SUSPENSION POLICY

According to the bylaws of the university, the “…functions of the University Faculty shall be to consider questions of educational policy which concern more than one college, school or separate academic unit, or are general in nature…”

Responsibility of: Committee on Academic Freedom and Professional Status. The Committee considers matters relating to academic freedom and responsibility; freedom of teaching and learning; professional status of the faculty, including policies and procedures relevant to faculty appointments, promotion, retirement, separation, and tenure; and receives and reviews written complaints brought by or against a faculty member when other specific procedures have not been designated for hearing those grievances. It reports to the Faculty Senate.

February 12, 2003, Records, p. 9687S
April 9, 2003, Records, pp. 9749-9753S, Appendix 3
March 10, 2004, Records, pp. 9930-9947S, Appendices 2-4
April 14, 2004, Records, p. 9957S
May 12, 2004, Records, p. 10004S
May 11, 2005, Records, pp. 10230-10236S, Appendices 7-10
May 10, 2006, Records, pp. 10524-10527S, Appendix 12
September 13, 2006, Records, pp. 10596-10599S, Appendix 5
April 11, 2007, Records, pp. 10814-10818S
May 9, 2007, Records, pp. 10861-10865S, Appendix 2

In February 2003, J. Robert Cooke, Dean of Faculty, reported that the legislative record is vacuous on the issue of suspension of tenure-track faculty. As a result, he is forming a subcommittee of the Academic Freedom and Professional Status Committee, supplemented with additional people, to examine the procedures for dismissal and see which ones should be transferred to cover suspension. The committee consists of:

Members of AFPS:
- Jonathan Ochshorn, Chair of AFPS & this subcommittee
- Nelly Farnum
- Shahar Ziv, Student-Undergrad
- Shaffique Adam, Student-Grad

Others:
- Joe Calvo, Molecular Biology and Genetics
- W. Donald Cooke, Emeritus
• Cynthia Farina, law
• Martha Fineman, Law
• Melissa Hines, Chemistry
• Rick Johnson, ECE
• Mary Opperman, HR

Consultants:
• Faust Rossi, Law
• Michael Gold, ILR
• Susan Steward, Academic Personnel Office
• Walter Lynn, University Ombudsman

At the April 2003 meeting, Professor Jonathan Ochshorn, Architecture, and Chair of the Task Force on Suspension Policies and Procedures, gave a preliminary report. The motivation for the Task Force was that faculty can be, and have been suspended in some cases, without recourse to ordinary forms of due process other than appeals through grievance procedures that of necessity can only happen after the sanction has already been invoked. Non-job related misconduct is governed by the Campus Code, while job related misconduct is governed by a series of autonomous policies including Academic Misconduct, Financial Irregularities, Conflict of Interest and Commitment, and Sexual Harassment. In addition, University Bylaws contain a procedure for an ultimate sanction of dismissal from the University. Each of these policies has its own internal set of procedures, mostly giving faculty certain rights and protections. There seems to be no general policy for faculty accused of misconduct that does not fall into the specific policy areas listed.

The questions the Task Force is broadly speaking to are:

• Should faculty threatened with suspension have the same rights of due process including investigation and hearing as faculty members threatened with dismissal?
• Are the existing college-level grievance procedures adequate or should suspension be removed as an option entirely?
• Should there be a policy governing job related faculty misconduct not covered by existing policies on Sexual Harassment, Academic Misconduct, and so on?

The Task Force is making progress in addressing these questions and hopes to bring a recommendation to this body for discussion and implementation in the near future.

SUSPENSION POLICY
BACKGROUND INFORMATION FOR
TASK FORCE ON SUSPENSION POLICIES

[Note: When checking with the University Counsel’s office as to whether they possessed any
policies from other universities (which they did not), Wendy Tarlow expressed a cautionary note
that one should bear in mind whether the faculty is unionized or not, and she also indicated an
interest in the results. None of the institutions included have a unionized faculty.]

CORNELL’S POLICIES

The following existing policies do not speak to the issue of suspension:

- Tenure, Promotion, and Reappointment Procedures
- Grievance Procedures
- Sexual Harassment
- Academic Misconduct
- Dismissal Procedures

Cornell’s Policy on Financial Irregularities, applicable to all employees, does
speak to suspension as a disciplinary action for financial irregularities.

AAUP POLICY

The AAUP policy, “Recommended Institutional Regulations on Academic
Freedom and Tenure”, paragraph 7, reads:

7. Procedures for Imposition of Sanctions Other Than Dismissal

(a) If the administration believes that the conduct 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, the administration
may institute a proceeding to impose such a severe sanction; the
procedures outlined in Regulation 5 will govern such a
proceeding.

(b) If the administration believes that the conduct of a faculty member
justifies imposition of a minor sanction, such as a reprimand, it will notify
the faculty member of the basis of the proposed sanction and provide the
faculty member with an opportunity to persuade the administration that
the proposed sanction should not be imposed. A faculty member who
believes that a major sanction has been incorrectly imposed under this
paragraph, or that a minor sanction has been unjustly imposed, may,
pursuant to Regulation 15, petition the faculty grievance committee for such action as may be appropriate.

PEER INSTITUTIONS

UNIVERSITY OF MICHIGAN. Contact: Jeff Frumkin, Academic Human Resources, 734-763-8938. “Regents Bylaw 509”. Paragraph 2 applies to suspension. They have used this procedure to suspend a faculty member from teaching a class.

HARVARD. Contact: Provost’s Office, 617-496-5100. No formal process, ad hoc basis.

MIT. Contact: Steve Graves, Chair of Faculty, 617-253-6602. No formal process, ad hoc basis.

BROWN. Contact: William Crossgrove, Associate Dean of Faculty, 401-863-2313. No formal process, ad hoc basis.

COLUMBIA. Contact: Steven Brittenburg, Vice Provost for Academic Affairs, 212-854-2254. No formal process, ad hoc basis.

DARTMOUTH. Contact: Jane Carroll, Dean of Faculty, 603-646-3999. No formal process, ad hoc basis.

YALE. Contact: Provost’s Office, 203-432-4444. No formal process, ad hoc basis.

PRINCETON. Contact: Toni Turano, Associate Dean of Faculty, 609-258-3024. No formal process, ad hoc basis.

UNIVERSITY OF PENNSYLVANIA. Contact: Associate Provost, 215-898-7227. No formal process, ad hoc basis.

DUKE. Contact: Chuck Bird, Dean of Academic Affairs, 919-684-4863. No formal process, ad hoc basis.

