

UNIVERSITY REVIEW COMMITTEE
Thursday, March 26, 2015
3 p.m., Hovey 209

MINUTES

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

Members not present: Diane Dean, Bill O'Donnell

Others present: Bruce Stoffel (recorder)

I. Call to order

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

II. Approval of minutes from the February 26, 2015 meeting

Doris Houston moved, Angela Bonnell seconded approval of minutes from the February 26, 2015 meeting as distributed prior to the meeting. The motion carried.

III. Old business

A. Draft ASPT policies on faculty discipline

Sam Catanzaro stated that he has distributed a draft of the proposed disciplinary actions policy to deans, department chairpersons, and school directors. Catanzaro has asked for their feedback by April 6, 2015.

Catanzaro led committee members through review of the latest draft of the policy, annotated with changes recommended by the committee at its February 12, 2015 meeting (see attached), and flow charts illustrating the sanctions, suspension, and dismissal processes, prepared by Catanzaro and Greta Janis (Office of the Provost) (see attached).

Committee members agreed to refer to "sanctions" throughout the document rather than "minor sanctions." The rationale for this change is that, from the perspective of the faculty member, sanctions of any sort would not likely be considered "minor."

Joe Goodman asked if the role of committee members in reviewing the draft policy is to ensure a fair process for all parties. Catanzaro responded in the affirmative.

Sheryl Jenkins asked if the flow charts are intended for committee use only or if the flow charts will be available to others. Catanzaro said that he is not yet sure how the flow charts will be used. Houston suggested that the flow charts be included in the ASPT document, in an appendix. Committee members concurred.

Committee members first reviewed the sanctions flow chart and associated draft policy text (XII).

Jenkins suggested including a reference on the left side of the sanctions flow chart to informing the faculty member, as has been done on the right side of the sanctions flow chart (below the box labeled “Dean or Provost XII.B.1”). Catanzaro suggested relabeling the box below the box labeled “DFSC/SFSC XII.B.2” to read “Inform Faculty Member, Dean, and Provost of recommendation.” Catanzaro also suggested modifying line 98 of the text (XII.B.2) to read “... such cases, the DFSC/SFSC shall inform the faculty member and communicate its recommendation to the ...”

Boser asked if informal resolution is possible before the DFSC/SFSC recommends sanctions and communicates the recommendation to the faculty member, dean, and Provost. Catanzaro responded that informal resolution is implied. Informal resolution is encouraged at various points in the ASPT document, he said.

Committee members next reviewed the suspensions flow chart and associated draft policy text (XIII).

Goodman noted that references in the flow chart to XII.D.4 should be changed to XIII.D.4. Houston added that XII.D.5 should be changed to XIII.D.5 and XII.D.6 should be changed to XIII.D.6.

Chidester asked about the box labeled “Chair consults with DFSC; notification of faculty member.” He asked if the faculty member is notified of suspension at that time. Catanzaro explained that the notification in that box refers not to notification of suspension rather notification that the chairperson and DFSC have consulted. Catanzaro will revise flow chart to make that clearer.

Chidester asked if a box should be added for filing a grievance with the Faculty Academic Freedom, Ethics, and Grievance Committee. Catanzaro responded that such a box is not needed, because a grievance may be filed by the faculty member at any time during the process.

Jenkins asked whether a determination has been made whether use of the word “can” on line 129 of the text (“subsequently exonerated can be compensated”) is to be changed to “shall.” Catanzaro responded that he has consulted Associate University Counsel Wendy Smith regarding the matter. Smith recommended retaining the term “can,” because there may be instances when it might not be appropriate for the University to compensate the faculty member. Smith cited precedents in which a suspended employee works in another job while the suspension is in place and is exonerated. A common practice is to award back-pay, adjusted so as to not exceed what would have been earned if the suspension had not occurred. Chidester suggested modifying the passage, from passive to active voice, so it reads “Individuals suspended without pay and subsequently exonerated may seek compensation.” Committee members concurred.

