

UNIVERSITY REVIEW COMMITTEE

Tuesday, November 15, 2016
2 p.m., Hovey 401D

MINUTES

Members present: Angela Bonnell, Rick Boser, Sam Catanzaro, Diane Dean, Joe Goodman, Christopher Horvath, Doris Houston, Sarah Smelser

Members not present: Sheryl Jenkins

Others present: Bruce Stoffel (recorder)

Note: In the minutes that follow, "URC" refers to the University Review Committee at Illinois State University and "Caucus" refers to the Faculty Caucus of the Academic Senate at Illinois State University.

I. Call to order

Chairperson Diane Dean called the meeting to order at 2 p.m. A quorum was present.

Christopher Horvath announced the recent passing of former URC member Dr. David Rubin, Associate Professor in the School of Biological Sciences. Committee members expressed sadness for Dr. Rubin's passing and gratitude for his service to Illinois State University. Members acknowledged the extensive contributions made by Dr. Rubin to the University Review Committee during his five years of service on the committee (2011-2012 through 2015-2016), including service in 2013-2014 as committee chairperson.

II. Approval of minutes from the November 1, 2016 meeting

Horvath moved, Angela Bonnell seconded approval of minutes of the November 1, 2016 meeting as distributed prior to the meeting. The motion passed on voice vote, with six voting aye and one abstaining (Rick Boser).

III. Schedule update

Dean reviewed the revised schedule of committee discussions for the academic year (see attached). She reported that she has received word from five colleges that no changes to their college standards are needed to conform to the ASPT document that takes effect January 1, 2017: the College of Applied Science and Technology, the College of Arts and Sciences, the College of Business, the College of Education, and Milner Library. Dean said she is awaiting word from the College of Fine Arts and expects to receive revised college standards from Mennonite College of Nursing by early December.

IV. Proposed ASPT disciplinary articles

The committee then continued its review of the proposed disciplinary articles beginning with proposed Article XI General Considerations (see attached). The committee reviewed two versions of the proposed article: the version recommended by URC to the Caucus in August 2015 and a revised version considered by the Caucus at its September 14, 2016 meeting and subsequently sent to URC for its consideration. Dean suggested working through Article XI and then deciding whether to vote on all revisions made to the article by URC or whether to defer voting on the revisions until all four proposed disciplinary articles have been reviewed by URC.

Section XI.A.1-2 (URC revised version)

Dean asked if there were any comments from committee members regarding Section XI.A.1-2, as revised by URC at its November 1, 2016 meeting.

Horvath said that upon further reflection he does not think the word “formative” in Section XI.A.2 (“Sanctions are intended to be formative.”) is appropriate. He said he believes that sanctions are meant to convey a message that what a faculty member has done is unacceptable and needs to change. Doris Houston added that sanctions can also relate to what a faculty member has not done. Boser suggested replacing the word “formative” in that sentence with the word “corrective.”

Sarah Smelser referred to the faculty disciplinary policy adopted by the University of New Mexico (which had been provided to the committee by Dean). She noted that the policy applies to teaching and research assistants in their faculty capacity. She asked if disciplinary policies at Illinois State should also apply to teaching and research assistants. Dean explained that ASPT policies at Illinois State apply only to tenure line faculty members. Catanzaro clarified that university policies other than ASPT apply to graduate assistants. Horvath asked what policies apply to non-tenure track faculty members who violate university policies as teachers. Catanzaro explained that non-tenure track faculty members are covered by their union contract. Dean thanked Smelser for her comment, adding that when the committee has completed its review of the disciplinary policies it could recommend that the appropriate university bodies review personnel policies in other personnel categories for consistency.

Horvath asked for clarification regarding the approach URC has agreed to take regarding content of Article XI General Considerations. Dean confirmed that URC has decided to define disciplinary actions in Article XI but not to cite examples of disciplinary actions. She explained that examples might instead be cited in subsequent articles regarding sanctions, suspension, and dismissal. Smelser said she agrees with the suggestion made by Horvath at the prior URC meeting, that if Article XI were to list examples of disciplinary actions, actions not listed would not likely be considered in disciplinary cases.

