

Procedures for Disciplinary Action

Scope: Who is Covered by this Policy?

Faculty

Policy

General

Nothing in the policy "[Files on Employees](#)" and elsewhere as adopted by the University Senate shall be interpreted to reduce the scope of authority of the Committee on Faculty Rights and Responsibilities as has been established by University regulations and usage or shall lessen faculty members' timely access to consultation with members of that Committee. (See the section of this policy titled "[General Matters](#)").

Matters Handled By Department Chairs

1. Each department chair is expected to advise any member of his or her department regarding any known failure by such member to comply with any applicable policies or guidelines, violation of standards of conduct, professional incompetence, or failure to carry out job responsibilities. This will be done on an as-needed basis or periodically in annual reviews. If problems identified by the department chair are not resolved following one or more personal meetings, and/or written communications, then the chair may issue a written summary,

which will be placed in the faculty member's personnel file, along with any response from the faculty member, consistent with the "[Files on Employees](#)" policy.

2. If a faculty member is dissatisfied with his or her chair's handling of a problem under item 1 of the section of this policy titled "[Matters Handled By Department Chairs](#)" and has used the department's grievance or appeal procedures, the faculty member may discuss the matter with the appropriate dean. The dean will review the matter in consultation with the faculty member and department chair and attempt to resolve the matter by agreement of all three. If the dean is unable to resolve the matter by compromise, then the dean will make a decision. The burden of proof that adequate cause exists for this decision rests with the University.
3. The chair will review with the faculty member, and place in the departmental student complaints file, any grade review requests or complaints regarding instruction that are forwarded to the chair pursuant to the University's Academic Grievance Procedure (as found in the most current edition of the *Student Handbook*).
4. In the event a department chair determines that disciplinary action is appropriate in a particular case or in the event that problems persist after one or more written communications under item 1 of the section of this policy titled "Matters Handled By Department Chairs", the chair may initiate a disciplinary proceeding under the section of this policy titled "[Initiation of Disciplinary Action](#)" below.

Disciplinary Proceedings

The procedures outlined in the sections of this policy titled "[Initiation of Disciplinary Action](#)" through "[General Matters](#)" are applicable in cases in which it is believed that a member of the faculty has engaged in misconduct which has not been, or cannot be, adequately addressed by following the informal procedures described in the section of this policy titled "[Matters Handled by Department Chairs](#)". These procedures may result in the imposition of any appropriate penalties including, by way of example in ascending order of severity: Presidential letter of reprimand; mandatory training or assessment for treatment or therapy; limitation on supplemental teaching or research opportunities; limitation on future increases in compensation; suspension with or without pay; reduction in rank; change in status from tenured to annual appointment; and dismissal.

Initiation of Disciplinary Action

Disciplinary proceedings may be initiated either by departmental action according to the procedures described in the sections of this policy titled “[Departmental Action](#)” through “[Responses to Dean’s Memorandum](#)” or at the Provost’s direct initiation according to the process described in the section of this policy titled “[Provost’s Direct Initiation of Disciplinary Action](#)”.

Departmental Action

The department chair will submit a memorandum of information to the dean, with a copy sent to the faculty member. This memorandum must be received by the faculty member within one hundred-twenty (120) calendar days from the date when the alleged misconduct first came to the attention of one of the following: the department chair, the dean, the Provost, or the President. If the alleged misconduct consists of a pattern of behavior or a series of acts in their cumulative effect, then the memorandum must be received within one hundred-twenty (120) calendar days from the date when the last instance of such behavior or the last of the series of acts first came to the attention of one of the officers listed above. The memorandum shall include the following:

1. information in sufficient detail to disclose fully the nature of the alleged misconduct;
2. reference to prior discussions and written communications on the subject, if any;
3. supporting documentation as appropriate;
4. a statement that the faculty member may arrange a meeting with the department chair and/or dean to discuss the matter and present the faculty member’s views and information.

Additionally, the memorandum shall indicate that the faculty member must request this meeting in writing within fourteen (14) calendar days after delivery of the memorandum of information and that the faculty member’s failure to request such a meeting could result in the proposal of a disciplinary action.