Goodman asked if the concept of “pay” is defined anywhere in the document. For example, does “pay” include benefits and accrued interest? Catanzaro said “pay” is not defined in the document. He will check with General Counsel whether inclusion of benefits and accrued interest is assumed. If it is not, Catanzaro will modify the text accordingly.

Chidester said that the University needs to consider the public perception of having a faculty member suspended and being paid. That would not be accepted well by the public,

he noted. Catanzaro agreed, citing a case at another Illinois university in which a suspended professor received three years of pay.

Boser asked Catanzaro if he reviewed University of Illinois faculty disciplinary policies when preparing draft policies for Illinois State. Catanzaro responded that he had done so and that University of Illinois policies basically follow recommendations of the American Association of University Professors (AAUP). Catanzaro suggested that Illinois State might be better served by having an explicit disciplinary policy that incorporates AAUP recommendations but does not adopt them in their entirety. Catanzaro cited AAUP recognition of reassignment from teaching as a de facto suspension as one element of AAUP recommendations that Illinois State may want to clarify in its own policy or reconsider.

The committee next reviewed the dismissal flow chart and associated draft policy text.

David Rubin asked if the State Universities Retirement System (SURS) is mentioned anywhere in the draft policy. Catanzaro responded that SURS is not mentioned anywhere in the ASPT document. The retirement system is a separate issue, Catanzaro explained.

Rubin noted the words “yes” and “no” erroneously embedded within multiple boxes in the dismissal flow chart. He suggested that those errors be corrected.

Catanzaro noted a misspelling. The blue-shaded box labeled “FRC holds learning according to ...” should be relabeled to read “FRC holds hearing according to ...”

Chidester suggested that text in the red-shaded box labeled “Faculty member reply in writing and state whether s/he wishes a hearing ...” be rewritten.

Houston noted that reference to XIV.B.3.K in the blue-shaded box labeled “Provost reviews report of FRC ...” should instead read XIV.B.3.k.

Catanzaro suggested removing the phrase “as soon as feasible” from line 259 of the text. Committee members agreed.

Chidester noted that a change is needed to the lowest blue-shaded box on the flow chart. Catanzaro agreed, noting that the reference to XIV.B.3.1 should be to XIV.B.3.l (i.e., lower case letter l).

Bonnell noted that a change is needed to the section reference in the blue-shaded box labeled “FRC holds learning according to ...” Catanzaro agreed, noting that the reference to VIV.3.i.j should be XIV.B.3.i-j.

Chidester asked whether the sentence beginning on line 358 (“The faculty member should state in reply no later than 5 business days...”) suggests that the Provost, by that point in the process, has set a time and date for the hearing. Catanzaro responded that it does.

Catanzaro asked for suggestions regarding the timelines at the end of the draft policy.

Referring to Recommended Timelines for Faculty Discipline, Dismissal-XIV, Probationary Faculty-Dismissal for Adequate Cause (A.3), Catanzaro suggested that the phrase “As soon as is feasible” (first entry in the Recommended Timeline column) be

removed, as it will be from the policy text. The second entry in the Recommended Timeline column should be modified to read “Within 10 business days of receipt of Provost’s communication of notice,” Catanzaro suggested. Referring to that same timeline, Chidester asked if an entry should be added in the Activity column opposite the entry “31 business days” in the Recommended Timeline column. Catanzaro explained that “31 business days” refers to the length of the dismissal process. He will add a notation at the bottom of the timeline to make that clearer. He will add similar notations to the bottom of the other timelines as well. Houston asked what action begins the 31-day process. Catanzaro explained that the 31-day period starts when the faculty member receives the Provost’s notice of dismissal for adequate cause.

Referring to Recommended Timelines for Faculty Discipline, Dismissal-XIV, Dismissal of Tenured Faculty-XIV.B, Catanzaro said he will remove indentations from the two table cells with indented text.

