

## UNIVERSITY REVIEW COMMITTEE

Thursday, October 6, 2016  
2 p.m., Hovey 105

### MINUTES

Members present: Rick Boser, Sam Catanzaro, Diane Dean, Joe Goodman, Christopher Horvath (joined the meeting at 2:35 p.m.), Doris Houston, Sheryl Jenkins

Members not present: Angela Bonnell, Sarah Smelser

Others present: Bruce Stoffel (recorder)

#### I. Call to order

Chairperson Diane Dean called the meeting to order at 2:05 p.m. Dean asked how many members are needed for a quorum. Bruce Stoffel responded that five members (excluding Sam Catanzaro, who is a non-voting member) are needed. A quorum was present.

#### II. Approval of minutes from the September 20, 2016 meeting

Joe Goodman moved approval of the minutes from the September 20, 2016 meeting as distributed prior to the meeting. Doris Houston seconded the motion. The motion carried on voice vote, with four voting aye and one abstaining (Rick Boser).

#### III. Review of the charge from the Academic Senate; URC plan of work for 2016-2017

Dean recapped the discussion at the September 20, 2016 URC meeting regarding issues to be addressed by the committee in 2016-2017 and offered her recommendations for their prioritization.

Dean suggested that responding to the Faculty Caucus (the "Caucus") regarding the proposed disciplinary articles should be the top priority of the committee this academic year. She recommended that the committee finalize its recommendations regarding the policies this fall and report the recommendations to the Caucus in time for the Caucus to discuss them at its December (7) meeting. Dean reported having consulted with Academic Senate/Faculty Caucus Chairperson Susan Kalter about this matter. Dean reported that Kalter does not intend to have the disciplinary articles approved in time for them to take effect January 1, 2017 (the effective date of the ASPT document approved by the Caucus in spring 2016). Kalter instead prefers to allow sufficient time for faculty to become familiar with the disciplinary policies, Dean said.

Dean suggested that the second priority for URC should be review of the Academic Freedom Ethics and Grievance Committee ("AFEGC") policies, particularly their scope relative to ASPT policies (including the proposed disciplinary articles). Dean suggested that URC consider the disciplinary articles and the AFEGC policies concurrently. Dean noted that AFEGC policies were revised last academic year and that review of the policies is expected to continue this academic year. Dean said she will ask Kalter for the newly revised AFEGC policies and any additional changes under consideration.

A third priority, Dean said, is for URC to review and approve revisions to college ASPT standards made by colleges to align with the new ASPT document. She suggested asking deans to submit their revised standards to URC by November to provide URC sufficient time to review them and provide feedback. Because college standards need to be aligned with the ASPT document by January 1, 2017, URC may need to set aside its discussion of the disciplinary policies and AFEGC policies if necessary for colleges to meet that deadline.

Dean said there are several committee issues she recommends deferring to spring 2017. They include any URC work related to work of the equity review task force, which is expected to be organized in spring 2017 once a new Office of Equal Opportunity and Access director has been hired and has had time to familiarize himself or herself with the University; submission to the Caucus of URC subgroup reports approved by URC in spring 2016; review of the university policy regarding salary adjustments; and organization of a new URC subgroup to study ASPT policies regarding service assignments. Stoffel reminded the committee that the URC subgroup that last spring studied the issue of student feedback regarding teaching evaluation is scheduled to continue its work this academic year. He added that Christopher Horvath and Sarah Smelser have volunteered to participate in the effort. Houston recommended that report appendices be included with URC subgroup reports when they are sent to the Caucus next spring, as they include information that can help inform the Caucus discussions. Dean agreed.

Sheryl Jenkins asked if changes to the disciplinary articles suggested by the Caucus are typical with respect to their extent. Catanzaro reported that the numerous changes are based on extensive Caucus discussions last academic year. Dean said that URC can take its time to carefully consider each Caucus suggestion now that URC knows that the Caucus is not likely to take action on the articles until January 2017 at the earliest, adding that URC does not have to agree with every Caucus suggestion. Dean reminded committee members of the important role URC has played in this issue by compiling an initial draft of the disciplinary articles for Caucus discussion.

Houston asked if a timeline of URC work reflecting priorities for fall and spring could be developed. Dean said she would draft one.

#### IV. Proposed ASPT disciplinary articles

Boser asked how the disciplinary articles (as considered by the Caucus on September 14, 2016) had been rewritten (from the version submitted by URC to the Caucus last year). Catanzaro responded that Kalter authored the rewrite based on suggestions made by Caucus members when the articles were discussed last academic year as information items.

Dean recommended that, since revisions suggested by the Caucus are extensive, URC might first identify broad themes or streams of thought reflected in the revisions. She said one major theme she has noted is the balance between rights of the administration and rights of faculty members. Goodman said the presence and role of legal counsel is another recurring theme. Dean observed that a significant change made by the Caucus from the version of the disciplinary articles recommended by URC is introduction of AFEGC as a review body.

Dean reported that many Caucus members have expressed a preference for retaining the oral reprimand in the progression of sanctions (XII.A). But, she added, while recognizing the importance of documenting such conversations, some Caucus members have questioned the appropriateness of documenting a reprimand that has been issued orally. Goodman said it is common practice in human resources to document when the oral reprimand has been issued but not the content of the reprimand. Expressing agreement with that approach, Catanzaro said it is important to document that an oral reprimand has been issued otherwise a pattern of behavior might not later be recognized. Dean said that in considering whether oral reprimands of faculty should be documented, she thinks about her approach to academic dishonesty involving her students. She said she reports instances of academic dishonesty regardless of their extent in case the same student commits acts of academic dishonesty in other courses.

A related issue, Dean said, is whether review committees (DFSCs, SFSCs, and CFSCs) should have access to documentation of disciplinary actions and, if so, how that documentation should be considered by the committees in the faculty review process. She referred committee members to Section XI.B.5. This matter needs to be scrutinized to ensure that faculty members are not placed in double jeopardy, she said.