Divisional Action

After the meeting described in section of this policy titled “[Departmental Action](#)” above or after fourteen (14) calendar days have passed without a request for a meeting by the faculty member, the dean will decide whether to drop the matter, ask the chair to handle

it first under the section of this policy titled “[Matters Handled by Department Chairs](#)” (if it has not been handled that way already), or propose a penalty determined by the dean.

If the dean determines that disciplinary action is appropriate, the dean will submit a memorandum of proposed disciplinary action to the Provost, with a copy sent to the faculty member. This memorandum shall include the following:

1. information in sufficient detail to disclose fully the nature of the alleged misconduct and of the proposed disciplinary action;
2. reference to prior discussions and written communications on the subject, if any;
3. supporting documentation as appropriate;
4. a statement that the faculty member may obtain further review of the proposed disciplinary action by submitting a written request to the dean within fourteen (14) calendar days after delivery of the memorandum, and that the faculty member’s failure to request such review will result in the imposition of the proposed disciplinary action;
5. a statement that the Provost may initiate further review of the proposed disciplinary action by notifying the faculty member of such review in writing within fourteen (14) calendar days after delivery of the dean’s memorandum to the Provost. The Provost’s review is not a hearing but rather an effort to determine the appropriateness of the proposed penalty.

Responses to Dean’s Memorandum

If Neither Faculty Member nor Provost Initiates Further Review

If the faculty member has not requested further review as provided by the section of this policy titled “[Departmental Action](#)” and if the Provost has not initiated further review as provided by the section of this policy titled “[Divisional Action](#)” above, then the dean’s proposed disciplinary action will be deemed acceptable to the faculty member and the Provost. In that event the chair, dean, or other appropriate administrative officer(s) will proceed to implement the proposed action and no further review or appeal will be available.

If Faculty Member Requests Further Review

If the faculty member requests further review, then the dean will promptly forward the request to the Provost, together with the documentation generated under the sections of this policy titled “[Departmental Action](#)” and “[Divisional Action](#)”. The Provost will convene a Mediation Committee to review the matter, following the procedures specified in the section of this policy titled “[Mediation Procedure](#)”. Should the faculty member wish to bypass the Mediation Procedure described, then he or she must submit to the Provost a written request to do so. The request need not include any explanation of the faculty member’s decision. However, a copy of the faculty member’s request will be furnished to any Hearing Committee that may be convened to consider the matter pursuant to the section of this policy titled “[Request for Hearing before the Committee on Faculty Rights and Responsibilities in Cases Initiated by Departmental Action](#)”, and it will be given such consideration as the Hearing Committee deems appropriate in its deliberations.

If Provost Initiates Further Review

If the Provost initiates further review under the section of this policy titled “[Divisional Action](#)” to assess the appropriateness of the proposed disciplinary action, the Provost will not convene a Mediation Committee (if the faculty member requested further review) but rather will ask the dean to promptly forward to the Provost the documentation generated under the sections of this policy titled “[Departmental Action](#)” and “[Divisional Action](#)”. The Provost may request additional information from the faculty member, the chair, and the dean. The Provost may request that this information be delivered in writing, in person, or both. This review shall ordinarily take no more than fourteen (14) calendar days. At the end of the review, the Provost must send the faculty member a letter stating his or her determination. If the Provost determines that a different penalty is warranted and if it is a more severe penalty than the dean proposed or not one of the penalties enumerated in the section of this policy titled “[Disciplinary Proceedings](#)”, the Provost’s letter must provide reasons for recommending the different penalty.

Within fourteen (14) calendar days of receiving the Provost’s letter, the faculty member may request further review of the proposed disciplinary action either by invoking the Mediation Procedure described in the section of this policy titled “[Mediation Procedure](#)” or by requesting to bypass the Mediation Procedure and proceed directly to a hearing before the Committee on Faculty Rights and Responsibilities in the manner described in the section of this policy titled “[If Faculty Member Requests Further Reviews](#)”.

