

SUBJECT: UNIVERSITY REGULATIONS - Chapter XII CODE OF FACULTY RIGHTS AND RESPONSIBILITIES - PART V

SANCTIONS

1. THE FOLLOWING SANCTIONS MAY BE IMPOSED FOR VIOLATIONS OF THE RULES ENUMERATED ABOVE:
 - A. WRITTEN REPRIMAND
 - B. FINE
 - C. PROBATION
 - D. SUSPENSION
 - E. DISMISSAL.
2. SANCTION (A)--WRITTEN REPRIMAND--MAY BE IMPOSED FOR A VIOLATION OF THIS CODE FOLLOWING A DECISION OF THE FACULTY HEARING COMMITTEE IN ACCORD WITH THE PROCEDURES LAID DOWN IN PART VI, SECTION D. A WRITTEN REPRIMAND MAY ALSO BE IMPOSED BY AN APPROPRIATE ADMINISTRATOR FOR A VIOLATION OF THIS CODE WITHOUT THE INVOCATION OF THOSE PROCEDURES. IN SUCH A CASE, THE PROCEDURES IN PART VI, SECTION B, "ADMINISTRATIVE REPRIMAND", SHALL BE FOLLOWED.
3. SANCTIONS (B) AND (C)--FINE AND PROBATION--MAY BE IMPOSED ONLY FOR VIOLATIONS OF THIS CODE AND ONLY IN ACCORD WITH THE PROCEDURES LAID DOWN IN PART VI, SECTION D.
4. SUSPENSION MEANS THE BARRING OF A FACULTY MEMBER FROM THE EXERCISE OF HIS OR HER DUTIES FOR A DEFINITE PERIOD OF TIME. SUSPENSION AS A SANCTION (SANCTION D) MAY BE IMPOSED ON A FACULTY MEMBER ONLY FOR A VIOLATION OF THIS CODE AND ONLY IN ACCORD WITH THE PROCEDURES LAID DOWN IN PART VI, SECTION D.

THE PRESIDENT OF THE UNIVERSITY MAY IMPOSE AN INTERIM SUSPENSION WITH FULL PAY ON A FACULTY MEMBER IF THE PRESIDENT, IN HIS OR HER DISCRETION, REASONABLY BELIEVES THAT SUCH ACTION IS NECESSARY TO PREVENT SUBSTANTIAL HARM TO THE UNIVERSITY OR TO SOME MEMBER OF THE UNIVERSITY COMMUNITY. THE PRESIDENT OF THE UNIVERSITY MAY IMPOSE AN INTERIM SUSPENSION WITHOUT PAY IF THE PRESIDENT DETERMINES THAT THE FACULTY MEMBER INTENTIONALLY AND CLEARLY REFUSES TO PERFORM THE ESSENTIAL DUTIES OF A FACULTY MEMBER. THE PRESIDENT SHALL IMMEDIATELY GIVE THE FACULTY MEMBER WRITTEN NOTICE OF THE INTERIM SUSPENSION, SPECIFYING THE RULE OR RULES VIOLATED AND SETTING FORTH BRIEFLY THE RELEVANT FACTS AND SUPPORTING EVIDENCE. IF THE INTERIM SUSPENSION IS WITHOUT PAY THE PRESIDENT SHALL PROVIDE THE FACULTY MEMBER WITH AN OPPORTUNITY TO MEET WITH THE PRESIDENT TO PRESENT THE FACULTY MEMBER'S VIEWS AND OBJECT TO THE SUSPENSION PRIOR TO ITS IMPOSITION. THE MEMBER'S INSURANCE BENEFITS SHALL CONTINUE DURING THE INTERIM SUSPENSION WITHOUT PAY. AN INTERIM SUSPENSION IS NOT TO BE CONSIDERED A SANCTION BUT RATHER A TEMPORARY DEVICE FOR PROTECTING THE UNIVERSITY'S INTERESTS. IT SHOULD BE USED WITH UTMOST CAUTION.