### Organization of articles related to discipline and termination

Dean reported that Kalter has asked URC to consider whether non-disciplinary types of dismissal such as non-reappointment should be addressed in the same article as discipline-related dismissal or if each should be addressed in a separate article. Catanzaro explained that past practice has been to address all types of dismissal in one article. He explained that the article in the current ASPT document (Article XI: Termination of Appointment of Probationary and Tenured Faculty) refers to dismissal for cause and states that procedures and standards for dismissal should adhere to principles set forth in American Association of University Professors' documents. But with the emergence of the multiple discipline-related articles proposed by URC, Catanzaro said it might be time to address the two types of dismissal in separate articles while being careful about the terminology used to identify and describe the two and also being cognizant that there will always be circumstances that do not fit neatly in either article. Cross references could be made between the two, he suggested. [Horvath joined the meeting at this time.] Goodman said that whatever URC recommends, the committee needs to make sure the ASPT document protects faculty members' rights to due process.

Jenkins said that if she were to lose her job due to exigency she would not want disciplinary procedures to apply. Dean said the same could be said for dismissal due to program termination. Catanzaro added that it would not be appropriate to categorize a situation in which fit is the issue as a disciplinary matter in the faculty member's record.

Dean asked committee members to consider terminology that could be used to distinguish dismissal for cause from non-disciplinary dismissal. Perhaps the word "termination" should only be used in cases of discipline for cause, Houston offered.

Catanzaro suggested distinguishing between non-reappointment of probationary faculty for insufficient progress toward tenure, termination due to program elimination, termination due to financial exigency, and dismissal for cause. Horvath recommended addressing the first three together and addressing dismissal for cause separately. He added that, regardless of type, all dismissal decisions should be faculty-involved decisions; dismissal exclusively by administration would not be acceptable. Catanzaro agreed.

Goodman said he is concerned that addressing the two types of dismissal in separate articles could create redundancies in the ASPT document. Horvath noted that appeals processes for termination and non-reappointment differ, so setting forth both in the same article might be more confusing than addressing them in separate articles. Goodman said he is also concerned that a chairperson might try to use progressive discipline to dismiss a faculty member when that chairperson should follow non-reappointment or tenure processes. Horvath noted that using progressive discipline in that manner would be an ethics violation. He said AFEGC dealt with such a complaint when he served on that committee.

Dean asked for a motion regarding the issue. Horvath moved to separate dismissal policies in the ASPT document into a section on termination for cause and a section on non-reappointment. Houston seconded the motion. The motion passed on voice vote, all voting in the affirmative.

### Review of proposed Article XI: General Considerations

Dean proposed deferring review of general considerations, to instead discuss AFEGC and ASPT.

### Working group re AFEGC/ASPT

Dean asked committee members if they want to form a working group to study involvement of AFEGC in ASPT matters, including AFEGC serving as an appellate body in dismissal cases as has been proposed in the version of the dismissal article sent to URC by the Caucus. The working group would be asked to consider references to AFEGC in the ASPT document but also references to ASPT in AFEGC policies.

Horvath noted that having the dismissal appeals process involve AFEGC would change the role of AFEGC. He asked if that concern has been raised by Kalter in addition to concerns about clarity of AFEGC procedures. Dean replied that they have.

Horvath said that, having chaired AFEGC for two years, he is familiar with AFEGC procedures and would be willing to serve on an AFEGC/ASPT working group. Goodman volunteered to join Horvath on the group. Dean said she will also ask committee members not present at this meeting if they have interest in participating. Dean said she plans to periodically check in with the working group, as being knowledgeable about its discussions could aid her committee work.

Dean said that the working group will need to complete its review before URC can finalize its recommendations to the Caucus regarding the disciplinary articles. Boser reminded committee members that AFEGC continues to consider changes to its policies, which could complicate timing of the working group review and URC action.

Houston asked if any university policies include mediation language that might be useful to the working group. Catanzaro responded that AFEGC policies include two paths to informal resolution, one involving an elected member of AFEGC and another involving the ombuds council, however neither really involves mediation. He added that ASPT policies state that informal conversations between the faculty member and chairperson should occur to determine if a mutually agreeable solution can be reached, however there are no rules for how such informal conversations are to occur.

Goodman asked if the Provost's office can reject whatever URC recommends regarding the disciplinary articles. Catanzaro explained that the president ultimately approves ASPT policies. Catanzaro said one of his roles on URC is to provide the perspective of the administration while policies are being drafted. He added that university legal counsel will also be asked to review and provide input regarding committee and Caucus recommendations. Catanzaro suggested that legal counsel would likely be willing to meet with URC to discuss legal matters such as notice and due process if the committee asks her to do so. Dean said that would be a good idea.

Dean proposed that URC start its discussion regarding dismissal at its next meeting with consideration of non-disciplinary termination. If there is time, the committee can then begin its discussion of general considerations (Article XI), she said.

Boser asked for clarification regarding the numbering of the disciplinary articles in the version the Caucus has asked URC to review. He noted that the article beginning on page 13 of the document (see attached) is numbered XI but is the second passage in the document so numbered. Catanzaro explained that the article starting on page 13 is numbered XI because the article in the current ASPT document on which it is based is numbered XI. Houston said she recalls it being stated during Caucus discussions that article numbering would not change until disciplinary articles are approved by the Caucus.

V. Other business

There was none.

VI. Adjournment

The committee adjourned by acclamation at 3:05 p.m.