If the faculty member does not request further review, the Provost’s proposed disciplinary action will be deemed acceptable to the faculty member and the Provost. In

this event, the Provost will proceed to implement the proposed action, and no further review or appeal will be available.

Provost's Direct Initiation of Disciplinary Action

Disciplinary action may also be initiated directly by the Provost, upon the Provost's own initiative or based upon a signed written complaint alleging misconduct by a faculty member.

The Provost will consult with the department chair and divisional dean prior to initiating disciplinary action. As a result of the consultation, the Provost may refer the matter to the department chair and dean for proceedings in conformity with the sections of this policy titled "[Departmental Action](#)" through "[Responses to Dean's Memorandum](#)". In the event the Provost determines it is appropriate to proceed directly with disciplinary action, the Provost shall submit a memorandum of proposed disciplinary action to the faculty member, with copies sent to the department chair and dean. This memorandum shall include the following:

1. information in sufficient detail to disclose fully the nature of the alleged misconduct and of the proposed disciplinary action;
2. reference to prior discussions and written communications on the subject, if any;
3. supporting documentation as appropriate;
4. a statement that the faculty member may obtain a hearing on the matter before the Committee on Faculty Rights and Responsibilities or may invoke the mediation process described in the section of this policy titled "[Mediation Procedure](#)" by submitting a written request to the Provost within seven (7) calendar days after receipt of the Provost's memorandum. If mediation is requested but fails, the faculty member may obtain a hearing before the Committee on Faculty Rights and Responsibilities by submitting a written request within seven (7) days after receipt of the memorandum from the chair of the Mediation Committee (described in item 5 of the section of this policy titled "[Mediation Procedure](#)"). If the faculty member does not make a timely request for the Mediation Procedure or a hearing before the Committee on Faculty Rights and Responsibilities, the Provost's proposed disciplinary action will be deemed acceptable to the faculty member and no further review or appeal will be available.

Mediation Procedures

The following Mediation Procedure is applicable in all cases in which it has been properly invoked under the sections of this policy titled “[Responses to Dean’s Memorandum](#)” or “[Provost’s Direct Initiation of Disciplinary Action](#)” of this manual.

1. A Mediation Committee consisting of three members will be convened when a timely request has been made to the dean and forwarded to the Provost or made directly to the Provost. The Provost’s Office will secure appointments to the Committee by promptly contacting the following parties, each of whom will appoint one of the three Committee members within fourteen (14) calendar days:
 - a. The Committee on Faculty Rights and Responsibilities will appoint a former member of that Committee still employed at the University.
 - b. The faculty member.
 - c. The dean or the Provost if the Provost has proposed the penalty under the sections of this policy titled “[Divisional Action](#)” or “[Provost’s Direct Initiation of Disciplinary Action](#)”.

All members of the Mediation Committee must be either tenured members of the faculty or members of the administration holding tenurable faculty rank and may not be serving on the Committee on Faculty Rights and Responsibilities.

2. The Mediation Committee will convene within a time period specified by the Provost, not to exceed thirty (30) calendar days. The member appointed by the Committee on Faculty Rights and Responsibilities will serve as Chair.
3. The faculty member and either the dean or the Provost (if the Provost has proposed the penalty under the sections of this policy titled “[Divisional Action](#)” or “[Provost’s Direct Initiation of Disciplinary Action](#)”) are expected to attend the mediation meeting. Attendance by legal counsel will not be permitted. Attendance by other individuals will be at the discretion of the Mediation Committee. The meeting will ordinarily be private and confidential to the extent permitted by law. The Mediation Committee will review the documentation generated under the sections of this policy titled “[Departmental Action](#)” and “[Divisional Action](#)”. In its discretion, the Mediation Committee may also review other information presented to it by any of the parties. The Mediation Committee will endeavor, at the meeting, to mediate and conciliate the dispute, and to bring about an agreed resolution. The members of the Mediation

Committee may, in their discretion, schedule one additional mediation meeting, to be held within fourteen (14) calendar days after the first. Faculty members participating in the Mediation Procedure shall be afforded opportunity, not to exceed twenty-one (21) calendar days, to reflect on offers and consult counsel before rendering their decisions.