Catanzaro referred to the cell in the Recommended Timeline column with the text “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.” Catanzaro noted that the committee, at its February 12, 2015 meeting recommended adding to the end of that entry a limit on the number of days between the date of the Provost’s letter communicating the decision to the faculty member and the hearing date. Catanzaro suggested that such a limit is not needed, because the faculty member has the right to react to the hearing date and decide against it.

Jenkins noted that the indented entry in the Activity column (the entry beginning “Faculty member replies in writing whether s/he wishes a hearing ...”) does not make sense. Catanzaro will delete the word “include” from the second sentence.

Catanzaro thanked committee members for their input and said he will make the changes recommended by the committee. He noted that if he receives suggestions regarding the draft policy from deans, chairpersons, or directors, he will so inform the committee at its April 9, 2015 meeting. If any of the suggestions are substantive, the committee may need to discuss them, Catanzaro added.

B. ASPT sub-group reports

Jenkins announced that discussion of ASPT sub-group reports will resume at the April 9, 2015 committee meeting, starting with discussion led by sub-group 4 and continuing with discussion led by sub-group 2. Houston asked committee members to review sub-group 2 documents prior to the April 9 meeting (the documents were disseminated to committee members at the beginning of this meeting; see attached).

IV. New business

There was none.

V. Adjournment

Chidester moved, Goodman seconded that the meeting be adjourned. Jenkins adjourned the meeting at 4:05 p.m.

Respectfully submitted,
Diane Dean, Secretary
Bruce Stoffel, Recorder

Attachments:

Draft ASPT sections on Minor Sanctions, Suspensions, and Dismissal/Termination of Appointment: 01-27-2015, annotated with changes recommended by the University Review Committee at its February 12, 2015 meeting

Flow charts (3) illustrating processes set forth in "Draft ASPT sections on Minor Sanctions, Suspensions, and Dismissal/Termination of Appointment: 01-27-2015," prepared by Sam Catanzaro and Greta Janis [n.d.]

URC equity review language recommendations, URC Equity Review Policy subgroup, with attached list of variables, prepared by Doris Houston and David Rubin [n.d.]

URC Feedback
February 12, 2015



Sanctions/Suspension/Dismissal Draft

Page 1

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Drop this term
or replace it
throughout the document.

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.
42

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

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

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for consistency
in use of semi-colons
and periods.

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.
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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

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see above

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choose to communicate, in writing, a non-binding advisory recommendation to the Dean or Provost on the matter.

2. The DFSC/SFSC may recommend minor sanctions whenever it becomes aware of evidence of cause for such action, as described in XI.A.2. In such cases, the DFSC/SFSC shall communicate its recommendation to the appropriate Dean and the Provost. The Provost may implement disciplinary action after consultation with the Dean.

- C. No minor sanctions may be implemented until all appeals relevant to the policies in question are exhausted.
- D. Application of minor sanctions will be communicated to the faculty member in writing by the Provost, who shall also inform the Chair/Director and Dean. If the minor sanctions include corrective actions, the requirements of these corrective actions, including timeline and acceptable documentation will be described in the same written communication and copied to the personnel/ASPT file. The faculty member may request, and shall receive, clarification of such requirements.

XIII. Faculty Suspensions

- A. Faculty members may be suspended for a specified time period, or with requirements of corrective action to be completed prior to reinstatement, or as a preliminary step toward termination of appointment/dismissal for cause (see XIV).
- B. A faculty member in the suspension process is afforded due process. This right is balanced against the University's responsibility to prevent harm to students, other employees, and the institution itself.
- C. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will only occur after the process described in XIII.D is completed and all appeals or related grievances are adjudicated. In extraordinary cases when there is evidence that the faculty member has abandoned professional duties or is unable to fulfill such duties, a temporary suspension without pay may be instituted prior to completion of the University's process. Individuals suspended without pay and subsequently exonerated can be compensated.
- D. Procedural Considerations Related to Suspension
 - 1. 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. The President, Provost, or their designee will communicate extensions of the normal timelines provided below in writing to all concerned parties. Such

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The Faculty member will be notified of any action before it is reported outside the department.

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(SC: Will check with local counsel)

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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 XLC.)
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.

