

UNIVERSITY REVIEW COMMITTEE  
Thursday, February 12, 2015  
3 p.m., Hovey 209

MINUTES

Members present: Rick Boser, Phil Chidester, Angela Bonnell, Diane Dean, Joe Goodman, Doris Houston, Sheryl Jenkins, David Rubin, Sam Catanzaro (non-voting)

Members not present: Bill O'Donnell

Others present: Bruce Stoffel (recorder)

I. Call to order

Chairperson Sheryl Jenkins called the meeting to order at 3:02 p.m.

II. Approval of minutes from the February 5, 2015 meeting

Bruce Stoffel circulated minutes of the February 5, 2015 meeting to committee members. Jenkins asked that approval of the minutes be deferred to the February 26, 2015 meeting to allow committee members sufficient time to review them.

III. Process for discussing ASPT sub-group recommendations

Jenkins said that review of sub-group recommendations would commence at the next committee meeting, scheduled for February 26, 2015. Jenkins asked that committee members plan to work through issues in sub-group order, from Sub-group 1 to Sub-group 4.

IV. Draft ASPT policies on faculty discipline

Sam Catanzaro provided context for review of draft ASPT policies regarding faculty discipline (see attached). In 2013-2014 the Academic Senate chairperson requested development of a more informative and detailed policy regarding faculty dismissal. That year the University Review Committee and the Faculty Affairs Committee of the Academic Senate considered the matter and provided feedback regarding a draft policy. As review of the policy proceeded, it became clearer to Catanzaro that the policy should be integrated with ASPT policies, so the policy document reviewed in 2013-2014 has been recast as part of the ASPT document. After reviewing an earlier draft of the proposal, the Faculty Affairs Committee recommended adding provisions for minor sanctions to the provisions for suspension and dismissal. That has been done, Catanzaro said.

Catanzaro informed committee members that just one faculty member has been dismissed from Illinois State University since its founding in 1857. Having a policy in place would help guide the University through the stress related to a proposed dismissal in the unlikely event one should occur. The draft being considered at this meeting reflects benchmarking with institutions similar to Illinois State University with respect to size, shared governance culture, and mission. The draft also takes into account recommendations of the American Association of University Professors (AAUP).

Catanzaro said that the draft suspension and dismissal policy will be considered by URC as part of the larger package of changes to the ASPT document. Catanzaro will keep the Faculty Affairs Committee chairperson updated regarding URC progress in reviewing the suspension and dismissal policy.

Catanzaro asked for feedback from committee members regarding the latest draft.

Referring to Section XI.A.5 (line 31), Phil Chidester asked how often the University has dismissed faculty members due to program termination. Catanzaro responded that program termination is rare. He added that procedures have already been adopted to guide the University through those rare instances. Those procedures provide for reassignment of faculty members to other programs when feasible. Rubin asked if those procedures cover non-tenure track faculty members as well as tenure track faculty members. Catanzaro responded that the policy addresses tenure track faculty.

Rick Boser suggested dropping use of the word “minor” to describe sanctions. Problems elevated to discussion of sanctions, such as violations of the Code of Ethics, are not minor, he said. Agreeing with Boser, Chidester suggested referring to “sanctions” rather than “minor sanctions.” Catanzaro explained that the Faculty Affairs Committee decided to use the term “minor” after reviewing a similar policy from Michigan State University. Catanzaro will consider other terminology.

Referring to Section XII.B.2 (beginning on line 96), Chidester suggested that a DFSC/SFSC should inform the faculty member before communicating a recommendation for a sanction to the appropriate Dean and the Provost. This would be consistent with the approach described elsewhere in the ASPT document to work through problems at the unit level, especially issues that are minor. Chidester expressed concern that a DFSC/SFSC might start reporting minor issues to the Provost when those issues should instead be resolved by the unit. Boser agreed, suggesting adding language to the effect that a faculty member will be notified of any action before it is reported outside the department. Catanzaro said he will draft language to address this concern.

Referring to Section XIII.C, line 129, Boser asked if the sentence “Individuals suspended without pay and subsequently exonerated can be compensated” should instead read “Individuals suspended without pay and subsequently exonerated shall be compensated.” Catanzaro noted that university legal counsel prefers using the term “can,” however in practice the University would most likely compensate the faculty member. Catanzaro will revisit this matter with legal counsel.