At the March 10, 2004 meeting, Professor Jonathan Ochshorn, Architecture, and Chair, Committee on Academic Freedom and Professional Status of the Faculty (AFPS), introduced discussion on the suspension policy.

In the early 1950s, the University Faculty and the Board of Trustees created a procedure governing the dismissal of faculty members for misconduct. Dismissal is the ultimate assault on academic freedom and a rather serious sanction for
misconduct, and these procedures provide for a lot of protection or due process. There are hearings that can be invoked by the faculty member who is threatened with dismissal, and these hearings occur at the highest level, at sort of a presidential level.

However, there is no equivalent procedure when a faculty member is threatened with suspension. Suspension, in a way, is the same level of severity as dismissal, only temporary. In other words, it involves the same abrogation of a faculty member’s rights, the same assault on academic freedom, in the sense that the faculty member no longer can do all of the things that academic freedom protects.

The Committee came to the conclusion that the suspension of a faculty member for misconduct should be treated in the same way that dismissal is, that is a faculty member should have the same rights of a hearing and the same sort of due process, and it should happen at the same level, that is at the presidential level and not be handled casually or informally at the college level or by the dean or, as it turns out, it should not happen without giving the faculty member any rights to a hearing. The Committee’s recommendation is simply that the existing dismissal procedure be amended or revised so that rather than simply including dismissal as a sanction governed by these protections, it would include suspension and dismissal.

Professor Ochshorn then presented a summary of suspension policy draft proposals:

I. Background

AFPS charged by ex-Dean of Faculty Cooke in Spring 2003 to:
- Review existing policies at Cornell concerning suspension of faculty; and
- Review the protocols recommended by the AAUP for this situation, as well as protocols used by our peers.

II. Existing policies governing faculty misconduct

- Campus code covers non-work-related misconduct only.
- For work-related misconduct, a series of independent policies have been promulgated: e.g., sexual harassment, financial irregularities, academic misconduct, conflict of interest.
- For work-related misconduct outside the jurisdiction of these specific policies, no university policies or procedures have been developed except as follows:
o For certain professorial titles, a university “dismissal” procedure exists; and
o College grievance procedures may be invoked, but only after a sanction has been imposed.

• There are no specific procedures governing the imposition of the sanction of suspension for work-related misconduct (except to grieve after the fact).

III. Some underlying problems

• Incremental growth of policies; no comprehensive and coherent system for faculty misconduct.
• The question of jurisdiction is quite complex. Existing definitions of “faculty” vary within Cornell from the most restrictive (the “dismissal” procedure is limited to four classes of professorial titles) to the most broad (grievance procedures are designed for all employees of the university with teaching/research responsibilities, except for TAs, RAs, and GRAs.

IV. Proposals for “severe” sanctions

• Add suspension to the existing university “dismissal” procedure.
• Faculty not covered by revised “dismissal” procedure have right to file a grievance within the existing college structure before sanction is imposed.
• Emergency suspension with pay for a faculty member charged with misconduct, pending the final determination of the case, where serious harm to the faculty member or to others is threatened.

V. Proposal for “minor” sanctions

• Faculty are to be notified of the change and given the opportunity to be heard before the minor sanction is imposed. This merely formalizes what typically occurs in any case.

VI. Structure of the proposals: 2 parts

(1) Proposed revision of the “dismissal procedure’ to include suspension.

(2) Proposed policy on (work-related) faculty misconduct: a “roadmap” providing guidelines for the imposition of both severe and minor sanctions.

• References the (revised) dismissal procedures;
• Sets limits on the duration of suspensions;
• Establishes reporting requirements for severe sanctions;
• Mandates that no severe sanction can be imposed without first providing the opportunity for a hearing;
• Establishes guidelines for the imposition of minor sanctions; and
• Allows for emergency suspension (with pay) pending resolution of a misconduct charge.

As written, the first part could stand alone, while the second part presumes that the dismissal procedures (the first part) have been revised to include suspensions.

VII. Peer institutions

Most universities for which we have documentation, as well as the AAUP, link dismissal and suspension in a single procedure.

Virtually every university for which we have documentation, as well as the AAUP, provide for implementation of dismissal and suspension at the presidential level or higher.

As a follow-up to the Committee’s summary, the Committee proposed draft revisions to the dismissal procedures:

Changes shown in bold text.

Summary of proposed revisions:

1. Add “severe sanctions” to scope of procedures.
2. Add suggestions for information resolution.
3. Add definitions of key terms (suspension definition changed 12/3/03).

Definitions:

Severe sanction: dismissal or suspension

Suspension: a temporary abrogation of a faculty member’s rights, responsibilities, or remuneration. Any temporary abrogation of a faculty member’s rights, responsibilities or remuneration that effectively prevents the faculty member from carrying out the responsibilities of his or her position will be considered a suspension for the purposes of this policy, whether or not it is named as such.
The university reserves the right to dismiss and discontinue the appointment of any member of its faculties, or impose other severe sanctions, on reasonable notice and after giving such member an opportunity to be heard, for misconduct or failure to perform the duties required of the position he or she holds.

In the case of a university professor, professor, associate professor, or assistant professor, the following procedure shall be adopted:

A. When complaint from any source is made against a university professor, a professor, an associate professor, or an assistant professor which might lead to his or her dismissal or the imposition of other severe sanctions, the dean of his or her college, or in the case of a university professor, the dean of the university Faculty, shall inform the faculty member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it. If the matter is adjusted informally to the satisfaction of the dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the dean shall [thereafter] report to the president the results of the investigation together with his or her recommendations. The president shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her if, after receiving the dean’s report and making such independent investigation as may seem appropriate to the president, it is the opinion of the president that further proceedings are warranted.

B. If the faculty member desires a hearing, he or she shall so request in writing within thirty days of the receipt of the written charges against him or her, and he or she shall then be entitled to a hearing before a board appointed by the president and consisting of five members of the University Faculty, of whom two shall be selected by the faculty member, two by the president and the fifth by the other four.

C. At such hearing, the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his or her own behalf and to confront and question the witnesses against him or her. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion, be furnished, without cost to him or her, a full report of the proceedings before the board, including the testimony taken, the evidence received, and the board’s findings and recommendations. The board shall submit to the president a report of its findings and recommendations and this report shall be appended by the president to any recommendations he or she may make to the Board of Trustees in regard to the case.
D. The faculty member shall be free to resign at any time within thirty days of receipt of the written charges against him or her, but if he or she has neither requested a hearing nor resigned within such thirty days, the Board of Trustees shall be free to dismiss him or her, or impose other severe sanctions, without further notice or hearing.