Respectfully submitted,  
Joseph Goodman, Secretary  
Bruce Stoffel, Recorder

Attachments:

Disciplinary actions: Articles XI-XIV as considered by Faculty Caucus on September 14, 2016 (includes comments and proposed revisions by Dr. Susan Kalter)

## Disciplinary Actions

### XI. General Considerations

#### A. Types of Disciplinary Actions; Conditions under which they may be applied

1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal.
2. Sanctions: As defined by the American Association of University Professors' 1971 guidelines regarding progressive discipline, sanctions that can be imposed upon a faculty member are: oral reprimand, written reprimand, recorded reprimand, requirement to make restitution, loss of prospective benefits for a stated period, fine, reduction in salary for a stated period, and disciplinary suspension for a stated period without other prejudice.

Sanctions may be imposed for such ~~adequate causes~~ reasons as violations of felony and ethics laws pertinent to a faculty member's responsibilities or of University policies, including the Code of Ethics and its appendices.

Specific policies related to sanctions are provided in ASPT XII.

3. Suspension: Suspension occurs when a faculty member, as a result of disciplinary findings or allegations, is:
  - a. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University and is excluded from all or parts of campus and its privileges (e.g. access to email services); or
  - b. temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University but is not excluded from campus; or
  - c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or
  - d. reassigned out of some portion thereof (e.g. reassignment out of a particular class for the remainder of a semester; exclusion from a laboratory space). ~~The faculty member could be on paid or unpaid status.~~

~~Specific policies related to suspensions are provided in ASPT XIII.~~

~~It is understood that suspension (with or without pay)~~ Suspension of faculty members will only be contemplated (i) in circumstances when there is a

**Comment [SC1]:** This entire major section, which comprises Articles XI through XIV, is almost entirely new. Initiated at the request of former Academic Senate Chair Dan Holland, these articles have been through several iterations over two academic years (2013-14 and 2015-16) with feedback from both Faculty Affairs Committee of the Senate and University Review Committee and input from General Counsel.

Flow Charts for Sanctions, Suspensions, and Tenured Faculty Dismissals added as Appendices 5 through 7, respectively.

**Comment [SK2]:** This draft reflects changes recommended by the Faculty Caucus during the 2015-16 academic year. Note that in SC1 above, 2015-16 is a typo for 2014-15.

**Comment [SK3]:** It seems wise to isolate the use of the term "cause" to the sections on dismissal.

reasonable threat of imminent harm to ~~the University, including~~ the faculty member in question, students, ~~and~~ other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice, or when credible evidence of adequate cause for dismissal is available. The administration of the University will inform the faculty member of its rationale for judging that suspension is indicated.

Specific policies related to the first type of suspension are provided in ASPT XIII. The second type of suspension follows the same process as described for dismissal in ASPT XIV, with due consideration to the protections provided for in ASPT XIII, and may be proposed as an alternative to dismissal or as a penalty unrelated to dismissal.

4. Dismissal as a disciplinary action: Dismissal is the termination of the appointment of a probationary or tenured faculty member for cause. Dismissal for cause of a probationary faculty member must be distinguished from non-reappointment for academic reasons and follows different procedures.

Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.

As noted in the AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (last updated in 1990), “A dismissal proceeding is a symptom of failure; no amount of use of removal process will help strengthen higher education as much as will the cultivation of conditions in which dismissals rarely, if ever, need occur.” The statement goes on to indicate that a “necessary precondition of a strong faculty is that it have first-hand concern with its own membership [which] is properly reflected both in appointments to and in separations from the faculty body” and that the “faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, presidents and governing boards must be willing to give full weight to a faculty judgment favorable to a colleague.”

Dismissal of a probationary or tenured faculty member may be effected by the University 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; malfeasance; or demonstrable University financial exigency or program termination.

Specific policies related to ~~termination of tenured faculty appointments~~ dismissal are provided in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents

**Comment [SC4]:** This text appears in the Beige Book as ASPT Policy XI.B.1.

and all applicable policies including the right of appeal.~~B.~~

5. Note regarding dismissals that might be considered under non-disciplinary circumstances: Termination of a faculty member's appointment due to financial exigency or program termination will follow the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B.2), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal, and must not be used, construed or disguised as a disciplinary action process. Faculty may appeal termination proceedings on the basis that disciplinary issues are being alleged in order to effect a dismissal for reasons of financial exigency or program termination, or vice versa.

Non-disciplinary termination of a faculty member's appointment on the grounds either of lack of fitness to continue to perform in the faculty member's professional capacity as a teacher or researcher or failure to perform assigned duties in a manner consonant with professional standards also follows the process outlined in ASPT XIV, the ISU Constitution (Article III, Section 4.B), ISU Board of Trustees Governing Documents, and all applicable policies including the right of appeal.

#### B. Faculty Rights

1. Disciplinary actions (including suspension or ~~termination~~dismissal for disciplinary reasons) or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. 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. See the ISU Constitution, Article III, the Academic Freedom Ethics and Grievance policy and the Proceedings in Academic Freedom, Dismissal, and Non-reappointment Cases policy.
2. Suspension, as defined in XI.A.3, shall not be effected without a recommendation to the President from a three-member hearing committee of the Academic Freedom, Ethics, and Grievance Committee convened by the chairperson of that committee. The written recommendation from the hearing committee shall including i) a recommendation for or against suspension, ii) a recommendation regarding the length of any recommended suspension, and iii) recommendations regarding other aspects of any recommended suspension, including the nature and scope of the suspension (e.g. restriction only from a single course, banishment from campus pending felony criminal investigation, etc.). If immediate action must be taken due to a reasonable threat of imminent harm, consultation with the AFEGC must occur within 24 hours and a preliminary written recommendation formulated within 3 business days. The faculty member shall have the same rights to a full hearing and set of appeals as in other AFEGC cases.

3. In all disciplinary proceedings, faculty members have the rights to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process, ~~and~~. Faculty members also have the right to have an advisor present and/or to have counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member ~~only~~ and to no other party.