Houston asked whether URC has decided to proceed with its review of the disciplinary articles by working from revisions recommended by the Caucus. Dean explained that at its prior meeting URC decided to work from the URC version of the articles and to consider revisions to them recommended by the Caucus. Dean explained that URC has decided to adopt this approach because the Caucus has rewritten the disciplinary articles almost in their entirety.

Section XI.A.3-4 (URC version)

Dean then moved the discussion to Section XI.A.3-4, regarding suspension. She suggested structuring the section parallel to the structure used by URC in revising Section XI.A.2, regarding sanctions, by starting with a definition. She suggested the following passage:

Suspensions are major disciplinary actions of varying degrees undertaken to temporarily relieve a faculty member from teaching, research, or service activities; on paid or unpaid status; with or without exclusion from campus or parts thereof. Sanctions may be imposed for such reasons as when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees or when credible evidence of adequate cause for dismissal is available.

Discussion ensued regarding the passage proposed by Dean. Horvath recalled the committee having discussed at its last meeting two major reasons for imposing suspension: either to address a threat or disruption or to address situations in which a faculty member did not get the message intended to be conveyed by sanctions. Smelser referred again to the faculty disciplinary policy adopted by the University of New Mexico, noting that the first paragraph of the policy sets forth a broad framework for the policies that follow by citing disciplinary actions like suspension in the context of progressive discipline. She suggested adding similar wording to Section XI.A.1 to set forth the context in which suspension and other disciplinary actions might be imposed. Joe Goodman noted that the Illinois State University policy regarding the civil service corrective behavior system (University Policy 3.6.16) similarly describes disciplinary actions as elements of a broader system intended to correct behavior. Following discussion of wording options, committee members agreed to modify Section XI.A.1 to read as follows:

Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. The University normally uses progressive discipline to address possible misconduct.

Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension or dismissal may be appropriate.

Dean asked for feedback regarding the second sentence of her proposed passage regarding suspension: “Sanctions may be imposed for such reasons as when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees or when credible evidence of adequate cause for dismissal is available.” She asked if the passage should incorporate the word “circumstances” (which appears in Section XI.A.4 as recommended by URC) or the word “reasons.” Committee members agreed to use the word “reasons” rather than “circumstances.” Horvath suggested referring in the sentence to suspension as a next step in the progressive discipline process and also to imminent harm to property. Following further discussion of the passage, the committee agreed on the following rewrite of Section XI.A.3:

Suspensions are major disciplinary actions of varying degrees undertaken to temporarily relieve a faculty member from teaching, research, or service activities; on paid or unpaid status; with or without exclusion from campus or parts thereof. Sanctions may be imposed for such reasons as when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees, or University property; or as a next step in a progressive disciplinary process; or when credible evidence of adequate cause for dismissal is available. Specific policies related to suspensions are provided in ASPT XIII.

Catanzaro referred to Section XI.A.3.d of the Faculty Caucus revisions to Article XI (which reads: “reassigned out of some portion thereof (e.g., reassignment out of a particular class for the remainder of the semester; exclusion from a laboratory space”). Catanzaro said he is unsure whether a limited reassignment should be considered a suspension or even a sanction. He noted that a limited reassignment may just be in the best interest of everybody involved. Horvath cited a situation in which a department chairperson reassigns a faculty member, not intending the reassignment to be punitive, but the faculty member perceives that the reassignment is punitive. Horvath asked what recourse the faculty member would have to object to the reassignment. Catanzaro responded that the faculty member might be able to argue a violation of the code of ethics or the policy on academic freedom; if not, the faculty member’s recourse would be to the dean. Horvath suggested having the department chairperson place a letter in the faculty member’s personnel file explaining that the reassignment is not intended to be punitive, as long as the faculty member has some recourse to contest the reassignment. Dean said the faculty member can at least claim a violation of due process. Houston asked whether other universities consider certain instances of reassignment a suspension. Dean said she thinks that other universities do not consider reassignment a suspension. Horvath offered that reassignment from one class would more appropriately be considered a sanction (in disciplinary cases). Boser recommended making a distinction in the article between “reassignment” and “removal.” Dean tabled the discussion until the committee considers the subsequent article regarding suspension.