4. If an agreement is reached as a result of the Mediation Procedure, a Memorandum of Mediation Agreement will be prepared by the Chair of the Mediation Committee and signed by the Chair and both parties. The Chair of the Mediation Committee will report to the Provost, without elaboration, that the matter has been resolved. If the Provost was not a party to the mediation, the Mediation Agreement is subject to the approval of the Provost. If the Provost approves the Agreement, the Agreement will be promptly implemented. If the Provost does not approve the Agreement, he or she must notify the faculty member in writing, and the matter will proceed under the section of this policy titled "[Request for Hearing before the Committee on Faculty Rights and Responsibilities in Cases Initiated by Departmental Action](#)".
5. If the matter is not resolved as a result of the Mediation Procedure, the Chair of the Mediation Committee will report this outcome in a memorandum without elaboration. The memorandum will be sent to the faculty member, the dean, if the dean participated in the mediation, and the Provost. The matter will then proceed under the section of this policy titled "[Request for Hearing before the Committee on Faculty Rights and Responsibilities in Cases Initiated by Departmental Action](#)".
6. Once the Mediation Committee has either resolved the matter under item 4 in the section of this policy titled "Mediation Procedure" or advised the Provost that mediation was unsuccessful under item 5 in the section of this policy titled "[Mediation Procedure](#)", the Mediation Committee will not make any other finding or recommendation nor take any other action in the matter. Neither the Mediation Committee nor any of its members will retain any written or other record of any of the Mediation Committee's meetings or actions, except as provided in item 4 or 5 in the section of this policy titled "[Mediation Procedure](#)".

Failure of Mediation in Cases Initiated by Departmental Action

If disciplinary action is initiated by the department chair and if the Provost receives either a report under item 5 in the section of this policy titled “Mediation Procedure” that mediation has not been successful or a written request under the sections of this policy titled “[If Faculty Member Requests Further Review](#)” or “[If Provost Initiates Further Review](#)” to bypass mediation, the Provost will review the documentation generated under the sections of this policy titled “Departmental Action” and “[Divisional Action](#)”, and consider the matter. The Provost may discuss the matter with the parties and solicit additional information. Within fourteen (14) calendar days after receipt of a report under item 5 in the section of this policy titled “[Mediation Procedure](#)” or a written request under the sections of this policy titled “[If Faculty Member Requests Further Review](#)” or “[If Provost Initiates Further Review](#)”, the Provost will notify the faculty member, department chair, and dean which of the following courses of action he or she decided on:

1. to proceed with disciplinary action as proposed, and with penalty as recommended, by the dean;
2. to proceed with disciplinary action proposed by the dean, but with a different penalty;
3. to decline to proceed with disciplinary action;
4. if no decision is made within fourteen (14) calendar days by the Provost, the disciplinary action is at an end, and no further action on the alleged misconduct is available to the University.

Request for Hearing before the Committee on Faculty Rights and Responsibilities in Cases Initiated by Departmental Action

If disciplinary action is initiated by the department chair and if the Provost decides to proceed with disciplinary action and the faculty member is dissatisfied, the faculty member may obtain a hearing on the matter before the Committee on Faculty Rights and Responsibilities by submitting a written request to the Provost, with a copy sent to the Chair within seven (7) calendar days after receipt of the Provost’s memorandum.

1. If a hearing is timely requested, the hearing procedures described in the section of this policy titled “[Hearing Procedure](#)” will be followed;
2. If a hearing is not timely requested, the Provost’s recommendation will be final, and no further review or appeal will be available.

Hearing Procedure

The following hearing procedure is applicable

1. in all cases that involve a member of the faculty and to which the hearing procedure is made applicable by any provision of this manual (including the sections of this policy titled "[Provost's Direct Initiation of Disciplinary Action](#)" and "[Request for Hearing before the Committee on Faculty Rights and Responsibilities in Cases Initiated by Departmental Action](#)"); and
2. in any case that is initiated by a faculty member's exercise of an option to proceed under this section even though the case may have arisen under other University policies or procedures.