Further, the Committee on Academic Freedom and Professional Status of the Faculty prepared a draft policy on job-related faculty misconduct:

Policy Statement:

Reason for Policy:

Entities Affected by this Policy: University professors, and college or school faculty members.

Who Should Read this Policy:

Definitions:

- **College or school faculty member:** as defined in the bylaws of Cornell University, each college or school faculty, except the Graduate Faculty, shall be composed of the president, the dean or director of the college or school; all professors, associate professors, and assistant professors in the department or departments under the charge of that faculty; instructors, senior research associates, senior extension associates, lecturers, senior lecturers, clinical professors, associate clinical professors, and assistant clinical professors, and those bearing the adjunct title. Each college or school faculty may, in its discretion, grant membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Any college or school faculty may elect to its membership persons who are already members of other faculties of the University for so long a period as they continue to be members of such other faculties.

- **Emergency suspension:** A suspension with pay pending the ultimate determination of the faculty member’s case.

- **Minor sanction:** any sanction other than a “severe sanction.”

- **Severe sanction:** dismissal or suspension.
• **Suspension:** a temporary abrogation of a faculty member’s rights, responsibilities, or remuneration. Any temporary abrogation of a faculty member’s rights, responsibilities, or remuneration that effectively prevents the faculty member from carrying out the responsibilities of his or her position will be considered a suspension for the purposes of this policy, whether or not it is named as such.

**Purpose and Scope of this Policy:**

To ensure fair and adequate processes for faculty charged with job-related misconduct or failure to perform the duties required of the position held, the following procedures govern the imposition of severe sanctions, minor sanctions, and emergency suspensions.

**Procedures:**

**Severe Sanctions**

**Duration of suspensions:**

• No suspension shall be imposed for a period of less than 30 days nor more than 12 months.

**Reporting requirements for severe sanctions:**

• All severe sanctions, including those resulting from informal settlements, shall be reported to the Dean of Faculty by the appropriate administrator. Such reports shall include a summary of both the complaint and its resolution, and shall be maintained in a permanent archive.

For university professors, professors, associate professors, and assistant professors:

• If the administration believes that the conduct of a faculty member is sufficiently grave to justify imposition of a severe sanction, the procedures for dismissal and other severe sanctions adopted for this class of faculty members by the Board of Trustees shall apply.

• Where the recommendation for a severe sanction is a result of action taken under any other university policy (including those policies governing “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”), the faculty member may appeal the recommendations issued under that policy by requesting a hearing according to sections B, C, and D of the procedures for dismissal and other
severe sanctions adopted by the Board of Trustees. In this case, the administrator shall not implement the sanctions recommended under the initial policy procedures but shall instead report to the president the results of any investigations undertaken, together with his or her recommendations. The president shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her if, after receiving the administrator’s report and making such independent investigation as may seem appropriate to the president, it is the opinion of the president that further proceedings are warranted.

For college or school faculty members other than professors, associate professors, and assistant professors:

- When complaint from any source is made against such member which might lead to the imposition of a severe sanction, and unless the alleged misconduct falls under the jurisdiction of a specific Cornell policy containing alternate procedures, the dean of his or her college shall inform the member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it.

- If the matter is adjusted informally to the satisfaction of the dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the dean shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her.

- No severe sanction shall be imposed without first giving such member an opportunity to invoke grievance procedures and seek review by the Committee on Academic Freedom and Professional Status of the Faculty (AFPS), to the extent permitted by the specific policy guidelines governing such reviews, and within the following stated time periods. The member shall have 4 weeks after being informed in writing of the charges and recommended sanctions to invoke grievance procedures or review by the AFPS. Where a review by the AFPS is requested following a grievance action, the faculty member shall have 4 weeks after the completion of the grievance procedure to request review by the AFPS.

- The opportunity to invoke grievance procedures and seek review by the AFPS before the imposition of a severe sanction, as described above, applies also to cases where the recommendation for a severe sanction is a result of action taken under any other university policy (including those policies governing “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”).
Minor Sanctions

If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, the following procedures will be followed:

- If a minor sanction is imposed under a specific university policy (such as “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”), the faculty member may obtain consideration and possibly redress by invoking a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

- If the conduct justifying a minor sanction is not regulated under any other specific university policy, the appropriate administrator will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been unjustly imposed may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

- A faculty member who believes that a sanction proposed under the procedures for “minor sanctions” is, in fact, a “severe sanction” may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

Emergency Suspension

If a university professor, or college or school faculty member, is charged with misconduct and if the member’s continuance threatens serious harm to the member or others, the faculty member may be suspended by the president (or his or her designee) or assigned to other duties in lieu of suspension pending final resolution of the charge. The president (or his or her designee) shall report to the Dean of Faculty concerning the propriety, the length, and any other conditions of the emergency suspension. Salary shall continue during the period of the emergency suspension.

Professor Stephen Vavasis, Computer Science, wondered about the definition of suspension.
Professor Ochshorn said that is something that was debated in committee. Presently, it can be read a little bit ambiguously. The intention is that the suspension isn’t any abrogation of rights, but it’s an abrogation of the whole package of rights that prevents the faculty member from exercising his or her rights and responsibilities.

Professor Ronald Ehrenberg, Industrial and Labor Relations, said he has been a casual observer of this process for a number of years. Often in these cases, the parties negotiate a private settlement. He believes that ability is good because it allows both parties to avoid going through the formal process. Will ultimate enacting of changes lead to a decreased likelihood of these settlements?

Professor Ochshorn replied that the Committee made explicit the idea that informal settlements are encouraged and in that event, the procedure stops. He said he believes that the number of people against whom a suspension or dismissal process has been initiated is between two and five.

Dean of Faculty, Charles Walcott, asked whether this has been discussed with any of the deans. He could imagine that a dean might take the position that this is his or her prerogative and that this is something that they would not wish to have abridged.

Professor Ochshorn replied that the Committee did have a discussion and invited the deans, and they had several objections to this idea. The Committee actually went back and addressed some of their concerns; i.e. the idea of an emergency suspension, even though it appeared in an earlier iteration, has been streamlined. In general, the deans would prefer the status quo; it makes life easier from their perspective. Given the fact that peer institutions virtually universally have similar protections for faculty, in general it is in Cornell’s interests to have some due process rather than to leave these kinds of things at the discretion of the deans.

