of a major sanction against the respondent. Both the respondent and the charging party may appear personally throughout the hearing; both may have the assistance of counsel. The Hearing Board shall afford the respondent and the charging party the opportunity to present oral and written argument. The respondent and the charging party shall have the right to confront the witnesses and to question them personally or through counsel. They may call witnesses and shall receive the cooperation of the University administration in securing the attendance of such witnesses and the production of such documents as may be relevant. The extent of document production shall be determined by the Hearing Board. The Hearing Board may permit the use of electronic or other means, such as telephone conference calls, in lieu of the appearance of witnesses.

#### Report of Hearing Board and Objections of Respondent

1) Upon concluding the hearings, the Hearing Board shall deliberate privately. It shall determine solely upon the basis of information presented at the hearings whether or not

the charging party has established by clear and convincing evidence that a major infraction has occurred. If so, the Hearing Board shall recommend what the major sanction should be. Decisions shall require a majority of the members participating. If the Hearing Board determines that just cause for the imposition of a major sanction has not been established, no major sanction may be recommended. In that event, the Hearing Board may recommend a minor sanction if it determines that a minor infraction has occurred.

2) The Hearing Board shall conclude its deliberations promptly and send to the President a written report in which it shall set forth its findings, conclusions, recommendations, and a transcript of the hearings. Copies of these documents shall also be sent to the respondent by certified mail, and to the charging party, and the Dean and/or Provost.

3) The respondent may request a reconsideration of the sanction by submitting a written statement to the Chair of the Hearing Board within 5 days of the receipt of the panel's recommendation. In the event of such a request, the Chair shall reconvene the Hearing Board within 5 days of the receipt of the request and hear statements from both the complainant and the respondent, delivered either personally or through counsel. The Hearing Board may, by majority vote, elect to recommend an increased or a decreased sanction; if the Board votes not to change its recommendation, the initial recommendation remains in force. The Chair of the Hearing Board shall communicate its recommendation to the President and to the respondent in writing no later than 5 days after the hearing on the request for reconsideration of sanction.

4) In either case the respondent may, within 30 working days following the receipt of the documents (i.e., 30 days, including the 15 days allowed for a reconsideration of sanction), send to the President any objections to the findings, conclusions or recommendations of the Hearing Board.

#### President's Actions

1) The President, relying only upon the materials forwarded by the Hearing Board and objections submitted by the respondent, shall normally accept the Hearing Board's recommendations.

2) The President may depart from the Hearing Board's recommendations only in exceptional circumstances and only after consulting the individuals then serving as the Chair, Past Chair and Chair-elect of the Faculty Senate ("the three Chairs"). Permissible departures are limited to (a) discontinuance of the proceedings for failure of proof and (b) the reduction in the severity of a sanction. When a departure is proposed, the President shall send to the three Chairs all of the documents received from the Hearing Board and the respondent and shall secure their views before taking action. Should any of the three Chairs be unable to serve, the other two Chairs shall select a replacement from the available former Chairs of the Faculty Senate.

3) If the proceedings are discontinued, the substance of the complaint shall not be the basis for any further proceedings with respect to major sanctions.

4) The President may request reconsideration of the sanction recommended by a hearing board by submitting a written statement to the Chair of the Hearing Board within 5 days of the receipt of the panel's recommendation and the respondent's objections. In the event of such a request, the Chair shall reconvene the Hearing Board within 5 days of the receipt of the request and hear statements from both the President and the respondent,

delivered either personally or through counsel. The Hearing Board may, by majority vote, elect to recommend an increased or a decreased sanction; if the Board votes not to change its recommendation, the initial recommendation remains in force. The Chair of the Hearing Board shall communicate its recommendation to the President and to the respondent in writing no later than 5 days after the hearing on the request for reconsideration of sanction.

5) The President may remand the matter to the Hearing Board because there has been a significant defect in procedure. If the matter is remanded to the Hearing Board, the President shall send to the Hearing Board the respondent's objections, if any. The Hearing Board shall reconvene, take steps to repair any procedural defects, and hold an additional hearing, if needed, granting to the parties those procedural rights provided in paragraph 4.I. The Hearing Board shall then send a second report to the President, along with the transcript of any second hearing, with copies to the respondent by certified mail, and to the charging party and the Dean and/or Provost.

6) Within 10 days of the receipt of the materials forwarded by the Hearing Board, the President shall send to all interested parties a letter stating his or her decision and the reasons. The President's decision, except a decision to remand or a decision that is the subject of an appeal under paragraph 4.L., is final within the University.

#### Appeal of President's Decision

If the respondent objects that there has been a significant defect in procedure but the President declines to remand the matter to the Hearing Board under paragraph 4.K.4), the respondent may appeal on that ground in writing to SCAFR. The President shall promptly forward to SCAFR all of the documents upon which the decision was made. SCAFR shall review the documents forwarded by the President and the respondent's written statement of appeal and shall decide the appeal within 30 working days of the receipt of the documents. If SCAFR finds that there has been a significant defect in procedure, it shall remand the matter to the Hearing Board for further proceedings in accordance with paragraph 4.K.4). Otherwise, the President's decision shall be final.

#### Termination

If the Hearing Board recommends that the respondent's appointment be terminated, it shall also recommend a date of termination and a date of termination of salary and benefits, which cannot be more than one year beyond the date of the President's final action.

#### Hearing Board Records

On the completion of the case the Hearing Board shall transfer all of its records to the office of the Faculty Senate. These records shall be stored in a locked file. The Chair, Past Chair and Chair-elect of the Faculty Senate, are responsible for obtaining and maintaining these records.

#### 5. Interim Suspension

A faculty member shall not be suspended prior to the conclusion of proceedings under this policy unless continuance poses a threat of immediate harm to the faculty member or others. Any such suspension shall be with salary. A Dean's decision to suspend a faculty member shall be accompanied by a concise statement of the factual assumptions on which it is based and the grounds for concluding that the faculty member's continuance

threatens immediate harm. Such a decision should be made only after consultation with the school CAFR, which should, whenever possible, afford the faculty member an opportunity to be heard, and to present evidence why interim suspension should not be imposed.

#### 6. General Matters

##### No Public Statements When Proceedings Are in Progress

To preserve the integrity of the process, members of the University community should avoid public statements about charges and proceedings that involve minor or major sanctions until the proceedings have been completed.

##### Actions When Charges Are Unfounded

If final action under Section 4 completely exonerates the respondent, the University shall reimburse that individual for the reasonable costs and expenses, including attorney fees, incurred in his or her defense. In that event the administration should also attempt to ameliorate any damage wrongly done to the reputation of the respondent or of any complainant, provided that the complainant acted in good faith. If it appears that the complainant did not act in good faith, the administration shall investigate and take appropriate action.