Horvath asked about point ii in the last paragraph of the Faculty Caucus revision to Section XI.A.3: “Suspension of faculty members will only be contemplated in (i) circumstances when there is a reasonable threat of imminent harm to the faculty member in question, students, other employees, or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice.” Dean suggested deleting that reference. Dean also suggested deleting the last sentence of Section XI.A.4 of the URC version of Article XI (which reads: “The administration of the University will inform the faculty member of its rationale for judging that suspension is indicated.”). She said because the sentence refers to procedure, it is more appropriate to include it in the article regarding suspension.

Section XI.A.5 (URC version); Section XI.A.4 (Faculty Caucus version)

Dean then directed the discussion to dismissal. Horvath asked if the term “dismissal” is used only when referring to separation for cause. Dean responded in the affirmative. She asked if the disciplinary policies should provide for the possibility of dismissal in cases involving either probationary faculty members or tenured faculty members. Catanzaro said he believes that “dismissal” should only apply to cases involving

tenured faculty members. Catanzaro cited as an example a probationary faculty member who is involved in sexual harassment. He said he believes the University should be allowed to terminate that probationary faculty member without having to work through a lengthy dismissal process. He cited another example in which a tenured professor was suspended by another university for three years before a decision was made regarding the faculty member's status; the faculty member was paid during the suspension. Catanzaro said members of the general public might complain about the university having paid the faculty member during the three years when the faculty member was not working, but that is the protection afforded by tenure. Horvath wondered whether probationary faculty members should be denied protections afforded by the dismissal process. Horvath cited as an example a faculty member who has plagiarized 90 percent of a curriculum vita; he said he is not sure in such a case whether a faculty member's rank as a tenured faculty member should provide any more protection than if the faculty member had probationary tenure status. Horvath added that a probationary faculty member should also be afforded due process if the university is considering firing the faculty member for disciplinary reasons.

Noting that the meeting had reached its time limit, Dean said she will draft a new dismissal section in advance of the next committee meeting to expedite discussion at the meeting. She thanked committee members for their good work on the article. Horvath asked that, to save paper, the entire collection of disciplinary articles not be recopied for each meeting, that only the passages being discussed be copied. Bruce Stoffel said he will gladly do so.

V. Other business

There was none.

VI. Adjournment

Boser moved that the meeting adjourn. Smelser seconded the motion. The motion carried on voice vote, all voting the affirmative. The meeting adjourned at 3:03 p.m.

Respectfully submitted,
Joe Goodman, Secretary
Bruce Stoffel, Recorder

ATTACHMENTS:

Schedule of Discussions and Actions, University Review Committee, Academic Year 2016-2017, Revised November 11, 2016
Disciplinary Actions: Article XI. General Considerations

SCHEDULE OF DISCUSSIONS AND ACTIONS

University Review Committee, Academic Year 2016-2017

Revised November 11, 2016

FALL 2016

Tuesday, September 20, 2016, 2-3, Hovey 401D

Organizing for the academic year

Thursday, October 6, 2016, 2-3, Hovey 105

Organizing for discussion of the proposed disciplinary articles

Disciplinary articles: Discussion of the structure of article(s) regarding dismissal and termination

Tuesday, October 18, 2016, 2-3, Hovey 105

Disciplinary articles: Discussion of documents related to dismissal (incl. AAUP, ISU Constitution, Governing Document of the Board of Trustees)

Disciplinary articles: General Considerations

Tuesday, November 1, 2016, 3-4, Hovey 401D

Disciplinary articles: General Considerations

Tuesday, November 15, 2016, 2-3, Hovey 401D

Disciplinary articles: General Considerations (continued) and Sanctions (if time permits)

Tuesday, November 29, 2016, 1-2, Hovey 401D

Disciplinary articles (continued)

Review of college standards (if requested)

Approval of ASPT calendar for 2017-2018

Tuesday, December 13, 2016, 2-3, Hovey 401D

Disciplinary articles (continued)

Review of college standards (Mennonite College of Nursing and others, if requested)

SPRING 2017

January/February

Disciplinary articles (continued)

Discussions of AFEGC and ASPT policies (led by working group)