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

4. Probationary faculty who face disciplinary actions and are either whether exonerated or not ~~or required to complete corrective actions~~ may request a one year "stop-the-clock" extension of their probationary period, as described in IX.B.3.

5. The records of the disciplinary process, including documentation of exoneration and completion of any required corrective actions ~~and/or imposition of sanctions~~, may not be reviewed in the tenure and/or promotion process except when necessary to affirm exoneration or imposition of sanctions, and then only as it bears on the faculty member's performance in teaching, research, and service. The purpose of such review will be to ensure that only the documented facts of the individual's exoneration and/or ~~corrective actions~~ sanctions are considered and not held against the faculty member.

- 4-6. Only in cases of alleged criminal misconduct shall uniformed police or security officers be engaged in enforcing a preliminary suspension or a suspension recommended or reviewed and affirmed by the Academic Freedom, Ethics, and Grievance Committee. Faculty shall not be denied access to materials stored on campus property that they might need to exonerate themselves; if access to such material poses a high risk to campus security, alternative arrangements shall be made to provide the faculty member with all reasonable access to materials to be used in his or her defense.

**Comment [SK5]:** Place here the right to have counsel speak in suspension cases or just in general? Perhaps "The faculty member shall normally speak for themselves, but may elect to authorize their advisor or representative to present oral or written arguments."

**Comment [SK6]:** I don't think we will need to come back to this one, as the University Counsel may always advise the President upon his/her receipt of AFEGC recommendation. The President's role is to weigh legal advice against the advice of the faculty and to determine which should carry the most weight if there is any conflict.

**Comment [SK7]:** AAUP strongly recommends against the "corrective actions" idea, since they can create conditions of indefinite suspension without academic due process, and therefore become tantamount to dismissal once again. In any case, if someone is required to complete corrective actions, they have been found to be sanctionable, so just make this a general statement.

**Comment [SK8]:** Problem of double jeopardy, see minutes from Sept 23, 2016, page 15, Senate chair's comment

This wording "and not held against the faculty member" is not quite right. Can we find wording that prevents tenure denial as a type of dismissal for cause after a person has already been disciplined in a lesser way and corrected their behavior, but that allows consideration of a continuing pattern of unacceptable behaviour?



## XII. Sanctions

A. Sanctions shall be considered in order from the most minor (oral reprimand) to the most major (limited term suspension without other prejudice, including temporary reassignment). The American Association of University Professors' 1971 guidelines regarding progressive discipline shall be followed, which rank sanctions in minor to major order as follows: ~~include oral and written reprimand, fines, reduction in salary, and requirement of corrective action.~~

1. Oral reprimand
2. Written reprimand
3. Recorded reprimand
4. Restitution
5. Loss of prospective benefits for a stated period
6. Fine
7. Reduction in salary for a stated period
8. Suspension for a stated period without other prejudice

The fifth sanction in this guideline regarding progressive discipline—loss of prospective benefits for a stated period—applies only to benefits provided by the department/school, college, or university and cannot be applied to pension, healthcare, or other benefits provided by the state of Illinois.

The eighth sanction in this guideline regarding progressive discipline—suspension for a stated period without other prejudice—may only be effected through the procedures described in XIV with regard to dismissal and must include recommendations by a hearing committee of the Academic Freedom, Ethics, and Grievance Committee. The President has final authority in all such cases.

Demotion in rank may only be considered as a possible sanction through a due process proceeding, generally following similar committee steps as the promotion or appointment, if promotion to or appointment at the associate professor level was found to have been obtained by fraud or academic dishonesty. Such cases as involve fraud or dishonesty in scholarly and creative productivity should be adjudicated through the Integrity in Research and Scholarly Activities policy.

In general, effort should be made to apply the most minor sanction likely to effect a change of behaviour; repeated cause for discipline will in certain circumstances merit increased severity of sanction, though it should not be assumed that it will in every case.

While chairs/directors may engage in informal instructional or corrective conversations with faculty in their departments/schools, formal oral reprimands are the purview of the ASPT process, may not be issued without DFSC/SFSC approval, and will be conducted in the presence of the DFSC.

Sanctions may be initiated by the appropriate College Dean or the Provost, or by a DFSC/SFSC.

**Comment [SK9]:** The 2015-16 Faculty Caucus deliberated oral discipline at length on February 3. The recommendation at that time was to remove “oral reprimand” from the list of sanctions. We could do so. However, it seems better in retrospect to this Senate chairperson to maintain consistency with the AAUP and to differentiate informal oral instructive or corrective one-on-one conversations from formal oral reprimands through the presence of the DFSC as witness/deliverer of any formal reprimand. Individual departments/schools may choose never to invoke the oral reprimand and can move directly to written reprimand on the first offense that rises to that level. Leaving the option in for this lowest level formal sanction would help protect faculty members from having an inappropriately high level of sanction applied.

Senator Clark asked after the meeting if oral directives as distinct from oral reprimands could be clarified, as they would fall under “informal” conversations. It is not clear, however, whether these would be considered “instructional” or merely “corrective,” as a “directive” implies that the chair as a supervisor can prohibit a faculty member from doing something or require that person to do something. We’ll need to discuss further to see what Faculty Caucus, URC, and Legal think, as well as whether that language (“oral directive”) needs to be added to the informal side of the equation here.