##### Statements Following a Minor Sanction

If the respondent has been subjected to a minor sanction, the Dean or Provost, after consultation with the President and discussion with the Chair of the Faculty Senate, may publicize this fact.

##### Statements Following a Major Sanction

If the respondent has been subjected to a major sanction, the President, after informal discussion with the Chair, Past Chair and Chair-elect of the Faculty Senate, shall publish in Almanac a statement describing the case and its disposition in appropriate detail.

##### Aide Memoir: Initialization of Panels

The following statement shall be sent to the Chair of the Faculty Senate on approval of this policy:

Initially, one-third of the members of the University Just Cause Panel chosen from each school shall serve for one year, one-third for two years and one-third for three years.

Thereafter, all appointments shall be for three-year terms, except where appointments are made to complete the terms of persons who leave the panel before the end of their terms.

**UNIVERSITY OF NORTH TEXAS**  
[http://www.unt.edu/planning/UNT\\_Policy/volume3/15\\_1\\_33.html](http://www.unt.edu/planning/UNT_Policy/volume3/15_1_33.html)

SUBJECT: UNT FACULTY DISCIPLINE POLICY

APPLICABILITY: FACULTY

1. Introduction:

The UNT Faculty Handbook, Section II: Personnel Policies and Procedures for Faculty Members and Librarians, B. “Academic Freedom and Faculty Responsibility” provides an overview of several faculty employment-related policies and emphasizes the importance of faculty to act responsibly.

In order for these freedoms [i. e. constitutional freedoms, together with freedom to learn and to teach what scholarship suggests is the truth, to question generally accepted tenets, and to publish without fear of reprisal what scholarship has discovered gives vitality to the university] to endure within the academic environment, however, a concomitant dedication to academic responsibility is also essential. The academic community, which asks protection from outside interference in order to perform its mission, cannot tolerate actions by its own members that hinder or make less effective the carrying out of that mission.

The right to these freedoms and the demands of academic responsibility apply equally to all those who teach at the University of North Texas, tenured or non-tenured, full time or part time. [Faculty Handbook, Sec. II, B].

The term “faculty member” in this policy includes persons with faculty or librarian appointments.

Other UNT employment policies related to faculty may also be related to this policy. For example: In cases of employment offenses or misconduct alleged to involve acts of discrimination, including sexual harassment, refer to [Policy # 1.3.7](#) and [1.3.19](#) and the procedures set forth in [Policy # 1.3.24](#). This Discipline Policy is used as a guide for determining appropriate sanctions. [This duplicates a statement found on page 3] UNT employment policies include, but are not limited to:

Policy Statement on Academic Freedom, Responsibility and Tenure ([Policy 15.1.1](#))

Ethics ([Policy 1.2.9](#))

Post Tenure Review ([Policy 15.1.2.4](#))

Dual Employment Policy ([1.2.2](#))

Non-discrimination/Equal Employment Opportunity and Affirmative Action ([Policy 1.3.7](#))

Sexual Harassment Policy ([Policy 1.3.19](#))

Voluntary Alternative Dispute Resolution ([Policy 1.7.5](#))

Information and Procedures for Pursuing and Resolving a Complaint of Discrimination, Including Sexual Harassment ([Policy 1.3.24](#))

Consensual Relationships ([1.3.19a](#))

Use of Alcohol ([1.2.10](#))



Illegal Drugs/Alcohol ([1.2.12](#))  
 Drug Free Workplace ([16.6.1](#))

The concept of progressive discipline acknowledges that a faculty member may be guilty of an employment offense or misconduct that, while serious, does not necessarily justify dismissal and/or loss of tenure. (A faculty member's activities that fall outside the scope of employment shall constitute misconduct only if such activities adversely affect the legitimate interests of the University.) Examples of such employment offenses or misconduct include, but are not limited to:

Neglect of duty or responsibilities, including unauthorized absence, which impairs teaching, research or other normal and expected services to the University  
 Failure to perform the terms of employment for reasons other than documented illness or injury  
 Willful violation of the rules and regulations of the Board of Regents, and/or the University or of federal or state laws.  
 Conduct, professional or personal, involving moral turpitude  
 Violation of the ethics of the academic profession.  
 Action(s) that results in preventing other members of the University community from fulfilling their responsibilities or that create a clear and present danger to members of the University community.

## 2. Discipline Sanctions Options:

Sanctions are disciplinary actions imposed on an individual that may include punishment or other corrective actions. Sanctions for university employees may include, but are not specifically limited, to reprimand, remediation, restitution, reassignment of duties or reassignment of workspace, ineligibility for pay raises or travel funds, suspension and dismissal. In some instances the faculty member may be placed on leave of absence until final action is taken.

Sanctions may extend from mild to severe and from informal to formal. In cases of employment offenses or misconduct, a range of sanctions short of dismissal should be available. This range of sanctions from minor to major constitutes progressive discipline. However, the imposition of any sanction must be regarded as a serious disciplinary step and even a first offense may warrant the most extreme penalty and loss of tenure. Any sanctions imposed must be selected to meet the severity, the frequency, and/or flagrant nature of the infraction.

Appropriate sanctions may include, but are not limited to the randomized list below. These sanctions do not appear in hierarchical order.

Reassignment to other duties  
 Oral reprimand  
 Reassignment of workspace  
 Restitution  
 Loss of tenure and/or dismissal  
 Written reprimand

Placement of the faculty member under direct supervision of the Chair/Dean with a specific plan for remediation and for a specific period of time  
 Loss of summer teaching employment for those on less than twelve month contracts  
 Loss of perquisites or of privileges of rank for a stated period, not to exceed two years  
 Loss of merit raises for a period not to exceed one year  
 Reduction in salary for a period of one year. The reduction will take place with the next academic year.  
 Reduction in rank with loss of salary not to exceed the prevailing promotional increment. This action in no way abrogates tenure.  
 Suspension with or without pay  
 Reduction in contract period.

In cases of employment offenses or misconduct alleged to involve acts of discrimination, including sexual harassment, refer to [Policy # 1.3.7](#) and [1.3.19](#) and the procedures set forth in [Policy # 1.3.24](#). This Discipline Policy is used as a guide for determining appropriate sanctions.

### 3. Procedures:

These procedures must be followed when a faculty member is alleged to have committed an employment offense or misconduct, other than discrimination. If however, the Chair regards the alleged employment offense or misconduct as one that warrants only an oral reprimand, the Chair may follow these procedures at his or her discretion.

The procedures listed below are to be followed in sequence:

The Chair notifies the Dean in writing of the alleged offense or misconduct. This notification includes which policies/procedures may have been violated with supporting evidence.

The Chair and Dean notify the Provost and Vice President of Academic Affairs. This notification includes which policies/procedures may have been violated with supporting evidence.