Convening Of Hearing Committee

The Hearing Committee will be made up as follows:

1. In all cases the Hearing Committee will consist of all currently-sitting members of the Committee on Faculty Rights and Responsibilities who will be available during a period of time the case will be under consideration. A case may not proceed under this section with fewer than five Committee members unless all parties have given their written consent.
2. Any request that an individual member of the Hearing Committee be removed, based upon a claim that such member cannot be impartial in the particular case, will be resolved by the Chair of the Committee on Faculty Rights and Responsibilities, unless the challenge is to the Chair of Rights and Responsibilities, in which case the challenge will be resolved by the Vice Chair of the Committee.
3. The Provost's office, in consultation with the Chair of the Committee on Faculty Rights and Responsibilities, will provide the Hearing Committee with staff support, including maintenance of the Committee's records and assistance in scheduling its meetings and hearings
4. Once the Hearing Committee has been convened, the documentation generated under the sections of this policy titled "[Departmental Action](#)" and "[Divisional Action](#)" or "[Provost's Direct Initiation of Disciplinary Action](#)" will be made available to the Committee members for their review and will be retained as part of the Committee's file on the case.

Prehearing Conference

The Hearing Committee will schedule a prehearing conference to be attended by the faculty member, the Provost, and any representatives permitted under the guidelines set forth in item "c" in the section of this policy titled "[Hearing Guidelines](#)". The department chair and dean may also attend the conference and the hearing, in the discretion of the Provost. Ordinarily, a memorandum of the conference will be prepared by the Committee and supplied to those in attendance and their representatives. The following matters should be among the goals for the conference:

1. provide opportunity for either party to object to participation by any Hearing Committee member because of perceived bias or otherwise;
2. review existing documentation and identify any additional documentation to be provided at the hearing;
3. define and/or limit issues;
4. obtain clear understanding as to each part's recommended outcome;
5. clarify representation, establish who is to receive notifications;
6. obtain lists of witnesses and evidence to be offered at the hearing;
7. establish schedule for exchange of additional documentation and witness lists;
8. obtain requests for Committee assistance in securing the attendance of witnesses;
9. discuss anticipated logistical and evidence problems;
10. discuss any possibility of summary disposition (see the section of this policy titled "[Hearing Procedure](#)");
11. invite any further written submissions;
12. review scheduling problems, consider convenience of expected witnesses, schedule hearing;
13. explain and discuss hearing procedures.

Summary Disposition

The Hearing Committee may, when a faculty member decides he or she does not wish a full hearing, process cases without a hearing by proceeding directly to make a recommendation as provided in item 15 in the section of this policy titled "[Hearing](#)

Guidelines". Prior to making a summary recommendation, the Committee will first discuss its proposed course of action at a meeting with both parties and will consider any objections to such procedure. It may also invite the parties to furnish documentary evidence, written statements, or other materials, in addition to the documentation submitted under the section of this policy titled "Departmental Action" and "Divisional Action" or under "Provost's Direct Initiation of Disciplinary Action", to assist the Committee in this process. After considering the matter, the Committee may decide the case summarily if convinced that substantially all pertinent evidence has been brought to its attention, and that any remaining issues of interpretation can be adequately considered without a hearing.

Hearing Guidelines

1. Neither the Hearing Committee nor any of its members should engage in any investigative or fact-finding activities outside a meeting or hearing of the Hearing Committee at which both parties have the opportunity to be present. Individual members of the Hearing Committee should not discuss the matter outside of such a meeting or hearing.
2. All communications from the Committee will go to both parties. All communications from either party to the Committee will also go to the other party.
3. The faculty member and the Provost, as parties to the proceeding, are expected to be present for the hearing. Both may be represented by legal or other counsel who may present written and testimonial evidence, question witnesses, and present arguments, all subject, however, to the control of the Committee. In a disciplinary hearing, as opposed to a grievance hearing, the *presence and advice of legal counsel or other counsel will be permitted. Upon request, the Committee, at its discretion, may permit either party to have more than one representative, and may define or limit the participation of any such additional representative(s).*
4. The hearing will be under the control of a member of the Committee who has been designated to act as Chair. Such Chair shall have authority to take action to preserve decorum, to protect parties and witnesses, to rule on matters of procedure and evidence, and to otherwise control the conduct of the hearing, subject to the ultimate authority of the whole Hearing Committee.
5. Both parties, or their respective representatives, shall have the right to submit evidence and cross-examine all adverse witnesses who testify in the matter. ~~If the committee elects to accept a witness' written statement in lieu of live~~