Referring to Section XIII.D.2, line 144, Boser asked if the phrase “to this” is redundant in that context. He also noted inclusion of two periods after that phrase. Catanzaro said that he typically prefers redundancy if it serves to clarify, but he will omit the phrase “to this” in this instance and will also correct the punctuation.

David Rubin asked if a flow chart will be added to this new draft, as was the case with a prior draft. Angela Bonnell agreed with Rubin’s suggestion. Catanzaro said he could add a flow chart after the committee has decided on the text or, if a flow chart would help committee members in their review of the draft, he could create one now.

Referring to Section XIV.A.1.b, Diane Dean asked if there really might be situations in which a faculty member might not want to receive a written statement of reasons for non-

reappointment. Catanzaro explained that once reasons are written, the written statement may be discoverable. The wording in the draft is recommended by AAUP and allows faculty members to decide whether to have reasons committed to writing based on circumstances unique to each case.

Referring to that same section, Boser questioned whether it would be appropriate to ask a chair/director to draft and send the written statement. This might be challenging, especially for new chairs/directors, he said. Catanzaro responded that assistance from the dean, Provost's office, and university general counsel is implied.

Referring to Section XIV.3.j.i, Chidester asked about the rationale for the Faculty Review Committee (FRC) deciding whether a hearing should be public or private. Catanzaro explained that FRC would attempt to reach a mutually agreeable arrangement with the faculty member regarding the nature of the hearing, exercising professional judgment in doing so. Ultimately, however, FRC would make the final decision in such matters, as the body convening the hearing.

Catanzaro noted another redundant "to this" phrase on line 387.

Boser asked that the document be edited for consistency in use of semi-colons and periods.

Chidester thanked Catanzaro for consistency with use of the term "shall," noting that this draft is much more consistent with that usage than other documents the committee has been reviewing recently.

Chidester expressed concern that there could be a glaring omission in the draft that might not yet be obvious but might be detected through review of a flow chart illustrating processes described in the text. Catanzaro said he will work to complete a flow chart before the next URC meeting. He will send the chart to committee members in advance of the next meeting and ask members to review the document once more, using the flow chart as an aid.

Catanzaro asked committee members if they have any issues related to the recommended timelines attached to the draft policy. He reminded committee members that extensions can be granted by the Provost or the President if conditions warrant them.

Jenkins asked if the timelines attached to the draft policy will appear in the ASPT document. Catanzaro said they could. Jenkins noted irregular spacing in the Activity column in the sixth row (from the top) of the timeline titled "Dismissal – XIV, Dismissal of Tenured Faculty – XIV.B." Catanzaro explained that entries in that row are intended to be subordinate to entries in the prior row. He will test if removing the line between those rows makes that hierarchy clearer.

Rubin asked if there are any differences in the manner in which the policy relates to tenured and probationary faculty members. Catanzaro responded that faculty in the two categories are treated equally.

Also referring to the timeline titled "Dismissal – XIV, Dismissal of Tenured Faculty – XIV.B.," Chidester noted that an entry in the Recommended Timeline column of row five (from the top) refers to setting a hearing "at least 10 business days after the date of the Provost's letter ..." Chidester suggested adding a deadline to that passage.

Referring to the recommended timeline titled “Dismissal – XIV, Probationary Faculty – Dismissal for Adequate Cause,” Doris Houston suggested that the phrase “As soon as is feasible” be replaced with clearer direction. She noted that a similar phrase appears in the text, on line 259 (page 6 of the draft). Perhaps that phrase could be deleted, she said. Catanzaro will delete the phrase from both locations.

Houston noted that entries in that same timeline (titled “Dismissal – XIX, Probationary Faculty – Dismissal for Adequate Cause,” do not include text references as is the case with entries in other timelines in the draft. She asked if the notation in the timeline title to “A.3” means that all entries in that timeline refer to that section of the text. Catanzaro said it does.

Catanzaro then summarized the changes he will make to the draft based on suggestions made at this meeting. He said he will circulate a revised policy, with a flow chart, for discussion at the next committee meeting.

Jenkins said the next meeting is scheduled for February 26. The meeting will begin with discussion of the revised faculty discipline policy. The committee will then begin discussion of ASPT sub-group recommendations, beginning with recommendations from Sub-Group 1.

V. Adjournment

Chidester moved, Rubin seconded that the meeting be adjourned. The meeting adjourned at 3:53 p.m.