The Chair, Dean, and Provost and Vice President of Academic Affairs consult with the Office of the Vice Chancellor and General Counsel, who verifies all facts related to the alleged offense or misconduct.

The Chair notifies the faculty member in writing of the alleged offense or misconduct, clearly identifying which policies/procedures may have been violated with supporting evidence.

The faculty member is given an opportunity to respond both orally and in writing to the allegations and any evidence prior to any determination of culpability.

If the faculty member chooses to respond, the response must normally be made within ten (10) working days to the Chair.

The Chair reviews the faculty member's response (if any was made), his/her past performance and employment record, as well as gathering any additional information prior to determining if a sanction is warranted.

Normally within ten (10) working days after receiving the faculty member's response, the Chair notifies the Dean of the response and includes his or her recommendations regarding the alleged offense or misconduct. If warranted, the Chair's recommendation may include an appropriate sanction. Resolution of the matter may occur at this point.

The Dean consults with the Office of the Vice Chancellor and General Counsel and the Provost and Vice President for Academic Affairs and notifies the faculty member and the Chair of the sanction (if any) to be imposed. Notification is normally given within fifteen (15) working days.

The faculty member is given ten (10) days to respond both orally and in writing to the Dean before any sanction(s) becomes effective. The response should indicate any intention to appeal the recommended sanction(s) to the College/School Grievance Committee.

When a Chair is alleged to have committed an employment offense or misconduct, the Dean will follow the above procedures fulfilling the Chair's duties and the Provost and Vice President for Academic Affairs will act in the Dean's role. When a Dean is alleged to have committed an employment offense or misconduct, the Provost and Vice President for Academic Affairs will follow the above procedures fulfilling the Chair's duties and the President will act in the Dean's role.

Depending upon the severity of the alleged offense or misconduct, the President or the President's designee may immediately place a faculty member on leave with pay pending an investigation of alleged misconduct or other employment offense. The leave pending investigation shall commence immediately upon the President or designee providing the faculty member with a written notice of the reasons. The leave shall be with pay, with no reduction of accrued leave.

If, as a result of the investigation, the faculty member is to be suspended or terminated, written notice shall be given to the faculty member. In all cases the faculty member will be given an opportunity to respond within ten (10) working days before any sanction(s) become(s) effective. The response may be made both orally and in writing to all allegations and evidence.

#### 4. Appeal of Recommended Sanctions:

Faculty may appeal the Dean's recommended sanctions to College/School Grievance Committee. Resolution of the matter may occur at this point. If the matter is not resolved and the sanctions are imposed by the Dean, the faculty member may appeal to the University Review Committee or in cases of dismissal or the revocation of tenure to the University Tenure Committee. Appeals to the University Review Committee are governed by policy [15.1.4](#), The University of North Texas Review Committee Charter

and Bylaws. Appeals to the University Tenure Committee are governed by the Faculty Handbook, Sec. IV Faculty and University Governance, C. University Tenure Committee. The Committee may recommend acceptance, modification or rejection of the findings and/or sanctions.

5. Record Retention: Unless otherwise required by law or university employment policies, records retention will follow the university's Records Retention. In all cases, access to complaint and investigation records is strictly limited to the accused faculty member and those university officials directly investigating or adjudicating a complaint or implementing a complaint resolution, unless otherwise compelled by law or university policy.

**RICE UNIVERSITY**

[http://www.ruf.rice.edu/~facsec/facmin/Rice\\_Univ\\_Organization\\_Po2.pdf](http://www.ruf.rice.edu/~facsec/facmin/Rice_Univ_Organization_Po2.pdf)

**8. Termination of Appointments, Sanctions Short of Termination, and Suspension**

## 8.b. Sanctions other than dismissal

8.b.1. If the behavior of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, or removal as principal investigator from an already funded research project, the procedures specified in paragraphs 8.a.2 through 8.a.4 will be followed.

8.b.2. If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a letter of reprimand, it will notify the faculty member of the reasons for the proposed sanction and provide an opportunity for the faculty member to persuade the administration that the proposed sanction should not be imposed.

8.b.3. A faculty member who believes that an imposed sanction that has been described as minor is actually a major sanction, or that a minor sanction has been unjustly imposed, may petition the Faculty Grievance Committee for such action as may be appropriate. Grievances arising from normal salary administration will not be covered by this policy.

## UNIVERSITY OF NEW ORLEANS

<http://www.uno.edu/~acaf/forms/Policy%20on%20Faculty%20Conduct.pdf>

### 2.8 University Policy on Faculty Conduct

#### D. Procedure for Considering the Imposition of a Severe Sanction

##### 1. Channels

Allegations against a faculty member originating from any source shall be addressed to the Chair of that faculty member's department and must be in writing. The written statement of allegations shall name the parties involved, document the allegations, and provide supporting evidence and names of witnesses. Henceforth, the term "written statement of allegations" is synonymous with the term "complaint." Matters involving such allegations proceed through channels from the Department Chair to the faculty member's Dean or Director, to the Vice Chancellor for Academic Affairs, to the Chancellor, and to the Charges Committee of the Faculty Council.

If a complaint is lodged against a chair, dean, or director, in his/her capacity as a faculty member, the individual making the allegations may address the allegations directly to the person's immediate supervisor.

##### 2. Role of the Department Chair, Dean or Director, and Vice Chancellor for Academic Affairs

The Department Chair and the Dean or Director each shall attempt to bring about disposition of the matter. In the event that it is not possible to achieve a disposition satisfactory to the person making the allegation, as well as to the faculty member complained against and to any administrative official involved, then the Dean or Director shall forward the matter to the Vice Chancellor for Academic Affairs, who shall meet with the parties involved to attempt to bring about an informal resolution of the matter.

##### 3. The Complaint

If the matter can be resolved informally, the faculty member's Chair or higher administrator shall become the official complainant, who shall transmit through channels the written statement 1 concisely presenting the facts that allegedly constitute a violation of the University Policy on Faculty Conduct. The Chair or higher administrator may elect to become the official complainant or only to forward the statement. Only one faculty member may be named in an individual complaint. The Chancellor shall forward the complaint to the Charges Committee within five days 2 of receiving it.

##### 4. Interim Suspension

If, after consultation with the faculty member's department, it is the judgment of the Vice Chancellor for Academic Affairs that there is a clear probability that the continued assignment of a faculty member to regular duties will be immediately and seriously harmful to the University community, the Vice Chancellor shall recommend to the Chancellor that the faculty member be placed on full or partial interim suspension with

full pay until the Charges and Hearings Committees have acted. Such a suspension is only a precautionary action and not a form of discipline.