~~testimony, the identity of the witness and his or her statements shall be fully disclosed to the other side and opportunity given to answer such statements.~~

6. The hearing will ordinarily be private and confidential to the extent permitted by law. Witnesses other than the Provost, department chair, dean, and faculty member will ordinarily be present only while testifying.
7. The Committee will not be informed of discussions held in connection with any mediation meeting on the case under the section of this policy titled "Mediation Procedure", and members of the Mediation Committee will not be permitted to provide testimony or other evidence regarding the Mediation Procedure.
8. Each party will be responsible for securing the attendance of witnesses whose testimony will be offered by such party. However, the Committee will reasonably assist either party by requesting that witnesses attend and give testimony and itself can call additional witnesses or request documentation.
9. Pertinent records, and exhibits, ~~and written statements~~ may be accepted as evidence for consideration by the Hearing Committee.
10. Formal rules of evidence will not be followed; the Committee may receive any evidence that it believes to be of probative value.
11. The Hearing Committee will determine the order of proceedings and other matters pertinent to the hearing. Normally, the following order will apply;
 - a. opening statements, if desired;
 - b. presentation of evidence in support of the claim that misconduct has occurred and the proposed penalty;
 - c. presentation of evidence by the faculty member in response;
 - d. presentation of any evidence by either party that might rebut claims made by the other party;
 - e. closing statements, if desired.
12. At the University's option, the hearing will be recorded electronically or by reporter. The original record shall be the property of the University. A copy will be made available at cost to the faculty member upon request.
13. At the conclusion of the hearing, the Hearing Committee will deliberate in private. The Hearing Committee will provide a written report within fourteen (14) calendar days after the conclusion of the hearing. The report will include findings

of fact, conclusions drawn from these facts, and recommendations. At its discretion, the Hearing Committee may include observations germane to the case.

14. Once the Hearing Committee has transmitted its report to the parties, it will assemble all items of evidence and other documents that it considered in the matter, the record of the hearing, its report, and any other important records of the proceeding, and place them in the Committee's file on the case together with the original documentation submitted under the sections of this policy titled "Departmental Action" and "Divisional Action" or "Provost's Direct Initiation of Disciplinary Action". The Committee's files will be held by the Office of the Provost. The notes of individual committee members will be discarded.
15. All recommendations made by the Committee on Faculty Rights and Responsibilities are to be implemented promptly unless appealed to the President.

If there is no appeal and the Hearing Committee has recommended that some action should be taken by a chair, dean, or other University official, the Committee will notify that person to implement the recommendation promptly. If a person modifies or fails to act on the Committee's recommendation, the Committee may ask the President to order that its recommendation be carried out. If the recommendation is modified or not implemented, the Committee may report this to Faculty Assembly for its action or instructions.

Appeal to the President

The report of the Hearing Committee may be appealed to the President within seven (7) calendar days of receipt. Appeals to the President must be made in writing, with copies sent to both parties and to the Committee on Faculty Rights and Responsibilities. The following appeal procedure is applicable:

1. The party appealing must specify the basis for objection to the Hearing Committee's report. Failure to so specify may result in dismissal of the appeal.
2. The President will establish a schedule for the submission of materials and for the completion of any other steps involved in the appeal.
3. The President will allow the parties to present argument on appeal. The President may decide whether to receive these arguments in writing, in person,

or both. Regardless of the method used to present arguments, the President will allow each party to learn what the other has said and rebut these statements.