Respectfully submitted,  
Diane Dean, Secretary  
Bruce Stoffel, Recorder

Attachments:

Draft ASPT policies on faculty discipline, including

Memorandum from Sam Catanzaro to Sheryl Jenkins dated January 30, 2015  
Recommended Timelines for Faculty Discipline  
Draft ASPT sections on Minor Sanctions, Suspension, and Dismissal/Termination of Appointment  
Proposed Revisions of ASPT Policies Table of Contents Reflecting Draft Sections on Disciplinary Actions



**ILLINOIS STATE  
UNIVERSITY**  
*Illinois' first public university*

**Vice President  
Provost of the University**

401 Hovey Hall  
Campus Box 4000  
Normal, IL 61790-4000  
Phone: (309) 438-7018  
Fax: (309) 438-5602

**MEMORANDUM**

**TO:** Sheryl Jenkins, Chair, University Review Committee

**FROM:** Sam Catanzaro, Assistant Vice President for Academic Administration

**RE:** Draft ASPT Policies on Faculty Discipline

**DATE:** January 30, 2015

Attached please find a draft of new and revised sections of the ASPT Policies pertaining to faculty discipline. I request that URC review this draft pursuant to ASPT Policy II.C, and that this review be completed in time for forwarding the sections to Faculty Caucus for final approval prior to the end of the Spring 2015 semester.

Development of these draft policies began at the request of the Chair of the Academic Senate during 2013-14, with review by both URC and the Faculty Affairs Committee of the Academic Senate. The attached version of these draft policies reflects the input of both committees. Some highlights include:

- Organization under the broad rubric of “Disciplinary Action,” with distinct sections on “General Considerations” (XI), “Minor Sanctions” (XII), “Faculty Suspensions” (XIII), and “Termination of Appointment of Probationary and Tenured Faculty” (XIV). A draft of how this would appear in the ASPT Table of Contents is attached. This approach will necessitate re-numbering of current ASPT Policies XI through XIV.
- Last year, URC reviewed early versions of the sections on “Faculty Suspensions” (XIII) and on dismissal of Tenured Faculty (XIV.B). FAC suggested the current organizational rubric and specifically requested development of sections on General Considerations and Minor Sanctions. General Considerations (XI) includes material that had been embedded in earlier versions of the sections on suspensions and on dismissal of tenured faculty.
- The timelines have been lengthened compared to those that were included in the versions reviewed by URC last year. A summary of the timelines is also attached.
- Because of the extent of new material and re-organization, this version does not show tracked changes. However, a few comments are included to provide additional background and some cross-referencing to the current ASPT Policies.

1 **DRAFT** ASPT sections on Minor Sanctions, Suspension, and Dismissal/Termination of  
2 Appointment: 01-27-2015

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4 **DISCIPLINARY ACTIONS**

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6 **XI. General Considerations**

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8 **A. Types of Disciplinary Actions**

- 9 1. Faculty may be subject to discipline of varying levels. Disciplinary  
10 actions include Minor Sanctions, Suspension, and Dismissal.  
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12 2. Minor sanctions may be imposed for such adequate causes as violations of  
13 laws or University policies, including the Code of Ethics and its  
14 appendices. Specific policies related to minor sanctions are provided in  
15 ASPT XII.  
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17 3. Suspension occurs when a faculty member is temporarily relieved of  
18 academic duties, such that the faculty member is not engaged in any  
19 teaching, research, or service activities at the University. The faculty  
20 member could be on paid or unpaid status. Specific policies related to  
21 suspensions are provided in ASPT XIII.  
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23 4. It is understood that suspension (with or without pay) of faculty members  
24 will only be contemplated in circumstances when there is a reasonable  
25 threat of imminent harm to the University, including the faculty member  
26 in question, students, and other employees or when credible evidence of  
27 adequate cause for dismissal is available. The administration of the  
28 University will inform the faculty member of its rationale for judging that  
29 suspension is indicated.  
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31 5. Dismissal of a tenured faculty member may be effected by the University  
32 for such adequate causes as lack of fitness to continue to perform in the  
33 faculty member's professional capacity as a teacher or researcher; failure  
34 to perform assigned duties in a manner consonant with professional  
35 standards; malfeasance; or demonstrable University financial exigency or  
36 program termination. Specific policies related to termination of tenured  
37 faculty appointments are provided in ASPT XIV.B.  
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39 6. Termination of faculty due to financial exigency or program termination  
40 will follow the process outlined in the ISU Constitution (Article III,  
41 Section 4.B.2) and all applicable policies.  
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43 **B. Faculty Rights**

- 44 1. Disciplinary actions (including suspension or termination) or the threat  
45 thereof may not be used to restrain faculty members' exercise of academic  
46 freedom. Faculty members shall retain their right to file a grievance with

**Comment [SC1]:** Currently ASPT Policy XI.B.1.

47 the Faculty Academic Freedom, Ethics, and Grievance Committee, if they  
48 believe that their academic freedom or the Code of Ethics has been  
49 violated.

