

Policy and Procedure for Implementing Disciplinary Action Where Dismissal is Not Sought

Allegations and Disciplinary Actions

A faculty member may be disciplined for cause including but not limited to (1) acts of discrimination, including harassment, prohibited by law or University policy; (2) theft or misuse of University property; (3) refusal to perform reasonable assigned duties; or (4) violations of University policy (*Governing Regulations, Administrative Regulations* and *University Senate Rules*) substantially related to the individual's professional conduct as a University employee.

AR 7:1 and AR 7:2 shall govern the conduct of an investigation and the imposition of any disciplinary action in a circumstance involving an allegation of research misconduct.

Disciplinary action in the form of an imposed sanction may include, but shall not be limited to: verbal warning or written reprimand; departmental reassignment; actions on salary for disciplinary reasons (consideration of the misconduct in establishing the person's annual salary; forfeiture of pay from present salary for actual monetary damage suffered by the University through unauthorized use of University property); suspension (paid, unpaid, immediate); demotion in rank, limited to situations where a promotion in academic rank was obtained by fraud or dishonesty; modified teaching assignment, peer monitoring of classes; mandatory training in appropriate conduct or referral for counseling or other appropriate professional intervention.

Disciplinary action involving the possibility of dismissal shall be governed by GR X.B.1.(.).

Discipline or the threat of discipline may not be used to restrain faculty members in their exercise of academic freedom.

Role of the Educational Unit Administrator

After consultation with the Dean and the Office for Faculty Advancement, the educational unit administrator shall send the faculty member written notification of the allegation and provide the individual with an opportunity to respond prior to making a recommendation to the Dean of the College regarding the allegation and the imposition of any disciplinary action. The faculty employee shall have up to thirty (30) calendar days from the date of the unit administrator's letter to submit a written response to the unit administrator regarding the allegation.

After receiving the faculty employee's response, the unit administrator shall take one of the two following actions:

- **If the educational unit administrator concludes that the allegation is groundless, the unit administrator shall notify the faculty member in writing that the case has been dismissed and no further action shall be taken.**
- **If the educational unit administrator concludes that the allegation has merit, the unit administrator shall write to the Dean of the College, stating the nature of the allegation and the evidence in support of the allegation, and providing a recommendation on any disciplinary action. The unit administrator shall also forward a copy of all materials submitted by the faculty employee in response to the allegation, along with summaries of any meetings with the faculty employee. A copy of the educational unit administrator's letter and all accompanying materials shall be sent to the faculty employee.**

If the case is not dismissed, the faculty member may challenge the allegation or the severity of any proposed disciplinary action by filing a written appeal to the Dean of the College within fourteen (14) calendar days from the date of the educational unit administrator's letter.

Appeal to the Dean of College

After reviewing the faculty employee's appeal, the Dean shall take one of the two following actions:

- **If the Dean concludes that the allegation is groundless, the Dean shall notify the faculty member in writing that the case has been dismissed and no further action shall be taken. A copy of the Dean's letter shall be sent to the educational unit administrator.**
- **If the Dean concludes that the allegation has merit, the unit administrator shall write to the faculty employee, indicating the imposition of any disciplinary action. A copy of the Dean's letter shall be sent to the educational unit administrator.**

If the case is not dismissed, the faculty member may appeal the Dean's decision to the Provost within fourteen (14) calendar days from the date of the Dean's letter.

Appeal to the Provost

The Provost shall seek the advice of the Senate Advisory Committee on Privilege and Tenure (SACPT). The Provost shall send to the SCAPT membership a copy of all materials submitted by all individuals party to the case. The SACPT shall conduct its investigation in accordance with the policies and procedures stipulated in the University Senate Rules (Section 7.0). [USR 7.0 will need to be revised]

After reviewing the faculty employee's appeal, the Provost shall take one of the two following actions:

- **If the Provost concludes that the allegation is groundless, the Provost shall notify the faculty member in writing that the case has been dismissed and no further action shall be taken. Copies of the Provost's letter shall be sent to the Dean and educational unit administrator.**
- **If the Provost concludes that the allegation has merit, the unit administrator shall write to faculty employee, indicating the imposition of any disciplinary action. Copies of the Dean's letter shall be sent to the Dean and the educational unit administrator.**

The faculty member may appeal the Provost's decision to the President and thereafter, if still aggrieved, to the Board of Trustees. The faculty employee shall have fourteen (14) calendar days from the date of the notification letter from either Provost or President to submit a letter to the individual associated with the next level of appeal. The faculty employee shall receive written notification at the conclusion of an appeal to the President or Board of Trustees. Copies of those letters shall be sent to the other University Officials involved in the appeal and a copy shall be placed in the faculty employee's Standard Personnel File.

The processing of all such appeals shall be expedited. No disciplinary action, except temporary reassignment of duties or administrative leave with pay, shall be implemented during the pendency of the appeal process.

All proceedings and records with regard to disciplinary action shall be confidential insofar as the law permits. Copies of all official correspondence sent to the faculty employee shall be placed in the individual's Standard Personnel File.