4. The President's review on appeal will ordinarily be limited to those specific issues of fact, conclusions, or recommendations brought to his or her attention by the party appealing.
5. The President shall be bound by the findings of fact made by the Committee on Faculty Rights and Responsibilities unless those findings are against the greater weight of the evidence. Due deference must be accorded to findings of fact of the Committee on Faculty Rights and Responsibilities since it is the Committee who is best able to observe the demeanor of witnesses and weigh their credibility.
6. After deliberating on the appeal, the President may respond to the Hearing Committee's report in the following ways:
 - a. the President may concur with and order the Hearing Committee's recommendations to be implemented immediately, unless there is an appeal to the Board of Trustees;
 - b. the President may remand the matter to the Hearing Committee for further consideration, and shall remand the matter to the Hearing Committee if the President disagrees with any of the Committee's findings of fact, stating why; or
 - c. the President may reach different conclusions and/or determine not to follow the recommendations of the Hearing Committee, but only after consultation with the Hearing Committee. If, after the remand under item 6, letter b in the section of this policy titled "[Appeal to the President](#)" and after consultation with the Committee, the President disagrees with the findings of fact by the Committee because, in the President's judgment, they are against the greater weight of evidence, the President may reach new findings. In any event, however, the Hearing Committee's conclusions, recommendations, and the findings of fact will remain unaltered as part of the record of the case;
7. The President will promptly provide a written report of his or her decision on the appeal to the faculty member and to the Hearing Committee.

If the President, after consultation with the Hearing Committee, does not accept the Hearing Committee's conclusions or recommendations, the Committee may report this

to Faculty Assembly. If the President, after consultation with the Hearing Committee, does not accept the Hearing Committee's findings of fact, the Committee must report this to Faculty Assembly. The Committee may report to Faculty Assembly in either its annual report or by placing it on the agenda of a meeting of Faculty Assembly for its actions or instructions.

8. If the matter is remanded by the President to the Hearing Committee, copies of the remand determination and its reasons shall be provided to both parties. The Hearing Committee will reopen the proceedings and, at the conclusion thereof, submit a supplemental report to the President, the Provost, and the faculty member. The President may then act according to the options afforded by item 6 in the section of this policy titled "[Appeal to the President](#)" as if acting on the Hearing Committee's original report, except that a matter may be remanded only once unless the Hearing Committee agrees to additional remands.

Appeal to the Board of Trustees

The President's decision may be appealed to the Board of Trustees, which has ultimate authority to take final action to promote the best interest of the University and to protect individual rights. The appeal must be filed with the Secretary to the Board within fourteen (14) calendar days of receipt of the President's decision. The Board shall review the record; the report and supplemental report, if any, of the Hearing Committee; and the written decision and remand determination, if any, of the President. In its review, the Board may consult with the President and shall give both parties an opportunity to present argument to it. The Board may decide to receive these arguments in writing, in person, or both. The Board's action is final and shall be accompanied by a written statement setting forth its reasons.

Interim Suspension

An interim suspension is a suspension imposed by the Provost before the disciplinary procedures described in this policy are initiated or resolved.

During an interim suspension, a faculty member is relieved of all employment responsibilities. Additional terms of suspension, such as loss of office and library access, may also be imposed.

During an interim suspension, the faculty member's compensation will be continued until the procedures described in this policy are completed or twelve (12) months have

passed, whichever occurs earlier. Thereafter, after an order to the faculty member to show cause why the compensation should not be terminated, the Provost may, upon due consideration, continue or discontinue compensation. Additionally, the Provost may lift the interim suspension before the completion of the disciplinary procedures described in this policy.