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51 2. In all disciplinary proceedings, faculty members have the rights to due  
52 process, to timely notice, to seek advice, to respond to developments in the  
53 disciplinary process, and to have an advisor and/or counsel present at  
54 discussions, hearings, and appeals. Such advisor/counsel is advisory to the  
55 faculty member only.

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57 C. Faculty members' duties may be reassigned temporarily while possible causes for  
58 disciplinary actions are being investigated or while the due process for a  
59 disciplinary action is being followed. The reasons for such reassignment of duties  
60 will be provided to the faculty member. Such reassignments will be made to  
61 prevent reasonable threats of harm to the University, the individual faculty  
62 member, or other members of the University community; when required by law;  
63 or when necessitated by pending criminal investigation or legal proceedings.

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65 D. Probationary faculty who face disciplinary actions and are either exonerated or  
66 required to complete corrective actions may request a one year "stop-the-clock"  
67 extension of their as probationary period, as described in IX.B.3. The records of  
68 the disciplinary process, including documentation of exoneration and completion  
69 of any required corrective actions, may be reviewed in the tenure and promotion  
70 process as it bears on the faculty member's performance in teaching, research, and  
71 service. The purpose of such review will be to ensure that only the documented  
72 facts of the individual's exoneration and/or corrective actions are considered.

## 73 74 **XII. Minor Sanctions**

75 A. Minor sanctions include oral and written reprimand, fines, reduction in salary,  
76 and requirement of corrective action.

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78 B. Minor sanctions may be initiated by a DFSC/SFSC or by the appropriate College  
79 Dean or by the Provost.

80 1. The Dean or Provost may initiate minor sanctions upon receipt of a  
81 substantiated finding of violation from University Ethics Officer, for  
82 violations of the State Ethics Act and other relevant laws; the Academic  
83 Freedom, Ethics, and Grievance Committee, for violations of academic  
84 freedom or the Code of Ethics; the Office of Equal Opportunity, Ethics,  
85 and Access, for violations of the Anti-Harassment and Anti-  
86 Discrimination Policy; or the Associate Vice President for Research, for  
87 violations of the Integrity in Research and Scholarly Activities policy.  
88 Disciplinary action will not be implemented until all appeals as provided  
89 for in the relevant policies are exhausted. When the recommendation to  
90 initiate disciplinary action comes from the Dean or the Provost, the faculty  
91 member and the DFSC/SFSC will be informed in writing of the  
92 disciplinary action and its rationale. In such cases, the DFSC/SFSC may

93 choose to communicate, in writing, a non-binding advisory  
94 recommendation to the Dean or Provost on the matter.  
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- 96 2. The DFSC/SFSC may recommend minor sanctions whenever it becomes  
97 aware of evidence of cause for such action, as described in XI.A.2. In  
98 such cases, the DFSC/SFSC shall communicate its recommendation to the  
99 appropriate Dean and the Provost. The Provost may implement  
100 disciplinary action after consultation with the Dean.  
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102 C. No minor sanctions may be implemented until all appeals relevant to the policies  
103 in question are exhausted.  
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105 D. Application of minor sanctions will be communicated to the faculty member in  
106 writing by the Provost, who shall also inform the Chair/Director and Dean. If the  
107 minor sanctions include corrective actions, the requirements of these corrective  
108 actions, including timeline and acceptable documentation will be described in the  
109 same written communication and copied to the personnel/ASPT file. The faculty  
110 member may request, and shall receive, clarification of such requirements.  
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### 112 **XIII. Faculty Suspensions** 113