Organize working group regarding service assignments

Appointment to Equity Review Committee (if formed by the Academic Senate)

March

Finalize recommendations to Faculty Caucus regarding disciplinary articles and AFEGC policies

Discussion of process and schedule for review of college standards under ASPT 2017

April

Review of University Policy 3.2.4: Salary Adjustments

Discussions of student reactions to teaching performance led by working group

May

Report from working group regarding service assignments

Review of CFSC annual reports

Review of Faculty Review Committee annual report

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions may be imposed for such adequate causes as violations of laws or University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII. 3. Suspension occurs when a faculty member is temporarily relieved of academic duties, such that the faculty member is not engaged in any teaching, research, or service activities at the University. The faculty member could be on paid or unpaid status. Specific policies related to suspensions are provided in ASPT XIII. 4. It is understood that suspension (with or without pay) of faculty members will only be contemplated in circumstances when there is a reasonable threat of imminent harm to the University, including the faculty member in question, students, and other employees 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. 5. Dismissal of a 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 are provided in ASPT XIV.B. 	<p>A. Types of Disciplinary Actions; Conditions under which they may be applied</p> <ol style="list-style-type: none"> 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 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: <ol style="list-style-type: none"> 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 	<p>A. Types of Disciplinary Actions</p> <ol style="list-style-type: none"> 1. Faculty may be subject to discipline of varying levels. Disciplinary actions include Sanctions, Suspension, and Dismissal. 2. Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral or performance problems or issues. Sanctions are intended to be formative. Sanctions may be imposed for such reasons as violations of laws or of University policies, including the Code of Ethics and its appendices. Specific policies related to sanctions are provided in ASPT XII.

Disciplinary Actions
Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>6. Termination of faculty due to financial exigency or program termination will follow the process outlined in the ISU Constitution (Article III, Section 4.B.2) and all applicable policies.</p> <p>B. Faculty Rights</p> <p>1. Disciplinary actions (including suspension or termination) 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.</p> <p>2. In all disciplinary proceedings, faculty members have the rights to due process, to timely notice, to seek advice, to respond to developments in the disciplinary process, and to have an advisor and/or counsel present at discussions, hearings, and appeals. Such advisor/counsel is advisory to the faculty member only.</p> <p>C. 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.</p>	<p>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</p> <p>c. reassigned out of one or more of these three categories of faculty activity, with or without exclusion from campus or parts thereof; or</p> <p>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).</p> <p>Suspension of faculty members will only be contemplated (i) in circumstances when there is a reasonable threat of imminent harm to the faculty member in question, students, other employees or university property, or (ii) as a sanction under Article XII for a stated period without other prejudice.</p> <p>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.</p>	

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>D. Probationary faculty who face disciplinary actions and are either exonerated 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. The records of the disciplinary process, including documentation of exoneration and completion of any required corrective actions, may be reviewed in the tenure and promotion process 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 are considered.</p>	<p>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.</p> <p>Dismissal as a type of disciplinary action is one form of dismissal that may be effected by the University under extraordinary circumstances.</p> <p>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.”</p> <p>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.</p>	

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
	<p>Specific policies related to dismissal are provided 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.</p> <p>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 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, 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.</p> <p>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.</p>	

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
	<p>B. Faculty Rights</p> <ol style="list-style-type: none"> <li data-bbox="850 329 1377 683">1. Disciplinary actions (including suspension or 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. <li data-bbox="850 716 1377 1338">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. 	

Disciplinary Actions
 Article XI. General Considerations

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
	<ol style="list-style-type: none"> <li data-bbox="850 272 1375 516">3. In all disciplinary proceedings, faculty members have the right to academic due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. 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 and to no other party. <li data-bbox="850 548 1375 654">4. Probationary faculty who face disciplinary actions whether exonerated or not may request a one year “stop-the-clock” extension of their probationary period, as described in IX.B.3. <li data-bbox="850 686 1375 979">5. The records of the disciplinary process, including documentation of exoneration 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 sanctions are considered and not held against the faculty member. <li data-bbox="850 1011 1375 1365">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. 	