1. The Provost initiates an interim suspension by informing the faculty member of the suspension orally or in writing. If the initial notification is given orally, the faculty member shall also receive written notification. Both the oral and written notifications shall include the following information:
 - a. The terms of the interim suspension;
 - b. The reason for the interim suspension;
 - c. the faculty member has a right to request a meeting to be held before 5:00 p.m. the next business day with the Provost, as described in item 2 in the section of this policy titled "[Interim Suspension](#)".
 - d. The faculty member's right as described in Section item 3 in the section of this policy titled "[Interim Suspension](#)" to have the Committee on Faculty Rights and Responsibilities review the Provost's decision to impose an interim suspension or any of its additional terms.
2. The faculty member may request a meeting to be held before 5:00 p.m. the next business day with the Provost for the purpose of opposing the interim suspension or any of its additional terms.
3. Whether or not the faculty member has met with the Provost, the faculty member may request that the Committee on Faculty Rights and Responsibilities meets with the faculty member and with the Provost to review the Provost's decision to impose an interim suspension or any of its additional terms. The meeting(s) shall be held within three (3) calendar days of the faculty member's request. For the purpose of the meeting(s), a quorum of the Committee on Faculty Rights and Responsibilities shall consist of members of the Committee who can be convened during this time period.
4. The Committee on Faculty Rights and Responsibilities shall, within twenty-four (24) hours of the last of the meeting(s) with the Provost and faculty member, make a recommendation to the Provost that the interim suspension be continued, modified, or lifted.

General Matters

References in this policy to a particular officeholder are to be read as including another person serving in an “acting” or “interim” capacity for the officeholder and, except in the case of the President, any other person designated by the officeholder to serve in his or her stead. It is understood that for regional campus faculty the Dean of the Regional Campuses will be consulted by the chair and dean and may be involved in these procedures to whatever extent is appropriate.

In cases in which a hearing is held under the section of this policy titled “[Hearing Procedure](#)” as a result of a referral or election made in a proceeding initiated under a different University policy or procedure:

1. The hearing and appeal procedures will be adapted as necessary in order to allow for active participation by one or more complainants or University officials previously involved in the matter.
2. The documentation provided to the Hearing Committee under the section of this policy titled “[Hearing Procedure](#)” will be the documentation generated in the initial phase of the University procedure under which the proceeding was initiated.

Time deadlines specified in this policy may be extended by agreement of the Provost and faculty member or, in the absence of such agreement, by decision of the Chair of the Committee on Faculty Rights and Responsibilities.

The running of any time period specified in these procedures will be suspended during Thanksgiving Recess, Winter Recess, Spring Recess, and the interval between the end of final examinations for Spring Semester and the date on which faculty are required to report for the Fall Semester.

Disciplinary action is generally treated as confidential to the extent permitted by law. However, individuals involved, including witnesses, may be advised of the final outcome at the discretion of the President.

Increases in salary and promotion in rank are based on merit and are not matters of right. Therefore, failure to grant either or both to a faculty member is not disciplinary action within the meaning of these procedures. However, a tenure, promotion, or salary decision may be grieved on the basis of alleged procedural error, or academic freedom violation, or improper discrimination. Persons wishing to pursue this course are directed to the section of this policy titled “[Appeal to the President](#)”, which describes the University grievance procedures.

The Committee on Faculty Rights and Responsibilities is deeply committed to maintaining a disciplinary process that protects the rights of the institution, the accuser and the accused. The Committee on Faculty Rights and Responsibilities reserves the right to supplement or alter these disciplinary procedures any time it deems appropriate to protect the constitutional rights, including the right to academic freedom, of those involved or to comply with state and/or federal law. In particular, the Committee notes that it may well be necessary to supplement and alter these procedures in cases involving alleged sexual harassment, sexual violence, domestic violence, dating violence, and stalking in order to comply with Title IX and the Violence Against Women Act.

Related Form(s)

Not applicable.

Additional Resources and Procedures

Not applicable.

FAQ

Not applicable.

Policy Administration

Next Review Date

7/1/2023

Responsible Officers

Provost and Executive Vice President for Academic Affairs

Legal Authority

Not Applicable.

Compliance Policy

No

Recent Revision History

Edited July 2018; [Edited July 2019](#)

Reference ID(s)

- MUPIM 8.3
- OAC 3339-8-03

Reviewing Bodies

- Miami University Senate
- Miami University Board of Trustees
- Administrative