#### 5. Composition of the Charges Committee

The Charges Committee shall be a committee of the Faculty Council and shall consist of one member elected by each of the senior colleges within the University and of one member elected by the combined faculties of those units not in a senior college. Each unit shall also elect an alternate to serve in case a member of the Committee wishes to be recused on grounds of prejudice or involvement or for other reasons deemed valid by the Committee. Any tenured, full-time faculty member at the rank of Assistant Professor or above, or of one of the recognized equivalent ranks, exclusive of administrators above the rank of Chair, shall be eligible to serve on the Committee. Any full-time faculty member, exclusive of administrators above the rank of Departmental Chair, may vote.<sup>3</sup> No eligible faculty member may decline to serve on the committee unless he/she has previously served on this committee or on the Hearings Committee Pool. After the first election, the members of the Charges Committee shall draw lots to determine which two members will serve for one year, which two members will serve for two years, and which two for three years. Replacements for members whose terms have expired shall be elected by the appropriate units and shall serve for three years. Each year the Charges Committee shall elect one of its members to serve as Chair for the year. If a seat on the Committee becomes vacant before a term expires, the unexpired term shall be served by an eligible faculty member elected as described above.

#### 6. Responsibilities of Charges Committee

The Charges Committee shall within twenty days of receiving the complaint determine whether any of the allegations in the complaint, if true, would constitute a violation of University Policy on Faculty Conduct. The Committee shall also obtain from the person or persons bringing the allegations the names of the witnesses to be listed by that person or persons and a description of the evidence to be presented by these witnesses. After receiving this information the Committee shall determine if the evidence warrants a hearing. The Committee may also question any relevant parties in reaching these determinations. All deliberations of the Charges Committee shall be in private and a majority of the members (including the Chair) shall determine the decision of the Committee. The Charges Committee shall then forward the complaint with the Committee's findings and a statement of its numerical vote, and any minority report(s), to the Chancellor. If the Committee determines that the alleged conduct does not violate University Policy on Faculty Conduct or that the violations, if true, are insufficient to justify imposition of a severe sanction, or if the evidence does not warrant a hearing, the Committee shall recommend that the matter be terminated if the Chancellor agrees with the Committee's decision, then the matter shall be terminated and the affected parties shall be so notified. If the Chancellor disagrees with the findings of the Charges Committee, the Chancellor may initiate the proceedings as outlined in E below. If the Charges Committee concludes that any or all of the allegations in the complaint, if true, would constitute a serious violation of University Policy on Faculty Conduct and that the evidence warrants a hearing, and the Chancellor agrees, the Chancellor shall become the official complainant on behalf of the University, the complainant and the faculty member

complained against shall be so notified, and proceedings as outlined below shall be initiated. If the Chancellor disagrees with the findings of the Charges Committee, the Chancellor may terminate the matter. However, the complaint shall be forwarded to the faculty member complained against and the findings of the Charges Committee shall be forwarded to both the faculty member complained against and to the complainant, along with the Chancellor's written reasons for disagreement with the findings of the Charges Committee. The Charges Committee shall also have the duty of monitoring all time limits as set forth in Section E below.

#### E. Procedures for the Imposition of a Severe Sanction

##### 1. Written Notice to the Faculty Member

The Chancellor shall send the faculty member a written statement saying that there is evidence of cause for the imposition of a severe sanction and that on the basis of that evidence as the only evidence a severe sanction would have to be imposed. The Chancellor shall enclose a specification of reasons. This specification shall include the charge, the proposed sanction, the name or names of the person or persons bringing the allegations, the name of the Chancellor as official complainant, a list of witnesses suggested by the person(s) bringing the allegations and by the complainant, the description of that evidence presented to the Charges Committee, and a copy of this document, "University Policy on Faculty Conduct" The letter shall also Inform the faculty member that she/he has ten days to request a bearing before the Hearings Committee.

##### 2. Failure to Request a Hearing

If the faculty member does not submit a written statement requesting a hearing within ten days after receiving the specification of reasons, the sanction may be imposed by letter from the Chancellor without recourse to further institutional procedure.

##### 3. Request for a Hearing

If the faculty member makes a written request for a hearing within ten days of having, received the Chancellor's letter, the Chancellor shall convene the Hearings Committee Pool and lodge the charges. The hearing shall be on the charges lodged by the Chancellor. The Hearings Committee shall set a date for the hearing that accords the faculty member twenty days to prepare a defense. The Hearings Committee may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member.

##### 4. Composition of Hearings Committee Pool

The Hearings Committee Pool shall be a standing Committee of the Faculty Council and shall consist of 21 full-time tenured faculty members holding the rank of Assistant Professor or above, or one of the recognized equivalent ranks. No administrator above the rank of Departmental Chair nor any member of the Charges Committee shall be eligible for service. No eligible faculty member may decline to serve on this Committee. Each College shall elect two members to the Committee. The remaining members shall be elected at a duly-called Faculty Council meeting from a slate of candidates selected by the Policy Committee of the Faculty Council. Any full-time



faculty member, exclusive of administrators above the rank of Departmental Chair, may vote. The term of service on the Committee shall be three years except at the time the Committee is first constituted. The members of the first Committee shall draw lots to determine which seven shall serve for one, two, or three year terms. Retiring members shall be replaced by the same mechanism by which each was elected, except that the Policy Committee shall nominate only twice as many candidates as there are at-large positions to be filled.

If a seat on the Committee becomes vacant before a term expires, the unexpired term shall be served by an eligible faculty member elected as described above. If a member takes a one-year sabbatical or leave-of-absence of one or more years, that member shall be replaced for the leave period by election as described above.

#### 5. Formulation of a Hearings Committee

When the Chancellor convenes a Hearings Committee to deal with a specific disciplinary matter (see E-3 above), the Hearings Committee Pool shall, using procedures that it devises, select five of its members to serve on the Hearings Committee. The faculty member against whom sanction is sought, and the University, shall each have the right to challenge up to five of the proposed members of the Committee. Any challenge to the original composition of the Committee must be made within three days of the faculty member's being notified. As each candidate is challenged, a new one shall be selected by the Hearings Committee Pool. One member of the duly constituted Hearings Committee shall be selected as Chairperson by the members of the Committee.

#### 6. Access to Hearing

The hearing shall be closed to the public. At the request of the Committee or of the faculty member a representative from a responsible and widely recognized educational group may be present as an observer throughout the hearing.

7. Powers of the Hearings Committee The Hearings Committee shall have full and final control over the proceedings within the restrictions of this document. The Committee shall have complete control over the admissibility of evidence and the standard of proof, and shall have the power to insure that the hearing is conducted in a decorous manner.

All evidence deemed admissible must be made available to the faculty member, with sufficient opportunity for rebuttal. The Committee may call witnesses in addition to those listed by the complainant and the faculty member. Any previous witness may be recalled by the Committee.

