

POLICY AND PROCEDURES
FOR TERMINATION OF A FACULTY MEMBER FOR CAUSE

I. **Informal Proceedings**

Prior to the initiation of formal proceedings, the Chairperson or the administrator responsible for the academic area of the faculty member concerned ("Appointee") should hold a conference with the Appointee to discuss the issue(s) of concern. If the Chairperson or administrator is unsuccessful in meeting with the Appointee, the Dean should hold a conference with the Appointee. In certain cases, however, where the Appointee's conduct (i.e., moral turpitude, professional or scholarly misconduct, wilful neglect of duty) is egregious, formal proceedings may be initiated whether or not informal proceedings have occurred.

II. **Formal Proceedings**

A. **Termination of Faculty Appointment by the President**

Upon the written recommendation of the Vice President for Academic Affairs, the President of the University may terminate the appointment of a tenured or tenure-track appointee for moral turpitude, professional or scholarly misconduct, incompetency, or wilful neglect of duty, provided that the charges be stated in writing, that the Appointee be furnished a copy thereof, and that the Appointee be given an opportunity prior to termination to be heard. Termination of a faculty member who is not tenured or tenure-track shall be governed solely by the terms of the faculty member's employment contract and any applicable Board of Regents policies.

B. **Charges for Termination** - The charges for termination ("Charges") shall be stated in writing.

C. **Suspension** - Pending final action of the President, the President may suspend the Appointee with or without compensation. In the case of an Appointee suspended without compensation, the President shall include a determination as to whether the Appointee is entitled to back compensation.

D. **Notice of Charges** - The Appointee shall be given notice of the Charges. Said notice shall be delivered to the Appointee personally, or by registered or certified mail to the last known home address of the Appointee.

E. **Hearing** - Upon receipt of notice of the Charges, the Appointee shall have fifteen (15) working days from the date the Appointee received notice from the Vice President for Academic Affairs to file with the President a written request for a hearing. Following receipt of the Appointee's written request for a hearing, the

President shall schedule a hearing within a reasonable period of time; except in circumstances where the best interests of the University are at risk, the President shall schedule a hearing no sooner than fifteen (15) working days following receipt of the Appointee's written request.

1. The President shall appoint a hearing officer to serve as finder of fact in the hearing on the charges for termination. If the hearing officer is appointed from a University school or college, the hearing officer shall be appointed from a college or school other than that of the Appointee.
2. The formal rules of evidence shall not apply to this review procedure. However, the hearing officer shall not admit evidence which is plainly unreliable or irrelevant.
3. The hearing officer shall hear all arguments on substantive and procedural matters and shall make necessary specific written findings.
4. A complete and accurate record shall be kept of all proceedings and documents entered into evidence.
5. Each party shall have the opportunity to be represented by counsel. Each party shall have an opportunity to make an opening and closing statement, present written evidence, examine and cross-examine witnesses, offer personal testimony, file objections, exceptions, motions and post-hearing briefs, provided, however, that where a party is represented by counsel, the opening and closing statements, submission of written evidence, examination and cross-examination of witnesses and filing objections, exceptions, motions and post-hearing briefs on behalf of that party shall be done and presented solely by such counsel.
6. Both parties have the right to call witnesses and are responsible for contacting their own witnesses. The hearing officer cannot assure the presence of witnesses requested by either party.
7. Upon the request of either party, the hearing officer shall consider the appropriateness of the sequestration of witnesses.
8. The hearing officer shall not grant continuances except for extraordinary circumstances.
9. Only evidence offered and made a part of the record in the case and no other factual information or evidence shall be considered in the determination of the case. The record shall be closed to the admission of evidence at the conclusion of the hearing and no evidence shall be admitted thereafter.
10. Recommendation to the President - Within a reasonable period of time,

but no later than sixty (60) calendar days following the conclusion of the hearing, the hearing officer shall send a copy of the findings of fact and recommendations for action to the President. The recommendation shall be based on the evidence contained in the hearing officer's findings of fact and recommendations for action and/or the hearing record. Such recommendation is advisory in nature and shall have no binding effect on the decision of the President.

11. The President shall advise the Appointee in writing of the recommendations of the hearing officer.

F. Faculty Review Committee ("FRC") - Within fifteen (15) calendar days of receipt of the hearing officer's recommendations from the President, the Appointee may make a written request to the President for review by and/or oral argument before the FRC. The President shall empanel the FRC and notify the Appointee. The University shall also be given an opportunity for oral argument before the committee. Oral argument shall not be given the weight of evidence.

1. Selection - The FRC shall consist of three (3) tenured, full professors. The pool of faculty from which the FRC shall be drawn will consist of two (2) tenured, full professors elected by the faculty from each of the schools/college at the University during the first school/faculty meeting of each academic year.

2. The FRC's review shall be limited to a determination of whether there has been a material/prejudicial procedural error in the observance of the policies and procedures set forth in II. A-E of this policy. Based on that review, the FRC shall make a recommendation to the President.

3. The FRC shall conduct its review and provide the President with its written recommendation(s) for action within twelve (12) working days of the date on which the FRC is empaneled.

G. President's Final Action

After considering the recommendations of the hearing officer and the FRC (if the Appointee has requested a review by the FRC), the President shall notify the Appointee in writing of the final decision. Within the President's sole discretion, the President's final decision may be termination or a lesser sanction. In the event that the President's final action results in termination, the Appointee's separation from University service and/or compensation shall be effective as of the dates stated in the President's written notification.

III. Review by the Board of Regents

A. Within ten (10) working days of receipt of written notice of the President's final action, the Appointee may request a review of the President's decision or action(s) by the Board of Regents ("Board"). The Board's review is discretionary

and upon invitation by the Board or a duly appointed committee thereof, may include an opportunity for an oral presentation by the Appointee. The Board's review shall be limited to whether the President's final decision or action was consistent with the policies and procedures published in this policy. If the Board identifies any material procedural error(s), it shall remand the matter to the President for consideration. Upon remand, the President may affirm or reverse his or her original decision after considering the materiality of the procedural errors identified; the President's original decision is final unless reversed by the President.

- B. The Appointee shall address a written request for review of the President's decision or action to the Chairperson of the Board. The Appointee's written request shall document the ways in which the Appointee believes that the President violated the *Policy and Procedures for Termination of a Faculty Member for Cause*. Upon receipt of the Appointee's written request for a review by the Board, the Chairperson shall appoint a committee of the Board to review the Appointee's request. The Committee can decide that a review by the Board is not necessary or the Committee can decide to review the request with or without inviting the Appointee to make an oral presentation. Within a reasonable time following receipt of the Appointee's written request, but not later than ninety (90) working days, the Chairperson of the Board shall notify the President and the Appointee of the result(s) of the Board's review.

IV. Controlling Policy

This policy supersedes any previously enacted termination policy, including but not limited to the policy as stated in the 1985 *Faculty Contract* and the *Regulations and Procedures Governing Academic Freedom and Tenure* and applies to all tenure and tenure-track faculty regardless of their date of appointment.

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