114 A. Faculty members may be suspended for a specified time period, or with  
115 requirements of corrective action to be completed prior to reinstatement, or as a  
116 preliminary step toward termination of appointment/dismissal for cause (see  
117 XIV).  
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119 B. A faculty member in the suspension process is afforded due process. This right is  
120 balanced against the University's responsibility to prevent harm to students, other  
121 employees, and the institution itself.  
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123 C. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will  
124 only occur after the process described in XIII.D is completed and all appeals or  
125 related grievances are adjudicated. In extraordinary cases when there is evidence  
126 that the faculty member has abandoned professional duties or is unable to fulfill  
127 such duties, a temporary suspension without pay may be instituted prior to  
128 completion of the University's process. Individuals suspended without pay and  
129 subsequently exonerated can be compensated.  
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131 D. Procedural Considerations Related to Suspension  
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- 133 1. Each step in the procedures described below should be completed as soon  
134 as is practicable, and normally in the time frame indicated. However, the  
135 President or Provost may extend these deadlines for good reason, and  
136 concerned parties may request consideration for doing so. The President,  
137 Provost, or their designee will communicate extensions of the normal  
138 timelines provided below in writing to all concerned parties. Such



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extensions shall not constitute a procedural violation of this policy.

2. There shall be discussion between the faculty member, the Chair/Director, the Dean, and Provost, or their designees. Ordinarily, the Provost's designee will not be an attorney for the University, though there may be exceptions to this.. The intention of this discussion will be to develop a mutually agreeable solution that ensures safety for the University community and educational success of students. This mutually agreeable solution could result in a suspension or a re-assignment of duties.
3. While discussion is ongoing, the University reserves the right to temporarily re-assign a faculty member from any or all duties, including teaching, in order to prevent harm to the University or members of its community; when required by law; or when necessitated by pending criminal investigation or legal proceedings. (See ASPT XI.C.)
4. If a mutually agreeable solution is found, it shall be documented in writing signed by the faculty member and appropriate administrative officers of the university. A mutually agreeable solution should be finalized within 5 business days of initiation of discussion. However, if the parties mutually agree in writing, this period may be extended if such extension would make agreeing to a solution likely. Such an agreement will be communicated to the Dean and Provost within 5 business days of the initiation of discussion.
5. If a mutually agreeable solution cannot be found and it is determined that suspension is necessary, then the following process will take place.
  - a. The Chair/Director will consult with DFSC/SFSC. Such consultation will entail informing the DFSC/SFSC of the areas of concern and the reasons why suspension is indicated. Such consultation will include review of relevant documentation/information (e.g., past performance evaluations; investigation report) and/or advice of Legal Counsel.
  - b. The faculty member will be notified in writing of the consultation with the DFSC/SFSC, including the reasons why suspension is indicated. The faculty member shall have the opportunity to present reasons why suspension should not occur, in writing, to the DFSC/SFSC. The faculty member's written statement shall be submitted within 5 business days of notification of the consultation with the DFSC/SFSC.
  - c. There shall be documentation of the consultation with the DFSC/SFSC. The elected members of the DFSC/SFSC may make a non-binding advisory recommendation to the Chair/Director. Consultation with the DFSC/SFSC,

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documentation of such, and any recommendations made by the DFSC/SFSC, shall be completed within 10 business days.

- d. Following DFSC/SFSC consultation, the Chair/Director shall consult with the Dean and Provost and provide written notice of a decision to the faculty member, Dean, and Provost within 5 business days. The DFSC/SFSC shall be informed of the decision. If the reasons for the suspension also constitute adequate cause for dismissal as described below and in ASPT Policies XIV.B.1, the written notice shall so indicate, and the dismissal procedures delineated below shall commence.

**Comment [SC2]:** New numbering, see below

- 6. A suspended faculty member may appeal to the President within 10 business days of the written notice from the Chair/Director, as described in XII.E.4.c. Such appeal must be made in writing, with copies provided to the Chair/Director, Dean, and Provost. Appeals may be based on substantive or procedural grounds. The President shall rule on the appeal within 21 business days.
- 7. Suspended faculty members shall retain their right to file a grievance with the Faculty Academic Freedom, Ethics, and Grievance Committee, if they believe that their academic freedom or the Code of Ethics has been violated. Suspensions will remain in effect while such grievances are adjudicated.
- 8. Faculty members who are suspended as a preliminary step toward dismissal for cause will retain their right to due process throughout the dismissal proceedings, which shall follow the principles and steps described below.