Other questions and comments centered on:

- The vagueness of penalties and sanctions
- Emergency suspension
- Duration of suspensions

Professor Ochshorn said as far as he knows, the Board of Trustees is the body that must adopt a suspension procedure. Dean Walcott added that AFPS should get feedback from the provost and president, the University Counsel, and the deans prior to adoption by the Faculty Senate and ultimate approval by the Board of Trustees.
At the April 2004 meeting, Dean Walcott announced that he had a discussion with the president and provost, and a meeting with deans who expressed some reservations about parts of the suspension policy. The deans have formed a group to work with AFPS to try and find a meeting of the minds. The policy will then be brought back to the Faculty Senate in May or September at the latest.

In May of 2004, Dean Walcott indicated that the suspension policy will come back to the Senate in the fall.

At the May 2005 meeting, Professor Peter Stein, Physics, and Chair of the Faculty Committee on Academic Freedom and Professional Status, introduced the Proposed Suspension Policy.

One amendment to section III.A.3(f) was proposed by Professor John Guckenheimer, Mathematics, to be included in the Policy as follows:

Section III.A.3(f) as distributed in the call to the meeting:

(f) If the faculty member requests before or at the opening of the hearing, he or she shall after its conclusion be furnished, without cost to him or her, a full report of the proceedings before the panel, including an audio recording of the testimony taken, copies of documents received, and the panel’s findings and recommendations.

Proposed amended Section III.A.3(f)

(f) After the conclusion of the hearing, the faculty member will receive a copy of the panel’s findings and recommendations. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion be furnished, without cost to him or her, a full report of all the evidence received by the panel, including an audio recording of the testimony taken and copies of all documents received.

The amendment was approved.

Professor Stein outlined the changes made since the last time the Suspension Policy was discussed:

At the March 10, 2004 Senate meeting, Professor Ochshorn, then chair of the AFPS, presented the committee’s proposed suspension policy to the Senate for discussion. The proposed policy was modestly revised in the light of that
discussion, and the revised policy was posted on the web and sent to the academic deans for their comments.

The academic deans responded to AFPS request for comments in March 2005. The AFPS discussed the objections of the deans and revised the draft to meet each of their objections either fully or to the extent that the AFPS felt was consistent with protecting the rights of an accused faculty member. The revised document was then sent back to the academic deans, and the AFPS has not yet received a response from the deans.

The changes that were made in the March 10, 2004 draft are each listed below. For each change, a brief explanation is presented.

1. Section I.E: The clauses in the sentence were rearranged to make it clear that a salary reduction by itself will be considered a suspension.
2. Section III.A.1: Emergency suspensions were exempted from the time limit restrictions to accommodate unforeseen emergency situations.
3. Section III.A.1: The minimum allowed suspension was reduced from 30 days to two weeks. The aim of this provision was to ensure that a suspension was in fact a severe sanction, and the deans suggested that 4% of a person’s annual salary was a more appropriate lower limit than 8%.
4. Sections III.A.3(c) through III.A.3(h) are all new. The March 10, 2004 draft designated the Trustee adopted dismissal procedure as the procedure to be used for appealing suspensions. The deans argued that this procedure, with its reliance on lawyers examining and cross-examining witnesses was too burdensome and unsuited for panels with little or no judicial experience. In response, the AFPS devised a procedure, which mimicked the dismissal procedure while reducing the level of participation of attorneys to giving advice to their client.
5. Section III.C.1 The definition of an emergency was broadened to “imminent serious harm to the [faculty] member or others or property.” The deans argued that the previous definition of harm to persons was too restrictive. AFPS agreed, and opted for this wording rather than the broader definition of “…or harm to Cornell” suggested by the deans.
6. Section III.C.2 The first sentence was added to make sure that the scope and duration of the emergency suspension corresponded to the scope and duration of the emergency.

Questions were posed to Professor Stein, followed by debate of the proposal.

On a vote call, the resolution as amended was adopted as follows:
WHEREAS the Committee on Academic Freedom and Professional Status of the Faculty was asked by the Dean of Faculty in 2002 to review existing relevant policies on suspension and to make a recommendation for a Cornell policy that regulates suspensions and similar sanctions for job-related faculty misconduct; and

WHEREAS the Committee has engaged in an extensive process of study that included consultation with the deans, and now recommends the attached “Policy on Sanctions for Job-Related Faculty Misconduct,”

THEREFORE BE IT RESOLVED that the University Faculty Senate recommends to the Provost and Board of Trustees that the “Policy on Sanctions for Job-Related Faculty Misconduct” be adopted and implemented as University policy.

Policy on Sanctions for Job-Related Faculty Misconduct

Prepared by: Committee on Academic Freedom and Professional Status of the Faculty, 04-04-05

Policy Statement: (To be standardized by University Policy Office)

Reason for Policy: (To be standardized by University Policy Office)

Entities Affected by this Policy: University professors and college or school faculty members.

Who Should Read this Policy: (must include faculty and deans, to be standardized by University Policy Office)

I. Definitions

A. College or school faculty member: as defined by Art. XIII of the Bylaws of Cornell University:

Each college or school faculty, except the Graduate Faculty, shall be composed of the President; the Dean or director of the college or school; and all professors, associate professors, and assistant professors in the department or departments under the charge of that faculty. Instructors, senior research associates, senior extension associates, lecturers, senior lecturers, clinical professors, associate clinical professors, and assistant clinical professors, and those bearing the adjunct title shall be non-voting members. Each college or school faculty may, in its discretion, grant membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Any college or school faculty may elect to its membership persons who are already members of other faculties of the University for so long a period as they continue to be members of such other faculties.

SUSPENSION POLICY
B. Emergency suspension: A suspension with full salary pending the ultimate determination of the faculty member’s case where the member is charged with misconduct and the member’s continuance threatens imminent serious harm to the member or others or to property.

C. Minor sanction: any sanction other than a “severe sanction.”

D. Severe sanction: dismissal or suspension.

E. Suspension: a temporary abrogation of the faculty member’s rights or responsibilities that effectively prevents the faculty member from carrying out the responsibilities of his or her position or a temporary partial or temporary full reduction of a faculty member’s salary will be considered a suspension for the purposes of this policy, whether or not it is named as such.

II. Purpose and Scope of this Policy

To ensure fair and adequate processes for faculty charged with job-related misconduct or failure to perform the duties required of the position held, the following procedures govern the imposition of severe sanctions, minor sanctions, and emergency suspensions.

III. Procedures

A. Severe Sanctions

1. Duration of suspensions: No suspension, other than emergency suspension, shall be imposed for a period of less than two weeks, nor more than 12 months.