Disciplinary Actions
Article XII. Sanctions

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>A. Sanctions include oral and written reprimand, fines, reduction in salary, and requirement of corrective action.</p> <p>B. Sanctions may be initiated by the appropriate College Dean or the Provost, or by a DFSC/SFSC.</p> <p>1. 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.</p> <p>2. 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.</p>	<p>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:</p> <ol style="list-style-type: none"> 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 <p>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.</p> <p>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.</p>	

Disciplinary Actions
Article XII. Sanctions

<p>C. No sanctions may be implemented until all appeals relevant to the policies in question are exhausted.</p> <p>D. Application of sanctions will be communicated to the faculty member in writing 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.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>B. A proposal to deliberate the appropriateness of a sanction may be presented to the DFSC/SFSC by its chairperson under the following circumstances.</p> <ol style="list-style-type: none"> 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; 	
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Disciplinary Actions
Article XII. Sanctions

	<p>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.</p> <p>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.</p> <p>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.</p>	
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Disciplinary Actions
Article XII. Sanctions

	<p>D. Once academic due process leading to a sanction short of suspension or dismissal has been exhausted, the application of any sanction 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.</p>	
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Disciplinary Actions
Article XIII. Faculty Suspensions

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>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).</p> <p>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.</p> <p>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 may seek compensation.</p> <p>D. Procedural Considerations Related to Suspension</p> <ol style="list-style-type: none"> 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 extensions shall not constitute a procedural violation of this policy. 	<p>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.</p> <p>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. 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.</p> <p>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.</p> <p>D. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will only occur after the process described in XIII.E, or in XIV, if applicable, is completed and all appeals or related grievances are adjudicated.</p>	

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<ol style="list-style-type: none">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. 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 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 and it is determined that suspension is necessary, then the following process will take place.	<p>E. Procedural Considerations Related to Suspension</p> <ol style="list-style-type: none">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 may extend these deadlines for good reason, and concerned parties may request consideration for doing so. The 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, there shall be informal discussion between the faculty member and either the Chair/Director, the Dean, the Provost, or the Provost's designee. 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 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 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.	
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<p>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.</p> <p>b. 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.</p> <p>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, documentation of such, and any recommendations made by the DFSC/SFSC, shall be completed within 10 business days.</p>	<p>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.</p> <p>5. If a mutually agreeable solution cannot be found, whether or not the President following the preliminary consultation with the hearing committee of the Academic Freedom, Ethics, and Grievance Committee has determined that suspension is necessary or should be extended, then a full hearing with the AFEGC with opportunity to appeal shall take place.</p> <p>6. A suspended faculty member may appeal through the ordinary AFEGC process, which includes appeal to the President as a final step. Appeals may be based on substantive or procedural grounds. The President shall rule on any final appeal or final recommendation within 21 business days.</p> <p>7. A faculty member may be suspended during dismissal proceedings only if the imminent harm standard in XI.A.3 applies. Faculty members retain their right to academic due process independently with respect to suspension proceedings and dismissal proceedings.</p>	
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<p>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 XIV.B.1, the written notice shall so indicate, and the dismissal procedures delineated below shall commence.</p> <p>6. A suspended faculty member may appeal to the President 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 appeal within 21 business days.</p> <p>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.</p> <p>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.</p>	<p>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.</p>	
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Article XIV. Termination of Appointment of Probationary and Tenured Faculty

As Recommended by URC, August 2015	As Revised by Faculty Caucus, Summer 2016	As Revised by URC, Fall 2016
<p>A. Probationary Faculty</p> <ol style="list-style-type: none"> 1. 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. <ol style="list-style-type: none"> 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 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 follow the provisions of Article XVI.K. d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provisions of Article XVI.H. 	<p>A. Non-reappointment of a Probationary Faculty Member</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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 follow the provisions of Article XIII.K. 	