**XIV. Termination of Appointment of Probationary and Tenured Faculty**

**A. Probationary Faculty**

- 1. Recommendations for nonreappointment prior to a tenure decision shall be made by the DFSC/SFSC in consultation with the Dean and the Provost. The Chairperson/Director of the DFSC/SFSC shall communicate the recommendation of nonreappointment in writing to the faculty member, the Dean, and the Provost. Nonreappointment can also be the result of a negative tenure recommendation. Official notices of nonreappointment, whether issued prior to a tenure decision or as a result of a negative tenure decision, are issued from the Office of the Provost.
  - a. Upon notice of non-reappointment other than a negative tenure recommendation, a probationary faculty member may request an oral statement of reasons for non-reappointment from the Chair/Director.

**Comment [SC3]:** Section XIV.A 1 and 2 on Probationary Faculty are currently ASPT XI.A. Section XIV.A.3 is new language added to address termination for cause (e.g., major criminal offense or ethics violation) as distinct from non-reappointment for poor performance or lack of progress toward tenure.

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- b. Following the oral statement of reasons for non-reappointment under a. (above), a probationary faculty member may request a written statement of reasons for non-reappointment from the Chair/Director. The Chair/Director shall advise the probationary faculty member of the pros and cons of obtaining such a statement in writing. If the probationary faculty member still wishes a written statement, the Chair/Director shall provide the requested written statement.
- c. Appeals of non-reappointment other than those following a negative tenure decision shall be governed by Article XIII.J.
- d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provision of Article XIII. F.

Comment [SC4]: Will change to XVI

Comment [SC5]: Will change to XVI

2. Notice of termination shall be given not later than March 1 of the first academic year of service; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination; not later than February 1 of the second academic year of service; or, if the appointment terminates during an academic year, at least six months in advance of its termination; at least twelve months before termination of an appointment after two or more years of service.

~~2.3.~~ Termination of a probationary faculty for such adequate causes as lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher; failure to perform assigned duties in a manner consonant with professional standards; or malfeasance may proceed irrespective of the timeline specified in XIII.A.2. Notice of such termination will be issued by the Provost, after consultation with the Dean and Department Chair/School Director, as soon as feasible. Appeals may be made to the President within 10 business days of the Provost's communication of the termination. The President shall rule on the appeal within 21 business days.

#### B. Tenured Faculty

- 1. The standard for dismissal of a tenured faculty member is that of adequate cause. The burden of proof shall be upon the institution. Negative performance-evaluation ratings shall not shift the burden of proof to the faculty member (to show cause why the faculty member should be retained). Evaluation records may be admissible but may be rebutted as to accuracy.
- 2. ASPT Policy V.C.3 provides for initiation of dismissal proceedings by the DFSC/SFSC. University Administration may also initiate dismissal proceedings when it becomes aware of adequate cause.

Comment [SC6]: Currently XI.B.3.

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3. **Procedural Considerations Related to Termination of Appointment of Tenured Faculty**
- a. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated. However, the President or Provost may extend these deadlines for good reason, and concerned parties may request consideration for doing so in writing. The President, Provost, or their designee will communicate extensions of the normal timelines provided below in writing to all concerned parties. Such extensions shall not constitute a procedural violation of this policy.
  - b. If the recommendation to initiate dismissal proceedings comes from the Department, School, or College, then the DFSC/SFSC (per ASPT V.C.2) or Dean of the College in which the faculty member's locus of tenure resides will submit a letter to the Provost describing charges that the University has adequate cause to effect dismissal of the faculty member.  
  
If the recommendation to initiate dismissal proceedings comes from the University Administration, the Provost will inform the faculty member in writing of the charges and provide the Dean and DFSC/SFSC with a copy. In such cases, the DFSC/SFSC may choose to communicate, in writing, a non-binding advisory recommendation to the Provost on the matter.  
  
If a faculty member being charged with adequate cause for dismissal is suspended as described in ASPT XII, the due process for suspension will be followed while dismissal proceedings are underway.
  - c. The Provost will direct, in writing, the Faculty Caucus of the Academic Senate to select an Initial Review Committee of six faculty members to determine whether, in its view, formal proceedings for the faculty member's dismissal should be instituted. This written direction shall be made within 5 business days of date of the letter initiating dismissal proceedings (from the Provost, DFSC/SFSC, or Dean as required in XIV.B.3.b). The committee will consist of one faculty member from each college except that in which the faculty member's locus of tenure resides. The Faculty Caucus should meet in executive session within 21 business days of the date of the Provost's written direction to select the Initial Review Committee members.
  - d. The Initial Review Committee will review each charge contained in the letter alleging adequate cause described in XII.B.5.b, and

**Comment [SC7]:** From XIV.B.3 onward, draft policy is that reviewed during 2013-14 by URC and FRC, with some minor changes