~~The Dean or Provost may initiate sanctions upon receipt of a substantiated finding of violation from University Ethics Officer, for violations of the State Ethics Act and other relevant laws; the Academic Freedom, Ethics, and Grievance Committee, for violations of academic freedom or the Code of Ethics; the Office of Equal Opportunity, Ethics, and Access, for violations of the Anti-Harassment and Anti-Discrimination Policy; or the Associate Vice President for Research, for violations of the Integrity in Research and Scholarly Activities policy. Disciplinary action will not be implemented until all appeals as provided for in the relevant policies are exhausted. When the recommendation to initiate disciplinary action comes from the Dean or the Provost, the faculty member and the DFSC/SFSC shall be informed in writing of the disciplinary action and its rationale. In such cases, the DFSC/SFSC may choose to communicate, in writing, a non-binding advisory recommendation to the Dean or Provost on the matter.~~

~~The DFSC/SFSC may recommend 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 inform the faculty member and communicate its recommendation to the appropriate Dean and the Provost. The Provost may implement disciplinary action after consultation with the Dean.~~

B. A proposal to deliberate the appropriateness of a sanction may be presented to the DFSC/SFSC by its chairperson under the following circumstances.

1. Receipt from the University Ethics Officer of a substantiated finding of violation of the State Ethics Act and/or other relevant laws, following opportunity to appeal the finding to the relevant state agency (e.g. Office of the Executive Inspector General for State Ethics Act violations);
2. Receipt from the Office of Equal Opportunity, Ethics, and Access of a substantiated finding of violation of the Anti-Harassment and Anti-Discrimination Policy, following opportunity to exhaust all university and state-level appeals;
3. The chairperson has otherwise become aware of credible evidence potentially substantiating cause for a sanction as described in XI.A.2, unrelated to suspension due to reasonable threat of imminent harm and short of dismissal.

Following notice to the faculty member and deliberations, including a meeting with the faculty member, the DFSC shall provide to the faculty member their decision regarding whether a sanction should or should not be imposed, including any minority reports. Unless no reprimand or an oral reprimand is recommended, this notification shall be in writing. Should suspension as defined in XI.A.3 be recommended, a hearing committee of the Academic Freedom, Ethics and Grievance Committee must confirm this recommendation prior to its being effected.

**Comment [SK10]:** The AFEGC process has already provided for academic due process, so should not be included here as though the judgment of their body or bodies can be readjudicated by a DFSC. If needed, place in the AFEGC policy mention of power of HC, AHC, and FC to recommend minor and major sanctions to the Provost. If needed, place in this policy the ability for the Provost to obtain other advice regarding recommended sanctions, but we should exercise caution here as the entire AFEGC process up to this point has excluded parties from the faculty member's college involved in the complaint.

**Comment [SK11]:** The IRSA policy provides for thorough academic due process, so should not be included here as though the judgment of those bodies can be readjudicated by a DFSC. Mention of who has the power to recommend sanctions is already in the IRSA policy. Possibly we might need to consider adding that appeal of sanctions (only) to AFEGC on academic freedom grounds is permissible, suspension required to go through AFEGC, and dismissal required to go through DFSC/IRC/FRC.

~~A.C.~~ No sanctions may be implemented until all appeals relevant to the policies in question are exhausted. The appeals procedure for sanctions short of suspension and dismissal shall follow the same steps as the appeals procedure for performance evaluations, with a similar timeline and including provisions for appeal to the Academic Freedom, Ethics and Grievance Committee initiated by the CFSC or the faculty member.

~~B.D.~~ Once academic due process leading to a sanction short of suspension or dismissal has been exhausted, the ~~A~~ application of any sanctions other than oral reprimand will be communicated to the faculty member in writing by the Chair/Director of the Department/School, who shall also convey this written communication to the Dean and the Provost in writing. If a DFSC has received a finding according to XII.B.1 or XII.B.2 and imposed no sanctions or an oral reprimand, the chair will verbally communicate that result to the Dean. In such cases, the Dean may initiate a review of the decision of the DFSC by the CFSC and the CFSC may either demote or increase the recommended sanction if it is widely inconsistent with university standards. The final results of all department/school and college deliberations regarding findings under XII.B.1 and XII.B.2 shall be reported to the Provost and copied to the personnel/ASPT file, by the Provost, who shall also inform the Chair/Director and Dean. If the 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.

**Comment [SK12]:** We may soon be making changes based on URC recommendations to Policy 3.1.29 Right of Access to Personnel Files. This line should be conformed to any relevant changes.

### XIII. Faculty Suspensions

A. All parties involved in a proposed faculty suspension should refer to the definitions in Section XI.A.3 and to the faculty rights listed in Section XI.B.

~~A.B.~~ Because suspension without academic due process is tantamount to summary dismissal, only the President of the University may authorize the full or partial suspension of a faculty member. Faculty members may only be suspended for a specified time period, and upon a written recommendation by the Academic Freedom, Ethics, and Grievance Committee, 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). If the President determines that a suspension is warranted despite a recommendation against it by the Academic Freedom, Ethics, and Grievance Committee, he or she must furnish a written rationale to the faculty member, the AFEGC hearing committee, and the AFEGC chairperson.

~~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.~~

**Comment [SK13]:** This is already stated in XI.B.3. No need to restate.

**Comment [SK14]:** The ability to protect people and property against imminent harm is already stated in XI.B.2. No need to restate.

C. A suspension may only be imposed upon a faculty member prior to the start of academic due process proceedings under the conditions described in Section XI.B.2.

D. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will only occur after the process described in XIII.E.D, or in XIV, if applicable, 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 may seek compensation.

~~C.E.~~ 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 in XIII.E.2 through XIII.E.6. However, the Chairperson of the Academic Freedom, Ethics, and Grievance Committee ~~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~~ Chairperson of the Academic Freedom, Ethics, and Grievance Committee 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.
2. Within 5 business days of an allegation that might lead to suspension or has led to suspension under XI.B.2, ~~T~~here shall be informal discussion

between the faculty member, and either the Chair/Director, the Dean, ~~and the~~ Provost, or their ~~Provost's~~ designees. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is also deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). ~~the Provost's designee will not be an attorney for the University, though there may be exceptions.~~ 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~~ as defined in Sections XI.A.3.i, XI.A.3.ii, XI.A.3.iii, or XI.A.3.iv.