WHEN A FACULTY MEMBER HAS BEEN SUBJECTED TO AN INTERIM SUSPENSION, A COMPLAINT SHALL

IMMEDIATELY BE FILED IN ACCORDANCE WITH PART VI, SECTION D. AN INTERIM SUSPENSION MAY LAST UNTIL CHARGES HAVE BEEN BROUGHT BEFORE THE FACULTY HEARING COMMITTEE AND IT HAS CONCLUDED ITS DELIBERATIONS. THE FACULTY HEARING COMMITTEE MAY REVOKE A SUSPENSION WITHOUT PAY AND REINSTATE PAY IF IT FINDS THAT THE FACULTY MEMBER IS NOT THEN REFUSING TO PERFORM THE ESSENTIAL DUTIES AND ALLOWING THE FACULTY MEMBER TO PERFORM THOSE DUTIES IS IN THE BEST INTERESTS OF THE UNIVERSITY. AN INTERIM SUSPENSION WITH PAY IN ORDER TO PREVENT SUBSTANTIAL HARM SHALL NOT BE ALTERED BY THE COMMITTEE UNTIL IT HAS CONCLUDED ITS DELIBERATIONS. AT THAT POINT, THE INTERIM SUSPENSION SHOULD CEASE, TO BE REPLACED WITH ONE OF THE SANCTIONS LISTED ABOVE OR WITH NO SANCTION, IN ACCORD WITH THE COMMITTEE'S RECOMMENDATION. IF AN INTERIM SUSPENSION WAS IMPOSED WITHOUT PAY, A FACULTY MEMBER SHALL BE ENTITLED TO REIMBURSEMENT OF LOST SALARY AND RETIREMENT BENEFITS UNLESS THE FACULTY MEMBER IS TERMINATED AS A RESULT OF DISCIPLINARY PROCEEDINGS BY THE FACULTY HEARING COMMITTEE.

5. DISMISSAL MEANS THE TERMINATION OF EMPLOYMENT OF A TENURED FACULTY MEMBER AT ANY TIME OR THE TERMINATION OF EMPLOYMENT OF A NONTENURED FACULTY MEMBER OTHER THAN BY NONRENEWAL OF HIS OR HER CONTRACT. DISMISSAL AS A SANCTION (SANCTION E) MAY BE IMPOSED ON FACULTY MEMBERS ONLY FOR A VIOLATION OF ONE OR MORE RULES OF THIS CODE, AND ONLY IN ACCORDANCE WITH THE PROCEDURES LAID DOWN IN PART VI, SECTION D OF THIS CODE. DISMISSAL MAY BE IMPOSED ONLY IF THE VIOLATION DEMONSTRATES THAT THE FACULTY MEMBER IS INCOMPETENT IN THE PERFORMANCE OF HIS OR HER DUTIES AS A TEACHER AND FACULTY MEMBER OR LACKS THE ABILITY OR WILLINGNESS TO MEET HIS OR HER RESPONSIBILITIES TO THE UNIVERSITY. [SEE [PPM 8-7.3\(A\)](#).]
6. TERMINATION FROM EMPLOYMENT MAY ALSO OCCUR AS A RESULT OF FINANCIAL EXIGENCY, MEDICAL DISABILITY, OR PROGRAM DISCONTINUATION [SEE PART VII AND [PPM 8-7](#).] THESE ARE NOT TO BE CONSIDERED DISMISSAL AS A SANCTION UNDER THIS CODE.
7. COMBINATIONS OF SANCTIONS MAY BE IMPOSED WHERE APPROPRIATE AND CONSISTENT WITH THE PROVISIONS OF SECTIONS 8 THROUGH 10 OF THIS PART. WHEN A SANCTION LESS THAN DISMISSAL IS IMPOSED, THE TERMS OF IMPOSITION MAY INCLUDE A REQUIREMENT THAT THE FACULTY MEMBER TAKE REASONABLE ACTION TO REMEDY OR TO MAKE RESTITUTION FOR A SITUATION CREATED BY HIS OR HER VIOLATION OF A RULE.
8. SANCTIONS MAY BE IMPOSED ON A FACULTY MEMBER WHEN IT HAS BEEN DETERMINED BY PROCEEDINGS PURSUANT TO THIS CODE THAT HE OR SHE HAS VIOLATED A RULE OF THIS CODE, IF THE IMPOSITION OF SANCTIONS WILL SERVE ONE OR MORE OF THE FOLLOWING PURPOSES:
 - TO INDUCE SELF-IMPROVEMENT AND REFORM BY A FACULTY MEMBER.
 - TO INDICATE TO THE FACULTY MEMBER THE SERIOUSNESS OF HIS OR HER VIOLATION AND THEREBY DETER HIM OR HER FROM FUTURE VIOLATIONS.
 - TO REASSURE THE UNIVERSITY COMMUNITY THAT VIOLATIONS OF THE RULE WHICH THE FACULTY MEMBER HAS BROKEN WILL NOT BE TOLERATED, THEREBY SERVING TO MAINTAIN RESPECT FOR AND COMMITMENT TO THE RULES BY OTHER MEMBERS OF THE UNIVERSITY COMMUNITY.
 - TO DISMISS FROM UNIVERSITY EMPLOYMENT A FACULTY MEMBER WHO HAS DEMONSTRATED BY HIS OR HER CONDUCT AN INABILITY OR AN UNWILLINGNESS TO MEET HIS OR HER