2. Reporting requirements for dismissals or suspensions: All dismissals or suspensions, including those resulting from informal settlements, shall be reported to the Dean of Faculty by the appropriate administrator. Such reports shall include a summary of both the complaint and its resolution, and shall be maintained in a permanent archive.

3. Suspension procedures for university professors, professors, associate professors, and assistant professors1:

   (a) The term “faculty member” in subsection III.A.3 shall refer exclusively to university professors, professors, associate professors, or assistant professors.

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1 The procedure used for dismissals is the procedure adopted for that purpose by the Board of Trustees.
(b) If the administration believes that the conduct of a faculty member is sufficiently grave to justify imposition of a suspension, the procedures in III.A.3 (d) below shall apply.

(c) Where the recommendation for a suspension is a result of action taken under any other university policy (including those policies governing “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”), the faculty member may appeal the recommendations issued under that policy by requesting a hearing according to III.A.3.(d) below. In this case, the administrator shall not implement the sanctions recommended under the initial policy procedures but shall instead report to the Provost the results of any investigations undertaken, together with his or her recommendations. The Provost shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her, after receiving the administrator’s report and making such independent investigation as may seem appropriate to the Provost, it is the opinion of the Provost that further proceedings are warranted.

(d) The charges against the faculty member shall be heard by a hearing panel appointed as follows. The faculty member and the Provost shall each choose four members of the University Appeals Panel. The faculty member’s nominees shall choose two of the Provost’s nominees, and the Provost’s nominees shall choose two of the faculty member’s nominees. The four so chosen shall then choose a fifth tenured University member, who shall chair the hearing panel. Any person nominated who has participated in the matter being heard or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself.

(e) At the hearing, the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his or her own behalf and to confront and question the witnesses against him or her. The faculty member’s advisor or counsel may not address the panel or question the witnesses unless requested to do so by the chair of the panel.

(f) After the conclusion of the hearing, the faculty member will receive a copy of the panel’s findings and recommendations. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion be furnished, without cost to him or her, a full report of all the evidence received by the panel including an audio recording of the testimony taken and copies of all documents received.
(g) The panel shall report its findings to the President in writing within eight weeks of being formed. The decision of the President will not be subject to further appeal or reconsideration.

(h) The office of the Dean of the Faculty will provide staff support for the panel.

4. Procedures for suspension and dismissal of college or school faculty members other than professors, associate professors, and assistant professors:

(a) When complaint from any source is made against such member which might lead to the imposition of a dismissal or suspension, and unless the alleged misconduct falls under the jurisdiction of a specific Cornell policy containing alternate procedures, the Dean of his or her college shall inform the member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it.

(b) If the matter is adjusted informally to the satisfaction of the Dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the Dean shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her.

(c) No dismissal or suspension shall be imposed without first giving such member an opportunity to invoke grievance procedures and seek review by the Committee on Academic Freedom and Professional Status of the Faculty [AFPS], to the extent permitted by the specific policy guidelines governing such reviews, and within the following stated time periods: The member shall have 4 weeks after being informed in writing of the charges and recommended sanctions to invoke grievance procedures or review by the AFPS. Where a review by the AFPS is requested following a grievance action, the faculty member shall have 4 weeks after the completion of the grievance procedure to request review by the AFPS.

(d) The opportunity to invoke grievance procedures and seek review by the AFPS before the imposition of a dismissal or suspension, as described above, applies also to cases where the recommendation for a dismissal or suspension is a result of action taken under any other college or university policy (including those policies governing “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”).
B. **Minor Sanctions**

If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, the following procedures will be followed:

1. If a minor sanction is imposed under a specific university policy (such as “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”), the faculty member may obtain consideration and, possibly, redress by invoking a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
2. If the conduct justifying a minor sanction is not regulated under any other specific university policy, the appropriate administrator will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been unjustly imposed may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
3. A faculty member who believes that a sanction proposed under the procedures for “minor sanctions” is, in fact, a “dismissal or suspension” may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

C. **Emergency Suspension**

1. If a university professor, or college or school faculty member, is charged with misconduct and if the member’s continuance threatens imminent serious harm to the member or others or to property, the faculty member may be suspended by the President (or his or her designee) or assigned to other duties in lieu of suspension pending final resolution of the charge.
2. The scope and duration of the emergency suspension shall be tailored as narrowly as possible to the nature of the harm posed, so that the faculty member’s rights and privileges are not summarily abrogated more broadly than is reasonably necessary to protect persons or property pending completion of the suspension procedures. Whatever other rights and privileges may be withdrawn by an emergency suspension, the faculty member’s full salary shall continue during the period of the emergency suspension.
3. The President (or his or her designee) shall promptly report to the Dean of Faculty concerning the propriety, the length, and any other conditions of the emergency suspension.
At the May 10, 2006 meeting, Professor Peter Stein, Physics, and Chair, Committee on Academic Freedom and Professional Status of the Faculty, presented an update on the Suspension Policy adopted by the Senate in April 2005.

Following that adoption, a Provost document was presented and significant concerns were raised about it.

The Committee then drafted a new document to incorporate the Provost’s concerns. Further discussion on this will occur before being brought back to the Senate.

At the September 2006 meeting, Associate Professor Vicki Meyers-Wallen, Biomedical Sciences, and Chair, Committee on Academic Freedom and Professional Status of the Faculty, said this policy was brought to the Senate’s attention in May 2006. It now contains minor changes in wording.

Following discussion, the policy was passed as follows:

I. Definitions:

A. College or school faculty member: as defined by Art. XIII of the Bylaws of Cornell University:

Each college or school faculty, except the Graduate Faculty, shall be composed of the President; the Dean or director of the college or school; and all professors, associate professors, and assistant professors in the department or departments under the charge of that faculty. Instructors, senior research associates, senior extension associates, lecturers, senior lecturers, clinical professors, associate clinical professors, and assistant clinical professors, and those bearing the adjunct title shall be non-voting members. Each college or school faculty may, in its discretion, grant membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Any college or school faculty may elect to its membership persons who are already members of other faculties of the University for so long a period as they continue to be members of such other faculties.

Note: The provisions of this policy do not apply to faculty members holding appointments with a duration of six months or less, or to those holding courtesy appointments.
B. Emergency suspension: A suspension with full salary pending the ultimate determination of the faculty member’s case where the member is charged with misconduct and the member’s continuance threatens imminent serious harm to the member or others or to property.