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Replace with clearer direction.
(sc: delete?)

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 XLB.3.

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

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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

- 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.
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- 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.
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- 365 i. The Faculty Review Committee (FRC):
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367 i. Shall consider the statement of grounds for dismissal
368 already formulated, the recommendation of the Initial

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- Review Committee, and the faculty member's response before the hearing;
- ii. If the faculty member has not requested a hearing, the FRC may consider the case on the statement of grounds and the reply and any other obtainable information and decide whether the faculty member should be dismissed.
 - iii. If the faculty member has requested a hearing, the FRC shall hold a hearing.
- j. Hearings by the Faculty Review Committee
- i. The FRC shall decide whether the hearing is public or private;
 - ii. If facts are in dispute, testimony may be taken or other evidence received;
 - iii. The Provost or a designee shall attend the hearing (Ordinarily, the Provost's designee will not be an attorney for the University, though there may be exceptions to this);
 - iv. The FRC will determine the order of proof, and may secure the presentation of evidence important to the case;
 - v. The faculty member shall have the option of assistance from counsel or other advisor, whose role shall be limited to providing advice to the faculty member rather than presenting or actively engaging in the proceedings;
 - vi. The faculty member shall have the assistance of the committee in securing the attendance of witnesses. Because the committee cannot compel the participation of a witness, the proceedings shall not be delayed by the unavailability of a witness.
 - vii. The proceedings will be recorded at the expense of the University;
 - viii. The Provost's representative and the faculty member shall present any information helpful to the determination. Each may request the committee in writing to ask witnesses to answer specific questions. Appropriate procedure will be determined by the FRC.
 - ix. The FRC shall permit a statement and closing by the Provost's representative and the faculty member. The FRC may exercise its discretion in allowing a reasonable amount of time for each statement.
 - x. The FRC may request written briefs by the parties.
 - xi. The FRC shall reach its decision promptly in conference, on the basis of the hearing if one was held, and submit a full written report to the Provost and the faculty member. 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.

DRAFT

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

Activity	Recommended Timeline
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)

Activity	Recommended Timeline
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

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Add text
reference
for clarity
and consistency (A.3)

URC:

Replace with clearer direction
(SL: delete?)

Recommended Timelines for Faculty Discipline

Dismissal – XIV

Dismissal of Tenured Faculty – XIV.B

Activity	Recommended Timeline
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