#### 8. Presentation of Evidence

The faculty member shall be assumed innocent unless proved otherwise by the greater weight of the evidence presented. The faculty member shall be present throughout the hearing and shall have the right to one legal and/or one academic counsel. The University shall select one legal counsel to be present as an observer on behalf of the administration throughout the hearing, and the University Counsel shall upon request supply relevant legal advice to the Hearings Committee.

Such a request and the response either shall be in writing or, If oral, shall be made in the presence of the faculty member or his/her counsel. If a member of an educational group is present as an observer, the Committee shall also retain the right subject to the same restrictions, to seek advice from that person. The faculty member shall have the right to present the testimony of witnesses and other evidence, to question adverse witnesses, and to examine all documents and other adverse demonstrative evidence. All other examination of witnesses shall be conducted solely by the Hearings Committee. Only one witness at a time shall be present. A verbatim record of all proceedings shall be kept; upon request, a copy thereof shall be furnished to the faculty member at the University's expense.

#### 9. Role of Counsels

Legal counsels shall be restricted to an advisory role only. Both legal counsels may monitor the proceedings for fairness and advise the Committee on any apparent violations of academic due process. The Committee shall rule on any such points. A faculty member's request, present the defense as described in section E-8 above.

#### 10. Committee Deliberations

In reaching decisions on which its written recommendations to the Chancellor are based, the Committee shall conduct its deliberations in private, and its deliberations shall not be a part of the verbatim record.

If a simple majority of the Committee is convinced by the greater weight of the evidence that the charges are true, the Committee shall recommend imposition of a sanction. A simple majority of the Committee shall determine the severity of the sanction, not to exceed that specified in the charges. Individual members of the Committee may submit written minority opinions regarding the Committee findings or the recommended sanction as part of the written record of the hearing.

#### 11. Report to the Chancellor

The Committee shall present to the Chancellor within twenty days after the hearing concludes: (1) its recommendation, (2) the reasons for its recommendation, (3) all admissible evidence, (4) all excluded evidence with the reasons for its exclusion, (5) a full transcript of the hearing, and (6) all other documents relevant to the hearing and its conduct. If the Chancellor concurs with the Hearings Committee recommendation, then the Chancellor shall notify the parties involved (see E-12 below). If the Chancellor declines to accept the Committee recommendation, then the Chancellor shall write to the Committee specifying the reasons for disagreement. On receipt of the Chancellor's reasons, the Committee may respond if it wishes and this response shall also become a part of the record, which is made available to the faculty member.

#### 12. Notification of the Decision

Within twenty days of receiving the recommendation of the Hearings Committee, the Chancellor shall notify the Committee of his/her decision.

Ten days after notifying the Committee, the Chancellor shall send the faculty member a written statement to provide notification of his/her decision and of any sanction imposed. Included in this notification shall be the decision of the Committee, their written reasons for reaching the decision (including any dissenting opinions), and the reasons of the Chancellor if different from those of the Committee. The Hearings Committee, the complainant, and appropriate administrators also shall be notified.

**UNIVERSITY OF ALABAMA-HUNTSVILLE**

[http://www.uah.edu/legal/PDF\\_Files/uah\\_policy\\_pdfs/Disciplinary%20Policy%20Final.pdf](http://www.uah.edu/legal/PDF_Files/uah_policy_pdfs/Disciplinary%20Policy%20Final.pdf)

**7.14.3 Sanctions Other Than Dismissal****7.14.3.1 Other Major Sanctions**

If a department chair or dean believes that the conduct of a faculty member may not justify dismissal under the standards set forth above but is sufficiently grave to warrant suspension from employment without pay for a period of one month or more or reduction in salary, formal proceedings may be instituted seeking such action. The procedures set forth in Section 7.14.2 will govern such a proceeding. In the statement of charges, the faculty member should be informed that the proceedings may result in major sanctions, including dismissal.

**7.14.3.2 Minor Sanctions**

Disciplinary action involving sanctions less severe than dismissal, suspension without pay for one month or more, or reduction in salary may also be imposed. Such minor sanctions may include, without limitation, an oral warning, a letter of reprimand, a revised work assignment, a suspension with pay or a suspension without pay for less than one month, the denial of a merit salary increase, etc. Such actions are within the authority of a department chair and/or dean, except that any suspension may only be imposed by the Provost.

Imposition of a minor disciplinary sanction will occur only for adequate cause, which may include any conduct or performance problem adversely affecting the fitness of the faculty member to function in the role of teacher, researcher, or colleague in an academic community, such as professional or personal misconduct; failure, without adequate justification and whether due to incompetence or refusal, to perform academic duties in accordance with generally accepted norms; conviction of a crime; violations of other law or of University policy; etc. Procedurally, the faculty member will be given notice of the charge and the intent of the administrator to impose a minor sanction and thereafter will be allowed an opportunity to present a defense to the administrator. The administrator will conduct an investigation and review of the relevant circumstances as may be necessary to determine the validity and assess the seriousness of the charge.

In any instance in which a minor sanction is imposed under these procedures, the faculty member shall have full access to those avenues of appeal and redress afforded by the faculty General Grievance Procedure set forth in Appendix E.

**UNIVERSITY OF CALIFORNIA-SANTA CRUZ**  
<http://www2.ucsc.edu/ahr/policies/CAPPM/002015.htm>

**002.015 PROCEDURES FOR IMPLEMENTATION OF UNIVERSITY POLICY  
ON FACULTY CONDUCT AND ADMINISTRATION OF DISCIPLINE "A"  
POLICY**

**REFERENCES**

[APM 015](#) - The Faculty Code of Conduct

At UCSC, the following serves to implement university policy on faculty conduct and the administration of discipline, as defined by The Regents on 14 June 1974 and as subsequently amended. These procedures apply to all members of the Academic Senate (listed in Standing Order of The Regents [[SOR](#) 105.1]) and to titles defined as equivalent (listed in [SOR](#) 103.3).

The responsibility and authority to discipline faculty members lies with the Chancellor and hence with the administration. There is to be no redelegation of the Chancellor's authority to impose disciplinary sanctions within the terms of the University Policy on Faculty Conduct and the Administration of Discipline; no such sanction shall be imposed except as a consequence of the processes set forth below.

The following procedures apply in those instances in which an individual is charged with improper conduct as a member of the faculty, in alleged violation of the Faculty Code of Conduct. No faculty member's right to a hearing before the Committee on Privilege and Tenure under Academic Senate [Bylaw 334](#), or under [APM 140](#), shall be abridged in any way by these procedures.

**B. ESTABLISHMENT OF AN ADMINISTRATIVE COMMITTEE ON CHARGES**

An Administrative Committee on Charges shall be composed of at least three (3) Academic Senate members, one of whom must have formerly served on the Academic Senate Committee on Privilege and Tenure. Nominations of six to ten Senate faculty members shall be provided to the Campus Provost/Executive Vice Chancellor by the Academic Senate Committee on Committees as needed. The Campus Provost/Executive Vice Chancellor shall select the membership from the list provided by the Academic Senate.