3. Suspension will only be in effect during the informal discussion stage upon recommendation by the Academic Freedom, Ethics, and Grievance Committee, subject to the terms listed under XI.A.3, XI.B.2, and XIII.B. ~~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 XI.C.)~~
4. If a mutually agreeable solution is found, it shall be documented in writing and 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, whether or not ~~and if the~~ President following the preliminary consultation with the hearing committee of the Academic Freedom, Ethics, and Grievance Committee has determined ~~is determined~~ that suspension is necessary or should be extended, then the following process will take place ~~a full hearing with the AFEGC with opportunity to appeal shall take place.~~
  - ~~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.~~
  - ~~The faculty member shall 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.~~

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

~~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 XIV.B.1, the written notice shall so indicate, and the dismissal procedures delineated below shall commence.~~

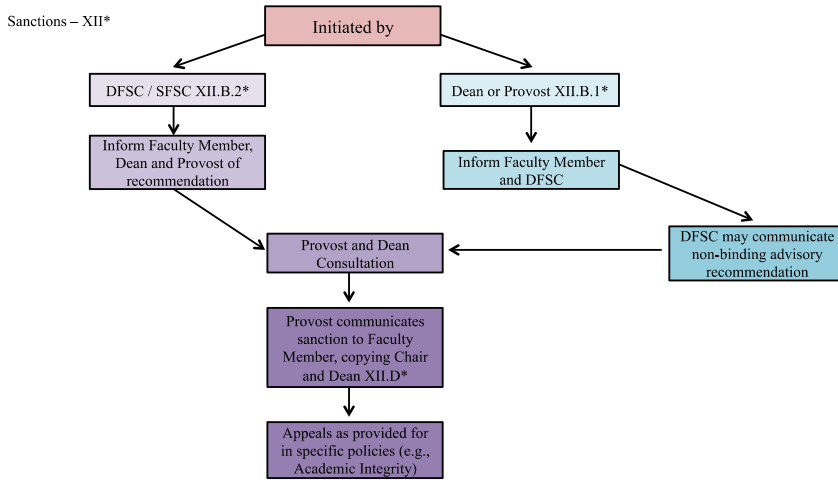
6. A suspended faculty member may appeal through the ordinary AFEGC process, which includes appeal to the President as a final step, within 10 business days of the written notice from the Chair/Director. Such appeal must be made in writing, with copies provided to the Chair/Director, Dean, and Provost. Appeals may be based on substantive or procedural grounds. The President shall rule on the any final appeal or final recommendation 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.~~

7. ~~A~~ Faculty members who are may be suspended during dismissal proceedings only if the imminent harm standard in XI.A.3 applies. Faculty members will retain their right to academic due process throughout the dismissal proceedings, which shall follow the principles and steps described below independently with respect to suspension proceedings and dismissal proceedings.

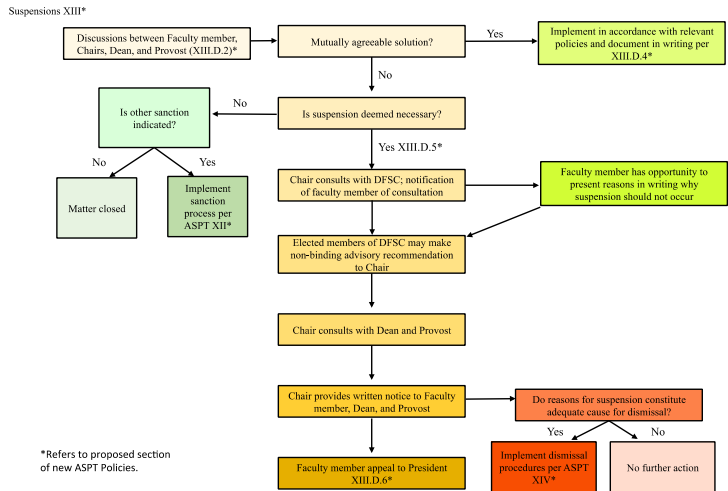
~~D.F.~~ Suspensions may not be of indefinite duration and their duration may not be contingent upon the faculty member performing other corrective actions. Suspension must be followed by reinstatement unless the faculty member has been dismissed following the academic due process described in XIV. Ordinarily, a suspension shall be for no longer than 6 calendar months.

**APPENDIX 5  
Overview of the Sanctions Process**



\*Refers to proposed section of new ASPT Policies.

### APPENDIX 6 Overview of the Suspension Process





XI. Termination of Appointment of Probationary and Tenured Faculty

A. Non-reappointment of a Probationary Faculty Member

1. A recommendation for the non-reappointment of a faculty member during the probationary period must follow the regulations of the Board of Trustees and the ISU Constitution. Recommendations for non-reappointment 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 non-reappointment in writing to the faculty member, the Dean, and the Provost. Non-reappointment can also be the result of a negative tenure recommendation. Official notices of non-reappointment, 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.
  - b. Following the oral statement of reasons for non-reappointment under XI.A.1.a., 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~~ follow the provisions of Article XIII.K.
  - d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provisions of Article XIII.G and XIII.H.
2. Notice of termination shall be given as follows:
  - a. Except for appointments that terminate during an academic year, 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~~

**Comment [SK1]:** The first question that we need to resolve is whether XI should become XIV (which could imply that all Termination is disciplinary, when it is not) or whether proposed articles XI, XII and XIII should become XII, XIII, and XIV (or some other solution to termination – non-reappointment & dismissal) out from under the disciplinary-only heading, such as alternate formatting of the proposed new table of contents and associated internal section breaks).

~~appointment terminates during an academic year, at least six months in advance of its termination; and~~ at least twelve months before the termination of an appointment after two or more years of service.

~~a.b.~~ For appointments that terminate during an academic year, at least three months in advance of its termination during the first year of service; at least six months in advance of its termination during the second year of service; and at least twelve months before the termination of an appointment after two or more years of service.