RESPONSIBILITIES TO THE UNIVERSITY.

9. SANCTIONS BEING AT BEST A PAINFUL NECESSITY, THE DECISION TO IMPOSE SANCTIONS SHOULD BE GUIDED BY MERCY AND RESTRAINT. NO SANCTION SHALL BE IMPOSED UNLESS:
 - A. THE PURPOSES SET FORTH IN 8 ABOVE CANNOT BE ADEQUATELY SERVED BY LESS SEVERE MEASURES;
 - B. THE SANCTION IS NOT DISPROPORTIONATELY SEVERE IN RELATIONSHIP TO THE RULE VIOLATION FOR WHICH IT IS IMPOSED; AND
 - C. THE IMPOSITION OF SUCH SANCTION IS FAIR AND JUST TO THE FACULTY MEMBER INVOLVED, GIVING DUE CONSIDERATION TO HIS OR HER SITUATION, TO HIS OR HER PRIOR SERVICE TO THE UNIVERSITY, AND TO ANY RELEVANT MATTERS TENDING TO MITIGATE THE SERIOUSNESS OF HIS OR HER VIOLATION.
10. WHEN NON-PUNITIVE MEASURES SUCH AS GUIDANCE, COUNSELING, THERAPY, LEAVE OF ABSENCE, VOLUNTARY RESIGNATION, OR EARLY RETIREMENT ARE AVAILABLE AND WILL PROVIDE REASONABLE ASSURANCE THAT THE FACULTY MEMBER WILL NOT REPEAT HIS OR HER VIOLATION OF THE RULE, AND IF THE FACULTY MEMBER CONSENTS THERETO, SUCH MEASURES SHOULD BE TAKEN IN LIEU OF DISCIPLINARY SANCTIONS UNDER THIS CODE UNLESS SUBSTANTIAL UNIVERSITY INTERESTS WOULD THEREBY BE UNDERMINED.
11. NO FACULTY MEMBER SHALL BE TWICE SUBJECT TO PROCEEDINGS UNDER THIS CODE FOR THE SAME ACT.

APPROVED: ACADEMIC SENATE NOVEMBER 4, 1996

APPROVED: BOARD OF TRUSTEES NOVEMBER 15, 1996

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