Appointments to the Committee on Charges normally shall be for staggered one to three year periods, to assure continuity from year to year, with the expectation that a term will be for more than one year.

The Committee on Charges conducts investigations regarding complaints made against members of the faculty charging violation of university policy regulating individual conduct, in order to determine whether there is sufficient evidence to warrant the initiation of a disciplinary action.

In some instances, the allegations of improper conduct will involve matters more properly reviewed as grievances by the Committee on Privilege and Tenure. Complainants should contact the Academic Senate Office for referral to Privilege and Tenure Advisors, who can advise the complainant as to the appropriate discharge for the allegation.

### C. FORMAL CHARGES

Allegations against a member of the faculty, originating from any source, shall normally be addressed to the Campus Provost/Executive Vice Chancellor, and shall normally be accepted for inquiry only on the basis of a written, signed complaint form by the complainant (see Appendix A for Formal Complaint Form and further instructions) The Campus Provost/Executive Vice Chancellor may consult with the appropriate department chair and/or dean.

The Campus Provost/Executive Vice Chancellor may provide to the complainant a copy of the rules of procedure of the Committee on Charges. It shall be the complainant's responsibility to draft his/her complaint in the form furnished to him/her and to submit it to the Campus Provost/Executive Vice Chancellor (or designated representative) for inspection to insure that it conforms to a reasonable standard of conciseness and order. If any changes in the complaint are required to meet this standard, they shall be made in consultation with, and with the approval of, the complainant. The complainant must submit one Formal Complaint Form for each individual charged and explicitly identify the section(s) of the Faculty Code of Conduct alleged to have been violated. In the event there are multiple allegations against an individual, the allegations must be enumerated on the Formal Complaint Form. Any accompanying documentation must be labeled as to which allegation it is intended to support.

The Campus Provost/Executive Vice Chancellor will forward all such complaints of violations of the Faculty Code of Conduct by Academic Senate members to the Committee on Charges.

### D. PROCEDURES OF THE COMMITTEE ON CHARGES

The Committee on Charges will advise the Campus Provost/Executive Vice Chancellor, in accordance with the "Procedures for Implementation of University Policy on Faculty Conduct and Administration of Discipline": whether any of the allegations in the formal complaint, if true, would constitute a violation of the Faculty Code of Conduct; if so, whether there is sufficient evidence to warrant the administration's initiating a disciplinary action (there must be probable cause to believe that the accused's conduct is inconsistent with the ethical principles set forth in the Faculty Code of Conduct and significantly impaired the University's central functions) [see [APM 015](#)]; and if so, what disciplinary action, as described in [APM 015](#), is appropriate.

The Committee on Charges has the Chancellor's authority to seek further information in writing from people (witnesses) who may have relevant information. The Committee on Charges shall investigate all complaints which it finds to be credible. Should the Committee on Charges believe that a complaint does not warrant a full investigation, it

should report this conclusion to the Campus Provost/Executive Vice Chancellor. A charge will not be considered further if it is determined that the action, if it occurred as alleged, would not violate the Faculty Code of Conduct.

The Committee on Charges should advise individuals that the University will do all in its power to assure that information will be kept confidential to the extent required by law and University policy.

The Committee on Charges has access to and may examine files and documents under the control of the administration, including relevant personnel files and confidential documents therein. Such confidential documents will remain confidential within the committee.

The Committee on Charges may discuss procedural and interpretive questions with the Campus Provost/Executive Vice Chancellor and/or his or her designee, and with University Counsel.

It is expected that the Committee on Charges will conclude its work in ninety (90) calendar days or less, from notification of the accused, unless an extension is granted by the Campus Provost/Executive Vice Chancellor.

Staff will be assigned as needed to assist the Chair of the Committee on Charges. The complaint file shall include the letter to the Committee on Charges from the Campus Provost/Executive Vice Chancellor, forwarding the charge for investigation; the original copy of the complaint; any background materials submitted to the committee; and the committee's final report giving its determination, assessment of the evidence, and proposed disciplinary action, if any. The standard of proof upon which the recommendation is based shall be that of probable cause. Upon conclusion of the work of the committee on Charges the complaint file will be maintained in the Administrative Records Office.

#### **E. DISPOSITION OF THE REPORT OF THE COMMITTEE ON CHARGES**

In any case of discipline of a faculty member, the Chancellor will normally delegate to the Campus Provost/Executive Vice Chancellor authority to take action to dismiss or initiate disciplinary action upon receipt of the report of the Committee on Charges. Upon receipt of the report, the Campus Provost/Executive Vice Chancellor, acting on behalf of the Chancellor, will decide whether to dismiss the complaint or whether to initiate a disciplinary action against the faculty member. The Campus Provost/Executive Vice Chancellor shall notify the Committee on Charges of the action s/he intends to take in response to the Committee's recommendation(s). The complainant bringing the complaint against a faculty member, including against faculty serving in an administrative capacity, will be informed as to whether the complaint is held to have merit, but will not know what, if any, disciplinary action is taken. If the complainant believes his/her rights have been violated during the investigation, or that there is evidence of malfeasance or inappropriate behavior by committee members or the

administration during the process, he/she may file a grievance with the Committee on Privilege and Tenure.

#### F. DECISION TO DISCIPLINE: POSSIBLE HEARING BEFORE THE COMMITTEE ON PRIVILEGE AND TENURE

If the Campus Provost/Executive Vice Chancellor decides to initiate disciplinary action against a member of the Academic Senate, or a member of the faculty in an equivalent title, or against other faculty members in cases where the right to a hearing before a senate committee is given by Section [103.9](#) of the Standing Orders of The Regents, proceedings shall be conducted before the divisional Committee on Privilege and Tenure, as specified by [Bylaw 336](#) of the Academic Senate, unless this right is waived in writing by the faculty member. P&T will hear the case, using as a standard of proof the basis of clear and convincing evidence, and will report its findings and recommendations to the Chancellor, who, in turn, will decide which, if any, discipline to impose. See [APM 015](#) and Senate [Bylaw 336](#) for information on the conduct of hearings before P&T.

When a letter of intent to discipline a faculty member is prepared, this letter, including a statement of the charges and the proposed discipline, and the report of the Committee on Charges, will be given to the accused individual, with the letter delivered by the Campus Provost/Executive Vice Chancellor in the presence of the Chair of the Committee on Privilege and Tenure, who will also be given a copy of the letter of intent and the report of the Committee on Charges. This shall be the only means by which the proposed discipline shall be initially communicated, with no other formal or informal notification, including phone calls, from the administration to the individual facing possible discipline prior to this letter. The name of the individual involved, the nature of the charges, and the proposed discipline shall be confidential information, limited at this stage to the Chair and not made known to any other members of P&T. If the Chair of P&T has a conflict of interest<sup>i</sup> the chair shall recuse him/herself, as is standard P&T practice. The matter shall be handled by the Vice Chair of P&T or other members as conflicts of interest may dictate.