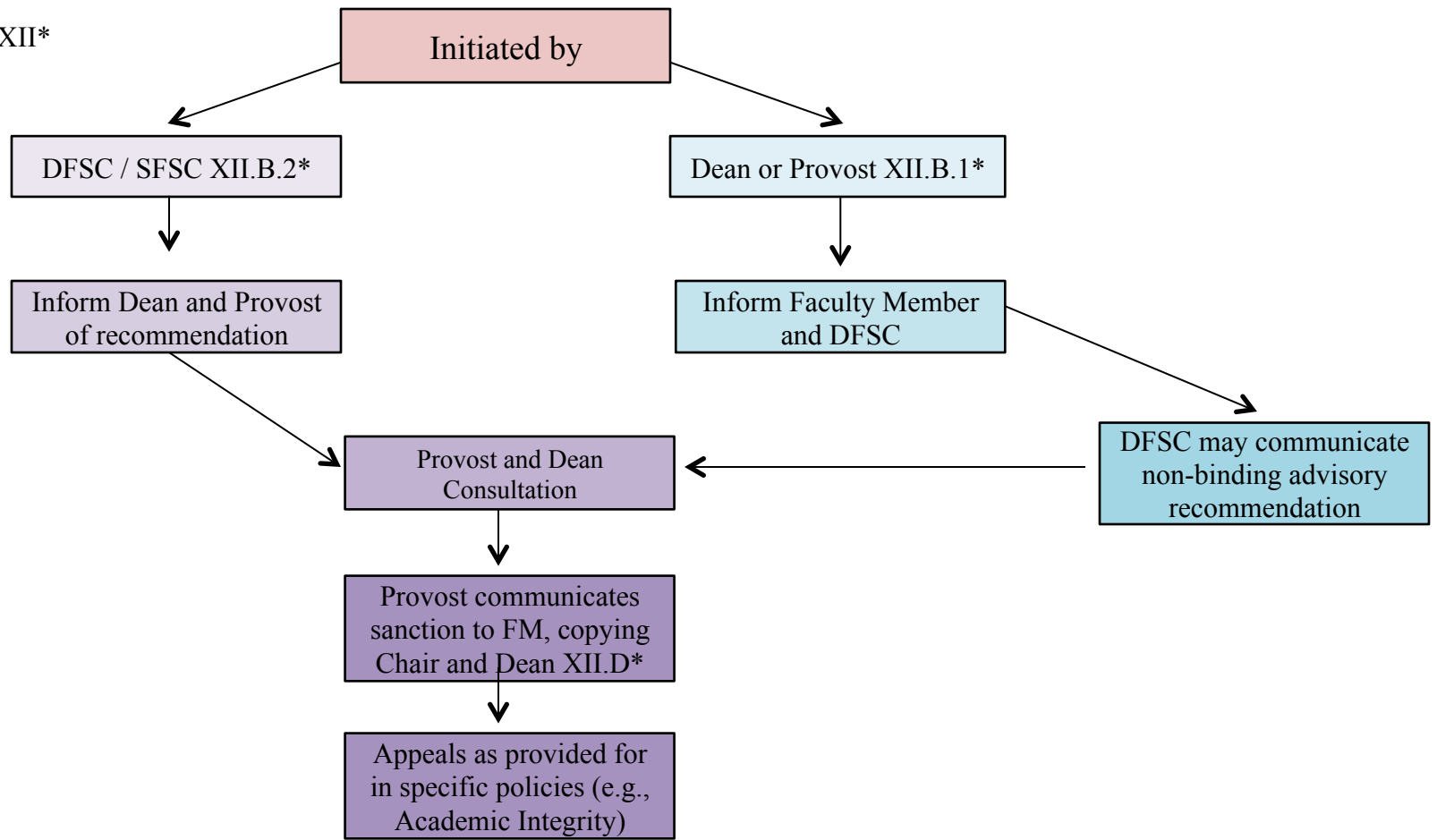
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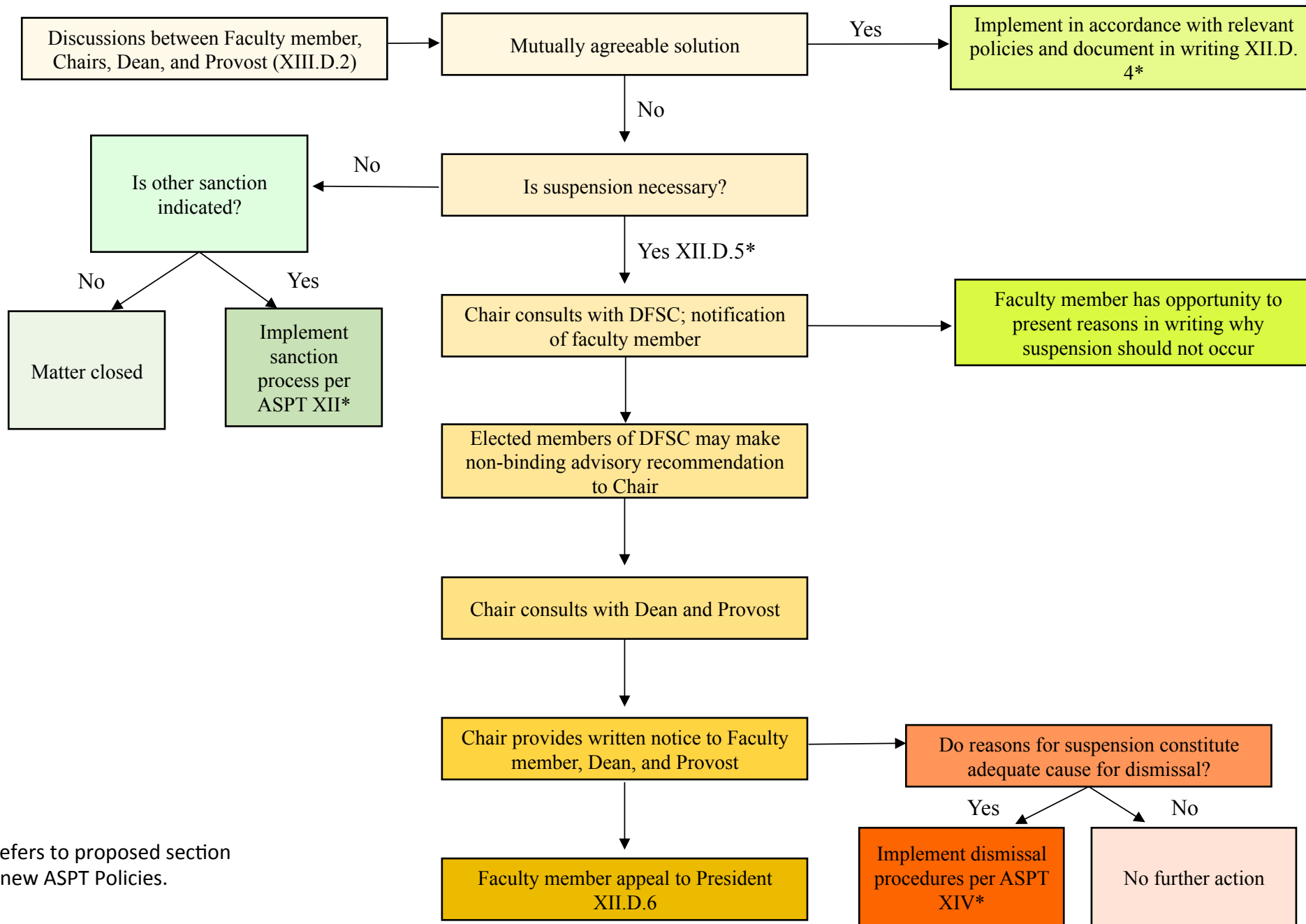
Add a deadline for this action.