- 323 will have the authority to interview the respondent/faculty  
324 member, the Dean, the Department Chair/School Director, and any  
325 other person who may have relevant information. The Initial  
326 Review Committee may also have access to any relevant  
327 documentation.  
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- 329 e. The Initial Review Committee will submit their recommendation  
330 within 21 business days of the date of the formation of the  
331 committee.  
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- 333 f. If the Initial Review Committee recommends that dismissal  
334 proceedings should commence, or if the Provost, even after  
335 considering a recommendation favorable to the faculty member,  
336 determines that a proceeding should be undertaken, a statement of  
337 the grounds proposed for the dismissal should be jointly  
338 formulated by the Initial Review Committee and the Provost or  
339 Provost's designee. If there is disagreement, the Provost or the  
340 Provost's designee shall formulate the statement. The statement  
341 shall be formulated within 10 business days of the committee's  
342 communication of the recommendation to the Provost.  
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- 344 g. The Provost shall communicate in writing to the faculty member:  
345 (1) the statement of grounds for dismissal; (2) information  
346 regarding the faculty member's procedural rights; and (3) a  
347 statement informing the faculty member that, at the faculty  
348 member's request, a hearing will be conducted by the Faculty  
349 Review Committee (FRC) of Illinois State University to determine  
350 whether s/he should be removed from the faculty position on the  
351 grounds stated. This communication to the faculty member shall  
352 be delivered within 5 business days of the date of the statement.  
353 The hearing date should be far enough in advance to permit the  
354 faculty member to reasonably formulate and prepare a defense, and  
355 at least 10 business days from the date of the Provost's letter  
356 communicating the decision to the faculty member.  
357
- 358 h. The faculty member should state in reply no later than 5 business  
359 days before the time and date set for the hearing whether s/he  
360 wishes a hearing. If a hearing is requested, the faculty member  
361 shall answer the statements in the Provost's letter in writing and  
362 submit this document to the Provost and the FRC no later than 5  
363 business days before the date set for the hearing.  
364
- 365 i. The Faculty Review Committee (FRC):  
366  
367 i. Shall consider the statement of grounds for dismissal  
368 already formulated, the recommendation of the Initial

- 369 Review Committee, and the faculty member's response  
370 before the hearing;  
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372 ii. If the faculty member has not requested a hearing, the FRC  
373 may consider the case on the statement of grounds and the  
374 reply and any other obtainable information and decide  
375 whether the faculty member should be dismissed.  
376  
377 iii. If the faculty member has requested a hearing, the FRC  
378 shall hold a hearing.  
379  
380 j. Hearings by the Faculty Review Committee  
381 i. The FRC shall decide whether the hearing is public or  
382 private;  
383 ii. If facts are in dispute, testimony may be taken or other  
384 evidence received;  
385 iii. The Provost or a designee shall attend the hearing  
386 (Ordinarily, the Provost's designee will not be an attorney  
387 for the University, though there may be exceptions to this) ;  
388 iv. The FRC will determine the order of proof, and may secure  
389 the presentation of evidence important to the case;  
390 v. The faculty member shall have the option of assistance  
391 from counsel or other advisor, whose role shall be limited  
392 to providing advice to the faculty member rather than  
393 presenting or actively engaging in the proceedings;  
394 vi. The faculty member shall have the assistance of the  
395 committee in securing the attendance of witnesses.  
396 Because the committee cannot compel the participation of a  
397 witness, the proceedings shall not be delayed by the  
398 unavailability of a witness.  
399 vii. The proceedings will be recorded at the expense of the  
400 University;  
401 viii. The Provost's representative and the faculty member shall  
402 present any information helpful to the determination. Each  
403 may request the committee in writing to ask witnesses to  
404 answer specific questions. Appropriate procedure will be  
405 determined by the FRC.  
406 ix. The FRC shall permit a statement and closing by the  
407 Provost's representative and the faculty member. The FRC  
408 may exercise its discretion in allowing a reasonable amount  
409 of time for each statement.  
410 x. The FRC may request written briefs by the parties.  
411 xi. The FRC shall reach its decision promptly in conference,  
412 on the basis of the hearing if one was held, and submit a  
413 full written report to the Provost and the faculty member.  
414 The written report shall be submitted to the Provost within

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21 business days of the hearing. A record of any hearing should be made available to the Provost and to the faculty member.