C. Minor sanction: any sanction other than a “severe sanction.”

D. Severe sanction: dismissal or suspension.
E. Suspension: A temporary abrogation of the faculty member’s right responsibilities that effectively prevents the faculty member from carrying out the responsibilities of his or her position or a temporary partial or temporary full reduction of a faculty member’s salary will be considered a suspension for the purposes of this policy, whether or not it is named as such. This policy does not apply to the Joan and Sanford I. Weill Medical College, nor does it apply to a non-disciplinary reduction of salary such as a non-temporary reduction of salary that may be implemented at the time of an annual salary review (which may be grieved pursuant to the academic grievance policy).

II. Purpose and Scope of this Policy

To ensure fair and adequate processes for faculty charged with job-related misconduct or failure to perform the duties required of the position held, the following procedures govern the imposition of severe sanctions, minor sanctions, and emergency suspensions.

III. Procedures:

A. Severe Sanctions

1. Duration of suspensions: No suspension, other than an emergency suspension, shall be imposed for a period of less than two weeks or more than 12 months.
2. Reporting requirements for dismissals or suspensions: All dismissals or suspensions, including those resulting from informal settlements, shall be reported to the Dean of Faculty by the appropriate administrator. Such reports shall include a summary of both the complaint and its resolution, and shall be maintained in a permanent archive.
3. Suspension procedures for university professors, professors, associate professors, and assistant professors:

   (a) The term “faculty member” in subsection III.A.3. shall refer exclusively to university professors, professors, associate professors, or assistant professors.
   (b) If the administration believes that the conduct of a faculty member is sufficiently grave to justify imposition of a suspension, or if the recommendation for a suspension is a result of action taken under any other university policy (including those policies governing “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”), the faculty member shall be provided with a detailed written description of
the charge or charges that form the basis for the recommendation of a suspension. The recommendation of a suspension shall be reported to the Provost, along with the results of any investigation taken. The Provost shall consider the charges and evidence against the faculty member, and may make such independent investigation as may seem appropriate, in order to determine whether there is a reasonable basis to believe that a suspension may be appropriate. If the Provost concludes that no such reasonable basis exists, the recommendation of a suspension shall be terminated. If the Provost concludes that a reasonable basis exists for believing that a suspension may be appropriate, the faculty member may invoke the hearing procedure specified in section III.A.3.(c) below. The faculty member will be informed in writing of the Provost’s decision and of the faculty member’s right to invoke the hearing procedure. If the faculty member wishes to invoke the hearing procedure, he or she must so inform the Dean of the Faculty in writing within two weeks of receipt of the Provost’s decision. In the event that the faculty member fails to so inform the Dean of the Faculty within two weeks, the suspension will commence immediately. If the Provost concludes that some but not all of the charges against the faculty member may form a reasonable basis for believing that a suspension is appropriate, the Provost shall cause the faculty member to be furnished with a written and detailed statement of the charges against the faculty member.

(c) The charges against the faculty member shall be heard by a hearing panel appointed as follows: The faculty member and the Provost shall each choose four members of the University Appeals Panel. The faculty member’s nominees shall choose two of the Provost’s nominees, and the Provost’s nominees shall choose two of the faculty member’s nominees. The four so chosen shall then choose a fifth tenured University member, who shall chair the hearing panel. Any person nominated who has participated in the matter being heard or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself.

(d) At the hearing, the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses against him or her. The faculty member’s advisor or counsel may not address the panel or question the witnesses unless requested to do so by the chair of the panel. The
chair shall ordinarily not make such a request unless there is a reasonable basis for believing that the faculty member is not effectively able to address the panel or question witnesses, or unless the chair concludes that such participation by the faculty member’s advisor or counsel will materially assist the proceedings. The hearing panel may elect to rely on the written record of any previous hearing boards that have adjudicated the matter in hand or selected portions thereof, if in the opinion of the hearing panel, the accused faculty member has been offered a full and fair opportunity to rebut the charges and the evidence presented. If the accused faculty member believes that previous hearings were not fair, or did not offer the faculty member the opportunity to rebut the charges or the evidence presented, the panel will afford the faculty member the opportunity to justify that belief. In either event, the hearing board shall determine whether suspension is an appropriate penalty for the conduct of the faculty member.

(e) If the faculty member requests before or at the opening of the hearing, he or she shall after its conclusion be furnished, without cost to him or her, a full report of all the evidence received by the panel (including copies of all documents received) and he panel’s findings and recommendations. The faculty member will also receive an audio recording of all testimony taken, unless the faculty member waives that right. In the event that the faculty member waives the right to receive an audio recording, the panel may make such a recording to assist its deliberations.

(f) The panel shall report its findings to the President in writing within eight weeks of being formed. The President shall then render a decision on the matter. The decision will not be subject to further appeal or reconsideration.

(g) The office of the Dean of the Faculty will provide staff support for the panel.

4. Procedures for suspension and dismissal of college or school faculty members other than professors, associate professors, and assistant professors:

(a) When complaint from any source is made against such member which might lead to the imposition of a dismissal or suspension, and unless the alleged misconduct falls under the jurisdiction of a specific Cornell policy containing its own procedures, the Dean of his or her college shall inform the member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it.
(b) If the matter is adjusted informally to the satisfaction of the Dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the Dean shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her.

(c) No dismissal or suspension shall be imposed without first giving such member an opportunity to invoke grievance procedures and seek review by the Committee on Academic Freedom and Professional Status of the Faculty [AFPS], to the extent permitted by the specific policy guidelines governing such reviews, and within the following stated time periods: The member shall have 4 weeks after being informed in writing of the charges and recommended sanctions to invoke grievance procedures or review by the AFPS. Where a review by the AFPS is requested following a grievance action, the faculty member shall have 4 weeks after the completion of the grievance procedure to request review by the AFPS.

(d) The opportunity to invoke grievance procedures and seek review by the AFPS before the imposition of a dismissal or suspension, as described above, applies also to cases where the recommendation for a dismissal or suspension is a result of action taken under any other college or university policy (including those policies governing “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”). In such instances, the AFPS may elect to rely on the written record of any previous hearing boards that have adjudicated the matter in hand or selected portions thereof, if in the opinion of the AFPS, the accused faculty member has been offered a full and fair opportunity to rebut the charges and the evidence presented. If the accused faculty member believes that previous hearings were not fair, or did not offer the faculty member the opportunity to rebut the charges or the evidence presented, the AFPS will afford the faculty member the opportunity to justify that belief. In either event, the AFPS shall determine whether suspension is an appropriate penalty for the conduct of the faculty member.