Sanctions – XII*



*Refers to proposed section of new ASPT Policies.

Suspensions XIII*



*Refers to proposed section of new ASPT Policies.

URC Equity Review Policy subgroup

URC equity review language recommendations:

Current language (ASPT policy II.D.)

"The URC may conduct a University-wide equity review. In this case, the URC shall develop an appropriate equity distribution plan. This plan must be approved by the faculty members of the Academic Senate prior to its implementation. The Office for Diversity and Affirmative Action shall determine the criteria for affirmative action equity review in consultation with the URC."

Suggested Language (ASPT policy II.D.)

"The URC shall conduct a university-wide equity review every 6-8 years and develop an appropriate equity distribution plan. The Office of Equal Opportunity, Equity and Access shall be responsible for the affirmative action portion of these equity reviews.

Prior to implementation of a university wide equity review, the URC shall develop and distribute written policies, procedures and guidelines. These guidelines will serve as a framework for the implementation of the equity review and subsequent equity distribution plans. The Academic Senate shall convene a work group which will serve in an advisory capacity to the URC as it develops and/or amends policies, procedures and guidelines for the equity review process. All equity review policies, procedures and distribution plans shall be approved by the Faculty Caucus of the Academic Senate prior to implementation.

Comment [HD1]: This timeline is consistent with current program review timelines

Comment [HD2]: Potential cross campus units to be included:

- OEOEA (hiring reviews)
- Planning, Research and Policy Analysis (PRPA)
- Academic Senate
- Payroll (salary information)
- Program Review
- University curriculum committee (curricular audits)

Department:

UID	Gender	Race - Ethnicity Categories	Employment Date	Rank	Years in Rank	Salary	Performance Over Time	
							Year at ISU	Raise %