At the time of delivering the letter to the individual, the Chair of P&T shall make known to the faculty member the Senatorial right to a hearing before P&T. The Chair shall provide information about the options available to the faculty member, including accepting the proposed discipline, negotiating a settlement directly with the administration, negotiating a settlement with the involvement of the Chair of P&T, or proceeding with a hearing before P&T. The Chair shall also be available to provide information about the nature of P&T hearings<sup>ii</sup>.

If the accused faculty member chooses to accept the proposed discipline, negotiates a settlement directly with the administration at any point in the administrative process, or negotiates a settlement with the involvement of the Chair of P&T<sup>iii</sup>, the Chancellor shall report, without the faculty member's name, the charge, the finding, and the accepted sanctions to the entire Committee on Privilege and Tenure for information. A formal hearing on charges, as directed in Senate [Bylaw 336](#), shall take place before the Privilege and Tenure Committee in all cases unless the accused individual waives his or



her right to a hearing. If the accused individual waives the right to a hearing, then his/her name shall not be made known to the committee. If such a waiver is not forthcoming, the individual's name shall become known to the members of P&T beyond the chair.

#### G. ALTERNATE DELEGATION OF CHANCELLORIAL AUTHORITY

In the event the Campus Provost/Executive Vice Chancellor recuses him or herself from a case at any stage, the Chancellor may delegate her or his authority at that stage for that case to a person or persons whom the Chancellor judges to be appropriate. Without abridging the privacy rights of all persons involved in a Charges process, and in order to avoid conflict of interest or role or the appearance of conflict of interest or role in the designation of a delegate, the Chancellor will discuss the choice of the appropriate person with the Chair of the Academic Senate.

#### H. THE CASE OF AN EXTREME EMERGENCY

If, in the judgment of the Campus Provost/Executive Vice Chancellor, there is a clear probability that the continued assignment of the complained-against faculty member to regular duties would immediately and seriously endanger the university community or substantially impair the integrity of the academic program, s/he may place the faculty member on full or partial interim suspension with pay, proceeding immediately to implement the full review procedure as set forth above. Such action does not represent imposition of a disciplinary sanction. The Campus Provost/Executive Vice Chancellor shall provide the faculty member with a written statement of the reasons for such suspension.

## STANFORD UNIVERSITY

[http://www.stanford.edu/dept/facultysenate/archive/1999\\_2000/reports/106383/106371.html](http://www.stanford.edu/dept/facultysenate/archive/1999_2000/reports/106383/106371.html)

### STATEMENT ON FACULTY DISCIPLINE

This Statement on Faculty Discipline was approved by the Senate of the Academic Council on December 2, 1999, and by the Board of Trustees on December 14, 1999.

#### 1. Definitions and Standards

##### 1.1

In order to maintain the integrity of its teaching and research and to preserve academic freedom, Stanford University demands high standards of professional conduct from its faculty. In the case of a serious violation of these standards, a faculty member may face disciplinary charges under the following procedures.

##### 1.2

These disciplinary procedures are invoked when the Provost formally charges a faculty member with professional misconduct that is serious enough to warrant a sanction ranging from censure to dismissal from the University. This procedure applies to members of the professoriate, as defined in Chapter 1, Section II (E) of the Faculty Handbook. The statement on academic freedom applies.

##### 1.3

The Provost may charge a faculty member with professional misconduct only for actions taken in association with the faculty member's academic duties and responsibilities. Such misconduct includes but is not limited to the following: dishonest or unethical behavior in the faculty member's own teaching or research; preventing or obstructing teaching or research or any other lawful function of the University; sexual harassment; and the neglect of University-related duties and responsibilities.

##### 1.4

A faculty member charged under these procedures may be subject to sanctions including but not limited to the following: censure; a fine and/or a temporary reduction in pay; suspension from the University without pay for a specified period; indefinite reduction in pay; dismissal from the University.

#### 2. Initiating the Process

##### 2.1

Charges will be brought on behalf of the University by the Provost, following whatever factual investigation he or she deems appropriate. If a conflict of interest prevents the Provost from being involved, the President will act in the Provost's place. When charges are to be brought against a faculty member, he or she must be notified of the charges in confidence, and given an opportunity to reply. If the matter cannot be settled by agreement (which would require the President's approval), and if the faculty member charged wishes to contest the charges, the Provost shall prepare a written statement of the charges and of the proposed sanction, which will be given to the faculty member and the Advisory Board. Even after the written statement has been forwarded to the Board—and at any time in the proceedings—the Provost and the faculty member (with the approval of the

President) may seek to resolve the matter by agreement. Throughout the proceedings, all those involved should keep in mind that the procedures here are those of a University and not a court of law, and therefore should seek to avoid an excessively legalistic approach.

## 2.2 The Advisory Board.

If a member of the Advisory Board recuses himself or herself, the Board may, but need not, replace such member(s) with an alternate. Once the Board membership is set for purposes of considering a case, the members should continue with the case until its conclusion even if their terms have ended; if a member must withdraw during the process, he or she need not be replaced. For purposes of this Statement, "Advisory Board" shall refer to this group: that is, the Board sitting at the time the charges are filed, less any recusals and withdrawals, plus any alternates assigned.

## 2.3 Framing the Issues.

### 2.3.1

Promptly, within such time as the Advisory Board determines, the faculty member must file with the Board a statement setting forth the defenses proposed, any factual allegations that are specifically disputed, and any additional factual matters to which the faculty member will draw attention. The University ordinarily has ten days to reply to this statement.

### 2.3.2

The statements of both parties should be specific enough to enable the Advisory Board to make a determination about what issues of historical fact (if any) are relevant to the charges and are in dispute. Either party may include in its statement an argument that certain facts under discussion are irrelevant to the disposition of the case or are not properly classified as issues of historical fact.

### 2.3.3

If the Advisory Board determines that there is a dispute about material issues of historical fact, the Board will notify the parties of such issues(s) and will select a qualified Hearing Officer from outside the University to hold an Evidentiary Hearing at a date to be set by the Board. If the Board determines that there is no dispute about material issues of historical fact, the Board will proceed to schedule the Final Hearing.

## 3. The Evidentiary Hearing

### 3.1

At least five weeks prior to the commencement of the Evidentiary Hearing, each party must provide the Hearing Officer and the other party with copies of the exhibits it intends to introduce as evidence and with a list of the witnesses it expects to call, along with a detailed summary of the testimony expected from each witness.