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<p>2. Notice of termination shall be given as follows:</p> <ul style="list-style-type: none">a. Except for appointments that terminate during an academic year, not later than March 1 of the first academic year of service; not later than February 1 of the second academic year of service; and at least twelve months before the termination of an appointment after two or more years of service.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. <p>3. Termination of a probationary faculty member 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 XIV.A.2. Notice of such termination will be issued by the Provost, after consultation with the Dean and Department Chair/School Director. 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.</p>	<p>d. Appeals of non-reappointment following a negative tenure recommendation shall follow the provisions of Article XIII.G and XIII.H.</p> <p>2. Notice of termination shall be given as follows:</p> <ul style="list-style-type: none">a. Except for appointments that terminate during an academic year, not later than March 1 of the first academic year of service; not later than February 1 of the second academic year of service; and at least twelve months before the termination of an appointment after two or more years of service.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. <p>B. Dismissal of a Probationary or Tenured Faculty Member</p> <p>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.</p>	
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Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<p>B. Tenured Faculty</p> <ol style="list-style-type: none"> 1. The standard for dismissal of a tenured faculty member (i.e., termination of a tenured appointment) is that of adequate cause, as described in XI.A.5. 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. Section 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. 3. Procedural Considerations Related to Dismissal (Termination of Appointment of Tenured Faculty) <ol style="list-style-type: none"> 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 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. b. If the recommendation to initiate dismissal proceedings comes from the Department, School, or College, then the DFSC/SFSC (per V.C.3) 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. 	<ol style="list-style-type: none"> 2. Procedures and standards for dismissal shall be according to XI.C; any changes shall be approved by the Faculty Caucus of the Academic Senate. These procedures and standards, and any changes to them, will 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. 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. <p>C. Procedures and Standards for Dismissal of a Probationary or Tenured Faculty Member</p> <ol style="list-style-type: none"> 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. 	
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<p>If the recommendation to initiate dismissal proceedings comes from the University Administration, the Provost shall 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.</p> <p>If a faculty member being charged with adequate cause for dismissal is suspended as described in XIII, the due process for suspension will be followed while dismissal proceedings are underway.</p> <p>c. The Provost shall 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.</p>	<p>2. Preliminary Proceedings</p> <p>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.</p> <p>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.</p>	
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<p>d. The Initial Review Committee shall review each charge contained in the letter alleging adequate cause described in XIV.B.3.b, and will have the authority to interview the respondent/faculty member, the Dean, the Department Chair/School Director, and any other person who may have relevant information. The Initial Review Committee may also have access to any relevant documentation.</p> <p>e. The Initial Review Committee shall submit their recommendation within 21 business days of the date of the formation of the committee.</p> <p>f. If the Initial Review Committee recommends that dismissal proceedings should commence, or if the Provost, even after considering a recommendation favorable to the faculty member, determines that a proceeding should be undertaken, a statement of the grounds proposed for the dismissal should be jointly formulated by the Initial Review Committee and the Provost or Provost’s designee. If there is disagreement, the Provost or the Provost’s designee shall formulate the statement. The statement shall be formulated within 10 business days of the committee’s communication of the recommendation to the Provost.</p>	<p>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.</p> <p>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.</p> <p>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.</p>	
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<p>g. 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 Faculty Review Committee (FRC) of Illinois State University 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 10 business days from the date of the Provost's letter communicating the decision to the faculty member.</p> <p>h. 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 FRC no later than 5 business days before the date set for the hearing.</p> <p>i. The Faculty Review Committee (FRC):</p> <p style="padding-left: 40px;">i. Shall consider the statement of grounds for dismissal already formulated, the recommendation of the Initial Review Committee, and the faculty member's response before the hearing;</p>	<p>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.</p>	
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<ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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); 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; 	<ul style="list-style-type: none"> 3. Commencement of Formal Proceedings <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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. 	
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Article XIV. Termination of Appointment of Probationary and Tenured Faculty

<p>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.</p> <p>vii. The proceedings shall be recorded at the expense of the University;</p> <p>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 shall be determined by the FRC.</p> <p>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.</p> <p>x. The FRC may request written briefs by the parties.</p> <p>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 21 business days of the hearing. A record of any hearing should be made available to the Provost and to the faculty member.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
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<p>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).</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>	
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	<p>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, statements may, when necessary, be taken outside the hearing and reported to it.</p> <p>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.</p> <p>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.</p>	
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	<ul style="list-style-type: none">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. <p>5. Consideration by the President</p> <ul style="list-style-type: none">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 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.	
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	<ul style="list-style-type: none">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.	
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	<p>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.</p>	
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