- k. The Provost shall review the full report of the FRC for final action. If the Provost disagrees with the decision of the FRC, s/he shall request the FRC to reconsider the report. The Provost shall then make a final decision whether the faculty member should be dismissed. The Provost's final decision shall be communicated to the faculty member within 10 business days of the final report of the FRC (after reconsideration, if any).
- l. The faculty member may appeal the Provost's decision to the President, who shall make a final decision, stating whether the faculty member shall be retained or shall be dismissed. Such appeal shall be requested in writing within 10 business days of the date of the Provost's communication of the final decision. The President shall communicate a decision to the faculty member, the Provost, Dean, Chair, and DFSC/SFSC within 21 business days of the written request for appeal.
- m. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officers should be avoided so far as possible until the proceedings have been completed. Announcement of the final decision should include a statement of the FRC's original decision, if this has not previously been made known.

## Recommended Timelines for Faculty Discipline

**General Note:** All disciplinary processes should be completed as soon as is practicable, and ordinarily according to the following timelines. However, the President or Provost may extend these deadlines for good reason, and concerned parties may request consideration for doing so. The President, Provost, or their designee will communicate extensions of the normal timelines provided below in writing to all concerned parties. Such extensions shall not constitute a procedural violation of this policy. (See also draft ASPT Policies XIII.D.1 and XIV.B.3.a.)

### Suspension – XIII

<b>Activity</b>	<b>Recommended Timeline</b>
Discussion leading to mutually agreeable solution (D.4)	Within 5 business days; can be extended by mutual agreement. Any extension agreement communicated to Dean and Provost within 5 business days
DFSC/SFSC consultation and written notification of faculty member (D.5.a)	Upon failure to find mutually agreeable solution
Faculty member's written statement to DFSC/SFSC (reasons why suspension should not occur) (D.5.b)	Within 5 business days of notification to faculty member of consultation with DFSC/SFSC
Consultation with and nonbinding advisory recommendation from DFSC/SFSC (D.5.c)	Within 10 business days
Consultation with Dean and Provost and written notice of decision (D.5.d)	Within 5 business days
Appeal to President (copies to Chair, Dean, and Provost) (D.6)	Within 10 business days of written notice of decision
President ruling on appeal (D.6)	Within 21 business days of written appeal
	56 days business days



**Recommended Timelines for Faculty Discipline**

Dismissal – XIV

Probationary Faculty – Dismissal for Adequate Cause (A.3)

<b>Activity</b>	<b>Recommended Timeline</b>
Notice issued by Provost	As soon as is feasible
Appeal to President	Within 10 business days of receipt of Provost's communication
Decision by President	Within 21 business days of receipt of written statement of appeal
	31 business days

**Recommended Timelines for Faculty Discipline**

Dismissal – XIV

Dismissal of Tenured Faculty – XIV.B

<b>Activity</b>	<b>Recommended Timeline</b>
Provost directs Faculty Caucus to select Initial Review Committee to determine whether formal proceedings should be instituted (B.3.c)	Within 5 business days of date of letter initiating proceedings
Meeting of Faculty Caucus to select Initial Review Committee (B.3.c)	Within 21 business days of Provost’s written direction to form Initial Review Committee
Initial Review Committee submits recommendation (B.3.e)	Within 21 business days of date of Initial Review Committee formation
Statement of grounds for dismissal (B.3.f)	Within 10 business days of committee’s recommendation to Provost
Provost letter to faculty member stating grounds for dismissal, procedural rights, and date of optional hearing before FRC (B.3.g)	Delivered within 5 business days of the date of statement of grounds for dismissal.  Date of hearing set at least 10 business days after the date of the Provost’s letter described in B.3.g
Faculty member replies in writing whether s/he wishes a hearing. If a hearing is requested, faculty member shall include answer the statement of grounds for dismissal in writing. (B.3.h)	No later than 5 business days before hearing date
FRC decision in writing (B.3.j.xi)	Within 21 business days of hearing
Provost final decision communicated (B.3.l)	Within 10 business days of Provost’s final decision
Request of appeal to President (B.3.k)	Within 10 business days of Provost’s communication of final decision
President communicates decision regarding appeal (B.3.k)	Within 21 business days of written request for appeal
	144 business days

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**Comment [SC1]:** Completely New Sections

**Comment [SC2]:** Currently Section XI included in “Policies and Procedures for Appointment, etc.”

**Comment [SC3]:** Beginning here, Sections are re-numbered.