### 3.2

**Immediately following these submissions, the Hearing Officer will entertain any motions (including motions to exclude any such testimony or exhibits as outside the scope of the issues, unduly prejudicial, etc.). At least four weeks prior to the date of the Evidentiary Hearing, the Hearing Officer will rule on any such motions and will prepare a Pre-Hearing Order composed of the**

**Advisory Board's determination of issues, the Hearing Officer's ruling on the motions, and the parties' lists of exhibits and witnesses and summaries of testimony (revised to reflect any rulings by the Hearing Officer).**

3.3

Either party may add to its list of exhibits and witnesses for the purpose of giving rebuttal evidence. The Hearing Officer will set the time for submission of copies of rebuttal exhibits and of the list of rebuttal witnesses. In the event that a party later proposes to use a witness or exhibit that was not disclosed by the specified time, the Hearing Officer will rule on whether and/or under what circumstances the evidence may be introduced.

3.4

The purpose of the Evidentiary Hearing is to reach conclusions on the material issues of historical fact identified by the Advisory Board. At the Evidentiary Hearing, the Hearing Officer will hear evidence and will then make detailed findings of historical fact, which are submitted to the Board.

3.5

Any witness shall be guaranteed the right in the Evidentiary Hearing to invoke the privilege (a) not to incriminate himself or herself in answer to any question, and (b) not to divulge a confidential communication from a University employee or student made with the understanding of all parties to the communication that it would be kept confidential.

4. The Final Hearing Before the Advisory Board.

4.1.

**After the Hearing Officer has submitted the findings of fact to the Advisory Board, the Board will schedule a Final Hearing.**

4.2

Each party has the opportunity to file a written brief, not later than one week before the scheduled start of the Final Hearing. This brief may include any or all of the following matters:

4.2.1.

Challenges to rulings of the Hearing Officer or the Advisory Board, except that a ruling of the Hearing Officer during the Evidentiary Hearing can be challenged only if an objection was recorded at the time;

4.2.2.

Whether the Hearing Officer's findings of fact are supported by substantial evidence;

4.2.3.

Whether the faculty member has committed professional misconduct as charged; and

4.2.4.

**Whether the sanction proposed by the Provost is appropriate.**

4.3

At the Final Hearing before the Advisory Board, the parties will be given an opportunity for oral argument, within time guidelines set by the Board.

4.4

As a result of the Final Hearing, the Advisory Board may ask the Hearing Officer to clarify the findings of fact or make additional findings on the basis of the evidence. The Board will give both parties an opportunity to comment on these clarifications or additional findings. The Board may also order the Hearing Officer to reopen the Evidentiary Hearing to hear evidence on specified issues. If necessary, the Board may reopen the Final Hearing.

4.5

**Within one week after the Final Hearing before the Advisory Board, either party may file a written reply, which is limited to the issues raised by the opposing brief and the opposing party's oral argument.**

## 5. The Decision of the Advisory Board.

5.1.

The Advisory Board will affirm those of the Hearing Officer's findings of historical fact that it concludes are supported by substantial evidence, and such findings will thereafter be final and binding upon the President and Board of Trustees.

5.2.

A finding of professional misconduct requires that a majority of the members of the Advisory Board concludes that the faculty member has committed professional misconduct in the respect or respects charged.

5.3.

If a majority of the Advisory Board concludes that the faculty member has committed professional misconduct, the Board will decide upon the appropriate sanction and will notify the President of its decision.

5.4.

If a majority of the Advisory Board does not conclude that the faculty member has committed professional misconduct in the respect or respects charged, the Board will notify the President of its decision.

## 6. The Decision of the President.

6.1.

If the President does not accept the decision of the Advisory Board, he or she will resubmit the case to the Board for reconsideration with a statement of questions or objections. The Board will then reconsider the case in the light of such questions or objections, hold (if necessary) further hearings and receive new evidence, and either render a new decision or state the reasons for its decision to reaffirm its original decision. After study of the Board's reconsidered decision, the President may make a final decision different from that of the Board only if the President determines: that the faculty member or the University was denied a fair hearing; or that the Board's decision (as to whether there has been professional misconduct and/or as to the sanction) was not one which a decision-making body in the position of the Board might reasonably have made.

6.2.

If the President makes a final decision different from that of the Advisory Board, the reasons for that different decision shall be given to the Board and the faculty member.

6.3.

If the President's decision requires dismissal, such decision is not effective until it has been approved by the Board of Trustees.

## 7. Rules of General Application.

7.1.

**The Advisory Board may delegate to a subcommittee of its members any of its functions except deciding if there should be an Evidentiary Hearing, what material issues of historical fact are in dispute, whether the Hearing Officer's findings of historical fact are supported by substantial evidence, whether professional misconduct has occurred, and, if so, what sanctions are appropriate.**

7.2.

The burden of proof by clear and convincing evidence is upon the University in hearings before the Hearing Officer to prove the factual elements of the charge. The faculty member has the burden of proof by a preponderance of the evidence on any affirmative defenses raised by the faculty member.

7.3.

The faculty member has the right to have an advisor of his or her choice accompany him or her during the hearings, the rights of confrontation and cross-examination, and the right to refuse to testify in the hearings.

7.4

The faculty member may choose either private or public hearings. Both the Advisory Board and the Hearing Officer, however, may entertain motions (from either party) that all or part of the hearings be held in private.

7.5

Formal rules of evidence do not apply.

7.6

The faculty member may request from the University, in writing, information regarding any matter, not privileged, which is relevant to the material issues of historical fact, or which appears reasonably calculated to help the faculty member learn of admissible evidence. The University will provide this information or will inform the Hearing Officer as to its reasons for not providing the information. After consideration of those reasons, the Hearing Officer may order the University to provide such information. The University shall not be required to disclose information prepared for the purpose of litigating the case. Even in the absence of a request by the faculty member, the University must disclose any information it believes to be exculpatory of the faculty member.

7.7

The University may request disclosure of any non-privileged tangible evidence from the faculty member. Upon application by the University describing such evidence, the Hearing Officer may order the faculty member to produce it.

7.8

The proceedings of the Hearing Officer and the Advisory Board will be as expeditious as possible.

7.9

A record will be maintained of all hearings under this Statement.

## 7.10

Once charges are forwarded to the Advisory Board, both the Provost and the faculty member are to provide copies to each other of all written communications to the Board or the Hearing Officer.

## 7.11

At the request of the faculty member, and if he or she can demonstrate that his or her own financial resources have been exhausted, the Advisory Board may recommend to the Provost that the University provide funds to pay for what the Board regards as essential for an adequate defense.

## 7.12

The time guidelines contained in these procedures may be modified by the Hearing Officer or the Advisory Board if warranted by the circumstances.