B. Dismissal of a Probationary or Tenured Faculty Member:

1. Dismissal of a probationary or tenured faculty member may be effected by the University 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; malfeasance; or demonstrable University financial exigency or program termination.
2. Procedures and standards for dismissal shall be according to ~~University policies XI.C; any changes shall be~~ approved by the Faculty Caucus of the Academic Senate, which. ~~These procedures and standards, and any changes to them, will~~should adhere to the principles set forth in the American Association of University Professors' documents (as of January 1, 1999) regarding principles of academic freedom and tenure and procedural standards in dismissal proceedings.
3. ~~3.~~—The standard for dismissal of a probationary or 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.

C. Procedures and Standards for Dismissal of a Probationary or Tenured Faculty Member

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 in writing. The President, Provost, or their designee shall

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. Probationary faculty members may invoke their stop-the-clock rights under General Considerations, B. Faculty Rights.

**Comment [SK2]:** Substitute in the appropriate Article/Section numbers once that is decided. Too confusing right now to say Section XI.B, since there are two article XIs in play!

## 2. Preliminary Proceedings

- a. If potential evidence of adequate cause for dismissal of a probationary or tenured faculty member arises, including financial exigency or program termination, there shall be informal discussion between the faculty member and the Chair/Director. When appropriate, the Dean, the Provost, or an administrative designee with information pertinent to the matter (such as the University Ethics Officer) may also be present. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the informal discussion(s). The intention of this discussion will be to develop a mutually agreeable solution.
- b. If a mutually agreeable solution is found, it shall be documented in writing and signed by the faculty member and appropriate administrative officers of the university and approved by the President. If requested, the faculty member may meet with the President.
- c. If a mutually agreeable solution does not result, the DFSC/SFSC shall be charged with the function of inquiring into the situation, to effect an adjustment, if possible, and, if none is effected, to determine whether in its view formal proceedings to consider the faculty member's dismissal should be initiated. Section V.C.3 provides for initiation of dismissal proceedings by the DFSC/SFSC. The DFSC/SFSC should meet with the faculty member and any person who may have relevant information, and may have access to any relevant documentation. The DFSC/SFSC shall provide a formal written recommendation to the faculty member and the Provost, with notification to the Dean, within 20 business days of the failure to effect voluntary adjustment.
- d. If the DFSC/SFSC recommends that dismissal proceedings should be begun, action should be commenced and a statement with

reasonable particularity of the grounds proposed for the dismissal should then be jointly formulated by the Provost and the DFSC/SFSC, with notification to the Dean.

- e. If the Provost, even after considering a recommendation of the DFSC/SFSC favorable to the faculty member, expresses the conviction that further review is necessary, action should be commenced and the Provost or the Provost's representative should formulate a statement with reasonable particularity of the grounds proposed for dismissal and provide it to an Independent Review Committee (IRC), convened according to XI.C.2.f, along with the DFSC/SFSC's recommendation against the commencement of proceedings. This statement shall be provided to the DFSC and the Dean.
- f. If XI.C.2.d or XI.C.2.e is invoked, the Provost shall direct, in writing, the Faculty Caucus of the Academic Senate to select an Independent Review Committee (IRC) of seven faculty members not previously concerned with the case or its circumstances. This written direction shall be made within 5 business days of date of the DFSC/SFSC's recommendation. The choice of members of the hearing committee should be on the basis of their objectivity and competence and of the regard in which they are held in the academic community. Prospective members shall be disqualified for bias or interest and shall recuse themselves voluntarily or at the faculty member's request. The faculty member and the Provost's representative shall also each be permitted to exercise challenges to two proposed members of the committee without having to state cause. The Faculty Caucus should meet in executive session within 20 business days of the date of the Provost's written direction to select the Independent Review Committee members. Members of the Faculty Caucus from the faculty member's department may not participate in the selection of the IRC. Once formed, the IRC will elect its own chair.

### 3. Commencement of Formal Proceedings

- a. The Provost shall communicate in writing to the faculty member: (1) the statement of grounds for dismissal; (2) information regarding the faculty member's procedural rights; and (3) a statement informing the faculty member that, at the faculty

member's request, a hearing will be conducted by the Independent Review Committee (IRC) to determine whether s/he should be removed from the faculty position on the grounds stated. This communication to the faculty member shall be delivered within 5 business days of the date of the statement. The hearing date should be far enough in advance to permit the faculty member to reasonably formulate and prepare a defense, and at least 20 business days from the date of the Provost's letter communicating the decision to the faculty member.

b. The faculty member should state in reply no later than 5 business days before the time and date set for the hearing whether s/he wishes a hearing. If a hearing is requested, the faculty member shall answer the statements in the Provost's letter in writing and submit this document to the Provost and the IRC no later than 5 business days before the date set for the hearing. If no hearing is requested, the faculty member may respond to the charges in writing at any time before the date set for the hearing.

