REGULAR FACULTY TERMINATION PROCESSES AND DISCIPLINARY ACTION

BOT 4.2.13

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Approved By:

- Board of Trustees

Responsible Office:
Office of General Counsel

POLICY STATEMENT

4.2.13 Termination Processes and Disciplinary Action

Termination is the severance of the formal appointment between the appointee and the institution. Resignations and dismissals are terminations that may occur prior to the end of the appointment period.

In this section, time limits for the initiation of requests and responses to them are noted. The references to a "day" shall mean Monday through Friday and shall not include the day on which the request is initiated or the day on which the response is offered. Exceptions to these limits may be mutually agreed to in writing by the parties involved.

1. **Dismissal for Adequate Cause.** Any appointment is terminable for adequate cause. Except as provided in Resignation, Reduction in Force or upon retirement, tenured appointments may be terminated only for adequate cause. Adequate cause will be related directly and substantially to the fitness of the appointee in his/her professional capacity. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens. Dismissal proceedings shall begin with a conference between the appointee and the Dean.

   The conference may result in agreement that the dismissal proceedings should be dropped. On the other hand, the conference may result in mutual agreement that the best interests of the appointee and the institution would be served by the appointee's resignation. If so, the faculty member shall submit a resignation in writing effective on a mutually agreed upon date. If this conference does not result in mutual agreement, the

Dean will initiate review of the case by the College's Personnel Committee, with written notification of the charges to be sent to the appointee and the committee.

2. **Suspensions.** While the final decision regarding termination of an appointment is pending, the appointee may be suspended only if harm to themselves or others is threatened by continuance. The Dean who invokes the suspension shall consult with the Provost/Vice President for Academic Affairs and the chairperson of the College's Personnel Committee. A suspension is permitted only pending the results of the personal conference. The base salary and applicable fringe benefits of a suspended person shall be continued during the period of suspension up to the limit of one year. If during the suspension period the faculty member takes up employment with another employer or is convicted of an offense serious enough to warrant dismissal for adequate cause, then the institution will no longer be obligated to continue making salary payments. In the latter case, if the conviction is later reversed, the faculty member will be reimbursed for the lost salary and fringe benefits subject to the one year limitation.

3. **Disciplinary Action other than Dismissal or Suspension.** Any such disciplinary action affecting the terms of employment taken by the institution against a faculty member must be based upon adequate cause. Adequate cause will be related directly and substantially to the fitness of the appointee in their professional capacity. Proceedings shall begin with a conference between the appointee and the Dean. If as a result of the conference, the Dean wishes to take disciplinary action, the Dean shall state that in writing with rationale to the appointee. The appointee may file a grievance(Section 4.2.16.2.A, Step 1) within ten days of the receipt of the Dean's decision.

4. **Procedure for Non-renewals and Appeal Process for Non-Renewals and/or Denial of Promotion.** Any action resulting in the non-renewal (specifically, denial of contract renewal or tenure) of a probationary appointment and/or denial or promotion of any appointee shall normally be based upon recommendations generated by the College's Personnel Committee and Dean. Prior to any formal decision to deny a personnel action, the appointee shall be notified by the Provost to allow for a personal conference between the faculty member and the Provost. The conference may result in agreement that the appointment should be renewed or, in the case of a promotion only, the promotion granted. If so, the proceedings shall be dropped. If such a conference results in agreement that the best interests of the appointee and the University will be served by resignation, the appointee shall submit a resignation to his/her Dean in writing

within five (5) days. If the conference does not result in mutual agreement, the Provost will submit their decision in writing with rationale to the appointee. If the appointee wants to appeal the Provost's decision, the appointee will submit the appeal, in writing, to the President within ten days of the meeting or within twenty days of requesting the meeting, whichever is later. The basis of the appeal shall be limited to one or more of the reasons below:

1. The Procedures of Section 4.2.10 were not followed; and/or,

2. The decision violates the University's non-discrimination policy; and/or,

3. The decision was inconsistent with the College/Library standards and criteria as required by Section 4.2.9.1.

Upon receipt of a timely, written appeal, the President shall refer the appeal for review as follows:

1. If the appeal asserts that the procedures of Section 4.2.10 were not followed, the matter will be referred to the General Counsel for review and recommendation to the President;

2. If the appeal asserts that the decision violates the University's non-discrimination policy, the matter will be referred to the Vice President for People, Equity, and Culture for review and recommendation to the President;

3. If the appeal asserts the decision was inconsistent with the College/Library standards and criteria as required by Section 4.2.9.1, the matter will be referred to a panel of three (3) representatives from the University-wide Personnel Review Committee, none of whom can be from the same College or Library as the appointee. This panel will review the matter and make a recommendation to the President.

The review and recommendation shall be completed within thirty (30) days. Upon receipt of the recommendation, the President may:

1. Reverse the prior decision such that promotion, contract renewal, or tenure is granted;

2. Uphold the prior decision such that promotion, contract renewal, or tenure is denied; or

3. Send the matter back for reassessment to the College/Library Personnel Committee with instructions for its reassessment. The College/Library Personnel Committee shall report its recommendation to the Dean who shall then report to

the Provost who shall then report to the President. Upon the completion of this step, the President's decision shall be final.