B. Minor Sanctions

If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, the following procedures will be followed.

1. If a minor sanction is imposed under a specific university policy (such as “academic misconduct,” “sexual harassment,” “financial irregularities,”
and “conflict of commitment/interest”), the faculty member may obtain consideration and, possibly, redress by invoking a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

2. If the conduct justifying a minor sanction is not regulated under any other specific university policy, the appropriate administrator will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been unjustly imposed may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

3. A faculty member who believes that a sanction proposed under the procedures for “minor sanctions” is, in fact, a “dismissal or suspension” may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

C. Emergency Suspension

1. If a university professor, or college or school faculty member, is charged with misconduct and if the member’s continuance threatens imminent serious harm to the member or others or to property, the faculty member may be suspended by the President (or his or her designee) or assigned to other duties in lieu of suspension pending final resolution of the charge.

2. The scope and duration of the emergency suspension shall be tailored as narrowly as possible to the nature of the harm posed, so that the faculty member’s rights and privileges are not summarily abrogated more broadly than is reasonably necessary to protect persons or property pending completion of the suspension procedure. Whatever other rights and privileges may be withdrawn by an emergency suspension, the faculty member’s full salary shall continue during the period of the emergency suspension.

3. The President (or his or her designee) shall promptly report to the Dean of Faculty concerning the propriety, the length, and any other conditions of the emergency suspension.

D. The Role of College Suspension Procedures

Nothing in this policy shall limit the right of any school/college to establish its own procedure to regulate the process by which administrators in that school or college decide to initiate suspensions, as long as those school/college procedures
do not abridge in any way the applicable procedural rights conferred by any section of this policy to faculty members facing suspension.

In April 2007, Professor Meyers-Wallen reported that the Executive Policy Review Group decided to put the policy adopted in September in a different format. The AFPS Committee looked at the new format and decided it was unacceptable.

The essential principles the Committee wanted to see are:

- Suspension is a serious disciplinary action and second only to dismissal.
- A common pathway to suspension regardless of the offense committed.
- The hearing board should report to the President who has final authority.
- The definition of suspension should be stated as originally submitted.
- Emergency suspension should only be levied by the highest authority.
- The accused could question his or her accuser.
- Punishment should not precede conviction nor should full salary be taken away until the process has been completed.

A compromise was reached that does contain the essential principles and there are further things to think about.

Senate members were requested to send additional comments so that a resolution could be presented at the next meeting.
In May 2007, Professor Meyers-Wallen introduced the following resolution:

WHEREAS, a suspension is second only to dismissal in the effect that it has on a faculty member’s career, and

WHEREAS, a dismissal procedure, authorized in the Bylaws of Cornell University (Article XVI Instructional and Research Staff, Appointment and Tenure, Section 10), is already present in the Faculty Handbook of Cornell University (Section 4.3, Separation), and

WHEREAS, the Faculty Senate unanimously passed the Job-Related Faculty Misconduct Policy (aka the Suspension Policy) in September 2006 containing the principles and procedures deemed essential for imposing suspension upon a faculty member, and

WHEREAS, the Administration has agreed to revision of the dismissal procedure adopted by the Board of Trustees and the University Faculty in 1951, creating a combined procedure for faculty dismissal and suspension (attached below) that provides faculty facing a temporary suspension with a process as fair and protective of faculty rights as the September 2006 Senate approved Suspension Policy,

THEREFORE, BE IT RESOLVED, that the Faculty Senate approves the following procedure for dismissal and suspension, with the intention that it will replace the Job-Related Faculty Misconduct Policy (aka the Suspension Policy) unanimously passed by the Faculty Senate in September 2006.

She then reported on the actual wording proposed to be placed in the Faculty Handbook:

Text to be incorporated into the Faculty Handbook (proposed changes tracked)

Article XVI, Section 10, of the bylaws states:

“The Board shall have the right to dismiss and terminate the appointment of any member of the staff of instruction and research for failure to perform the duties required of the position which he holds or for such person misfeasance or nonfeasance as shall make him unfit to participate in the relationship of teacher and student. Such dismissal shall be effected through such procedures as the Board may adopt. Such procedures shall provide for reasonable notice and an opportunity to be heard.”
The following dismissal procedure in the case of faculty members, was adopted by the Board of Trustees and the University Faculty in 1951 (Note: non-substantive changes have been made to phrase the policy in gender-neutral terms):

The university reserves the right to dismiss and discontinue, or to suspend, the appointment of any member of its faculties, on reasonable notice and after giving such member an opportunity to be heard, for misconduct or failure to perform the duties required of the position he or she holds.

In the case of a university professor, professor, associate professor, or assistant professor, the following procedure shall be adopted to govern dismissal or suspension for the period of one semester or more:

A. When complaint from any source is made against a university professor, a professor, an associate professor, or an assistant professor which might lead to his or her dismissal or to suspension for the period of one semester or more, the dean of his or her college, or in the case of a university professor, the dean of the University Faculty, shall inform the faculty member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it. The dean shall thereafter report to the president the results of the investigation together with his or her recommendations. The president shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her and the suggested disciplinary action if, after receiving the dean’s report and making such independent investigation as may seem appropriate to the president, it is the opinion of the president that further proceedings are warranted.

B. If the faculty member desires a hearing, he or she shall so request in writing to the president within thirty days of the receipt of the written charges against him or her, and he or she shall then be entitled to a hearing before a board appointed by the president and consisting of five members of the University Faculty, of whom two shall be selected by the faculty member, two by the president and the fifth by the other four.

C. At such hearing the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his or her own behalf and to confront and question the witnesses against him or her. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion, be furnished, without cost to him or her, a full report of the proceedings before the board, including the testimony taken, the evidence received, and the board’s findings and
recommendations. The board shall submit to the president a report of its findings and recommendations. If suspension is recommended, the president’s decision shall be final; and if dismissal is recommended, this report shall be appended by the president to any recommendations he or she may make to the Board of Trustees in regard to the case.

D. If dismissal is recommended, the faculty member shall be free to resign at any time within thirty days of receipt of the written charges against him or her; but if he or she has neither requested a hearing nor resigned within such thirty days, the Board of Trustees shall be free to dismiss him or her without further notice or hearing. If suspension is recommended and the faculty member fails to request a hearing within the thirty day period described in paragraph B above, the suspension shall be implemented as recommended.