#### 4. Independent Review Committee Proceedings

a. The Independent Review Committee (IRC) shall consider the statement of grounds for dismissal already formulated, the recommendation of the DFSC/SFSC, and the faculty member's response before the hearing.

b. If the faculty member has not requested a hearing, the IRC may consider the case on the basis of the statement of grounds, the DFSC/SFSC recommendation, the faculty member's response, and any other obtainable information and decide whether the faculty member should be dismissed.

c. If the faculty member has requested a hearing, the IRC must hold a hearing. The IRC, in consultation with the faculty member and the Provost, shall decide whether the hearing is public or private. Generally speaking, ASPT matters, including dismissal proceedings, are conducted confidentially and in private, but the IRC may exercise its discretion on this matter.

d. With the consent of all parties, the IRC may hold joint prehearing meetings with the parties to simplify the issues, effect stipulations of

facts, provide for the exchange of documentary or other information, and achieve such other appropriate objectives as will make the hearing ensure fair, effective, and expeditious.

e. The Provost or a designee may attend the hearing and choose an appropriate representative to assist in developing the case. A member of the Faculty Caucus, elected by the Faculty Caucus, will attend the hearing as an observer. Members of the Faculty Caucus from the faculty member's department may not serve as the elected observer.

f. Ordinarily, an attorney for the University will not be present; whether or not the presence of University Counsel is deemed necessary, the faculty member's right to counsel must be honored and facilitated through reasonable scheduling of the hearing and any pre-hearing meetings. The faculty member shall have the option of assistance from counsel and/or an academic advisor, whose functions will be similar to those of the representative chosen by the Provost. The faculty member will also have the procedural rights set forth in the 1940 AAUP Statement of Principles on Academic Freedom and Tenure.

g. The IRC will determine the order of proof, conduct the questioning of witnesses, and secure the presentation of evidence important to the case. The proceedings shall be recorded by audiotape or videotape at the expense of the University, and be made available to the faculty member at no cost at the faculty member's request.

h. If facts are in dispute, testimony of witnesses should be taken and other evidence received. The faculty member shall have the assistance of the committee in securing the attendance of witnesses. Both the faculty member, or his/her counsel/advisor, and the Provost's representative have the right within reasonable limits to question all witnesses who testify orally. The faculty member shall have the opportunity to be confronted by all adverse witnesses. Because the committee cannot compel the participation of a witness, the proceedings shall not be delayed by the unavailability of a witness. Where unusual and urgent reasons move the hearing committee to withhold the right to question and be confronted by all witnesses, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards,

**Comment [SK3]:** AAUP is quite clear on this point: The faculty member should have the option of assistance by counsel, whose functions should be similar to those of the representative chosen by the president [in our case the provost, since our Board does not play a role in dismissal for cause]. The faculty member should have the additional procedural rights set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, and should have the aid of the committee, when needed, in securing the attendance of witnesses. The faculty member or the faculty member's counsel and the representative designated by the president provost should have the right, within reasonable limits, to question all witnesses who testify orally. The faculty member should have the opportunity to be confronted by all adverse witnesses. Where unusual and urgent reasons move the hearing committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as the statements of the witness, should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence should be duly recorded. Unless special circumstances warrant, it should not be necessary to follow formal rules of court procedure.

statements may, when necessary, be taken outside the hearing and reported to it.

- i. The Provost's representative and the faculty member, or his/her counsel/advisor, shall present any information helpful to the determination. Each may request the committee in writing to ask witnesses to answer specific questions. Appropriate procedure shall be determined by the IRC. The IRC will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- j. The IRC shall permit a statement and closing by both the Provost's representative and the faculty member, or his/her counsel/advisor. The IRC may exercise its discretion in allowing a reasonable amount of time for each statement.
- k. The IRC may request written briefs by the parties.
- l. The IRC shall reach its decision promptly in conference, on the basis of the hearing if one was held, or it may await the availability of a transcript of the hearing if its decision would be aided thereby. The burden of proof will be satisfied only by clear and convincing evidence in the record considered as a whole. The IRC must make explicit findings with respect to each of the grounds of dismissal presented, present a reasoned opinion, and submit a full written report to the Provost and the faculty member. The report may recommend dismissal or penalties short of dismissal. The written report shall be submitted to the Provost within 20 business days of the hearing. A record of any hearing should be made available to the Provost and to the faculty member.
- m. The faculty member may appeal the report and its recommendation to the FRC as provided in III.E. The FRC may refer the case to the AFEGC, or the faculty member may file a complaint with the AFEGC, if an academic freedom concern is raised. Any report by the AFEGC, including appeals reports, will be provided to the Provost and by the Provost to the President with the reports in XI.C.5.a.

5. Consideration by the President

- a. The Provost shall review the full report of the IRC stating its decision, and if relevant, the full report and the decision on the

**Comment [SK4]:** Current ASPT policy has only probationary faculty being able to file a complaint with AFEGC regarding dismissal. Tenured faculty currently only get the DFSC step and an appeal to FRC, though the policy is contradictory in its vagueness at current XI.B.2

It is unclear where the institutional memory lies regarding the rationale for this differentiation. In general, AAUP recommendations favour review of serious cases by the institution's academic freedom committee, so we may wish to consider a change here. It would be especially appropriate for cases where a suspension is NOT put into effect while dismissal proceedings are underway. It would seemingly be important in both disciplinary and non-disciplinary dismissal cases, unless I am missing something.

We may also want to state this right to review by the AFEGC earlier than C.4.m

appeal by the FRC, and transmit them to the President. Acceptance of the IRC's decision is normally expected, unless the FRC has sustained the faculty member's appeal. In that case, acceptance of the FRC's decision is normally expected.

- b. If the President chooses to review the case, that review should be based on the record of the previous hearing(s), accompanied by opportunity for argument, oral or written or both, by the principals at the hearing(s) or their representatives.
- c. The decision of the FRC (or the IRC, if no appeal) should either be sustained or the proceedings be returned to the final committee with objections specified. In such a case, the committee in question should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before.
- d. Only after study of the final committee's reconsideration, if any is requested, should the President make a final decision to sustain or overrule that committee. The President may decide in favor of dismissal or for penalties short of dismissal.
- e. The President shall communicate the final decision to the faculty member, the Provost, Dean, DFSC/SFSC, IRC, and, if applicable the FRC, within 20 business days of the final report of the FRC (or IRC, if no appeal).
- f. If dismissal for cause is effected, the faculty member must receive one year of notice or severance salary, unless the grounds for dismissal legally prohibit such provision.
- g. 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 must be made only through the President's office and must include a statement of the FRC's original decision, if this has not previously been made known.