E. In the case of suspension of less than one semester, or suspensions of any length of faculty other than university professor, professor, associate professor or assistant professor, a dean’s determination to suspend a faculty member shall be subject to existing grievance procedures. In cases where the Faculty Committee on Academic Freedom and the Professional Status of the Faculty is the final step in the grievance procedure, the Faculty Committee will submit a report of its findings and recommendations to the president. If suspension is recommended. The president’s decision shall be final.

For purposes of this dismissal and suspension procedure, the following definitions shall pertain:

“Provost” refers to the provost or the provost for medical affairs, as appropriate. However, in the event the provost for medical affairs serves simultaneously as the dean of the college in which the case arises, the president shall receive and review the dean’s report and make the appropriate judgment about further proceedings.

“Suspend” or “suspension” means a temporary abrogation of the faculty member’s rights or responsibilities that effectively prevents the faculty member from carrying out the responsibilities of his or her position or a temporary partial or temporary full reduction of a faculty member’s salary, whether or not it is named as a suspension. A non-disciplinary reduction of salary such as a non-temporary reduction of salary that may be implemented at the time of an annual salary review, or a non-disciplinary reassignment of duties at an appropriate time in the academic calendar shall not be considered a suspension. The period of a suspension shall be no less than two weeks and no more than two semesters. Except for an emergency suspension, the imposition of any suspension shall be deferred pending the conclusion of the internal review process.
“Emergency suspension” refers to the suspension by the president or his designee with full salary pending the ultimate determination of the faculty member’s case where the faculty member is charged with misconduct and his or her continuance threatens imminent, serious harm to the member, to others, or to property. The scope and duration of the emergency suspension shall be tailored as narrowly as possible to the nature of the harm posed, so that the faculty member’s rights and privileges are not summarily abrogated more broadly than is reasonably necessary to protect persons or property pending completion of the suspension procedures.

“Faculty” refers to full-time faculty members as described in the University Bylaws.

Due to a lack of a quorum, a call for support was made and the observation was very, very strong – no votes against it.

On May 10, 2007, the University Faculty Committee approved the resolution on behalf of the Faculty Senate. It follows.

Article XVI, Section 10, of the bylaws states:

“The Board shall have the right to dismiss and terminate the appointment of any member of the staff of instruction and research for failure to perform the duties required of the position which he holds or for such person misfeasance or nonfeasance as shall make him unfit to participate in the relationship of teacher and student. Such dismissal shall be effected through such procedures as the Board may adopt. Such procedures shall provide for reasonable notice and an opportunity to be heard.”

The following dismissal procedure in the case of faculty members, was adopted by the Board of Trustees and the University Faculty in 1951 (Note: non-substantive changes have been made to phrase the policy in gender-neutral terms):

The university reserves the right to dismiss and discontinue, or to suspend, the appointment of any member of its faculties, on reasonable notice and after giving such member an opportunity to be heard, for misconduct or failure to perform the duties required of the position he or she holds.

In the case of a university professor, professor, associate professor, or assistant professor, the following procedure shall be adopted to govern dismissal or suspension for the period of one semester or more:
A. When complaint from any source is made against a university professor, a professor, an associate professor, or an assistant professor which might lead to his or her dismissal or to suspension for the period of one semester or more, the dean of his or her college, or in the case of a university professor, the dean of the University Faculty, shall inform the faculty member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it. The dean shall thereafter report to the provost the results of the investigation together with his or her recommendations. The provost shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her and the suggested disciplinary action if, after receiving the dean’s report and making such independent investigation as may seem appropriate to the provost, it is the opinion of the provost that further proceedings are warranted.

B. If the faculty member desires a hearing, he or she shall so request in writing to the provost within thirty days of the receipt of the written charges against him or her, and he or she shall then be entitled to a hearing before a board appointed by the provost and consisting of five members of the University Faculty, of whom two shall be selected by the faculty member, two by the provost and the fifth by the other four.

C. At such hearing the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his or her own behalf and to confront and question the witnesses against him or her. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion, be furnished, without cost to him or her, a full report of the proceedings before the board, including the testimony taken, the evidence received, and the board’s findings and recommendations. The board shall submit to the president a report of its findings and recommendations. If suspension is recommended, the president’s decision shall be final; and if dismissal is recommended, this report shall be appended by the president to any recommendations he or she may make to the Board of Trustees in regard to the case.

D. If dismissal is recommended, the faculty member shall be free to resign at any time within thirty days of receipt of the written charges against him or her; but if he or she has neither requested a hearing nor resigned within such thirty days, the Board of Trustees shall be free to dismiss him or her without further notice or hearing. If suspension is recommended and the faculty member fails to request a hearing within the thirty day period described in paragraph B above, the suspension shall be implemented as recommended.
E. In the case of suspension of less than one semester, or suspensions of any length of faculty other than university professor, professor, associate professor or assistant professor, a dean’s determination to suspend a faculty member shall be subject to existing grievance procedures. In cases where the Faculty Committee on Academic Freedom and the Professional Status of the Faculty is the final step in the grievance procedure, the Faculty Committee will submit a report of its findings and recommendations to the president. If suspension is recommended, the president’s decision shall be final.

For purposes of this dismissal and suspension procedure, the following definitions shall pertain:

“Provost” refers to the provost or the provost for medical affairs, as appropriate. However, in the event the provost for medical affairs serves simultaneously as the dean of the college in which the case arises, the president shall receive and review the dean’s report and make the appropriate judgment about further proceedings.

“Suspend” or “suspension” means a temporary abrogation of the faculty member’s rights or responsibilities that effectively prevents the faculty member from carrying out the responsibilities of his or her position or a temporary partial or temporary full reduction of a faculty member’s salary, whether or not it is named as a suspension. A non-disciplinary reduction of salary such as a non-temporary reduction of salary that may be implemented at the time of an annual salary review, or a non-disciplinary reassignment of duties at an appropriate time in the academic calendar shall not be considered a suspension. The period of a suspension shall be no less than two weeks and no more than two semesters. Except for an emergency suspension, the imposition of any suspension shall be deferred pending the conclusion of the internal review process.

“Emergency suspension” refers to the suspension by the president or his designee with full salary pending the ultimate determination of the faculty member’s case where the faculty member is charged with misconduct and his or her continuance threatens imminent, serious harm to the member, to others, or to property. The scope and duration of the emergency suspension shall be tailored as narrowly as possible to the nature of the harm posed, so that the faculty member’s rights and privileges are not summarily abrogated more broadly than is reasonably necessary to protect persons or property pending completion of the suspension procedures.

“Faculty” refers to full-time faculty members as described in the University Bylaws.