

POLICY 8-12.5 REV 7
DATE MAY 2, 2006

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

SANCTIONS

1. THE REMEDIES AND SANCTIONS THAT MAY BE IMPOSED FOR VIOLATIONS OF THIS CODE ARE SET FORTH IN PPM 9-3 § 10.VII.B.

NOTWITHSTANDING ANY CONTRARY PROVISIONS OF THIS CODE, VIOLATIONS OF THIS CODE INVOLVING MISCONDUCT IN SPONSORED RESEARCH SHALL BE GOVERNED BY AND HANDLED IN ACCORDANCE WITH THE PROVISIONS OF PPM 6-1.1, AND VIOLATIONS INVOLVING DISCRIMINATION OR SEXUAL HARASSMENT SHALL BE GOVERNED BY AND HANDLED IN ACCORDANCE WITH THE PROVISIONS OF PPM 2-6A AND PPM 2-32 CONSISTENT WITH PPM 9-3 § 10.

SANCTIONS OR REMEDIES MAY BE IMPOSED FOR A VIOLATION OF THIS CODE FOLLOWING A DECISION OF THE PRESIDENT IN ACCORD WITH THE CONSOLIDATED HEARING COMMITTEE (CHC) PROCEDURES IN PPM 9-3 § 10.

2. A WRITTEN REPRIMAND MAY 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 PPM 8-12.6.C, "ADMINISTRATIVE REPRIMAND", SHALL BE FOLLOWED.

3. SUSPENSION MEANS THE BARRING OF A FACULTY MEMBER FROM THE EXERCISE OF HIS OR HER DUTIES FOR A DEFINITE PERIOD OF TIME.

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 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 THE REASONS HE/SHE OBJECTS TO THE SUSPENSION PRIOR TO ITS IMPOSITION. THE FACULTY 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 PPM 9-3 § 10. AN INTERIM SUSPENSION MAY LAST UNTIL CHARGES HAVE BEEN BROUGHT BEFORE THE CONSOLIDATED HEARING COMMITTEE AND IT HAS CONCLUDED ITS DELIBERATIONS. THE CHC MAY RECOMMEND TO THE PRESIDENT THAT A SUSPENSION WITHOUT PAY BE REVOKED AND/OR PAY BE REINSTATED IF IT FINDS THAT THE FACULTY MEMBER IS NOT THEN REFUSING TO PERFORM ESSENTIAL DUTIES AND THAT ALLOWING THE FACULTY MEMBER TO PERFORM THOSE DUTIES IS IN

THE BEST INTERESTS OF THE UNIVERSITY. WHEN THE CHC HAS CONCLUDED ITS DELIBERATIONS AND THE PRESIDENT HAS MADE A FINAL DECISION, THE INTERIM SUSPENSION SHOULD CEASE, TO BE REPLACED WITH ONE OF THE SANCTIONS LISTED IN PPM 9-3 § 10 OR WITH NO SANCTION, IN ACCORD WITH THE PRESIDENT'S DECISION. 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 SUSPENDED OR TERMINATED AS A RESULT OF CHC PROCEEDINGS.

4. DISMISSAL MEANS THE TERMINATION OF EMPLOYMENT OF A TENURED FACULTY MEMBER AT ANY TIME, OR OF A TENURE-TRACK FACULTY MEMBER OTHER THAN BY NON-RETENTION, OR OF AN AUXILIARY FACULTY MEMBER OTHER THAN BY NON-RENEWAL OF HIS OR HER CONTRACT. DISMISSAL MAY BE IMPOSED ONLY IF THE FACULTY MEMBER'S VIOLATION OF THIS CODE 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.

5. TERMINATION FROM EMPLOYMENT MAY ALSO OCCUR AS A RESULT OF FINANCIAL EXIGENCY, MEDICAL DISABILITY, OR PROGRAM DISCONTINUATION. SEE PPM 8-12.7 AND PPM 8-7. THESE ARE NOT TO BE CONSIDERED DISMISSAL AS A SANCTION UNDER THIS CODE.

6. COMBINATIONS OF SANCTIONS MAY BE IMPOSED WHERE APPROPRIATE.

7. SANCTIONS MAY BE IMPOSED ON A FACULTY MEMBER WHEN IT HAS BEEN DETERMINED BY PROCEEDINGS PURSUANT TO PPM 9-3 § 10 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:

(A) TO INDUCE SELF-IMPROVEMENT AND REFORM BY A FACULTY MEMBER.

(B) TO INDICATE TO THE FACULTY MEMBER THE SERIOUSNESS OF HIS OR HER VIOLATION AND THEREBY DETER HIM OR HER FROM FUTURE VIOLATIONS.

(C) 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.

(D) 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.

8. SANCTIONS ARE AT BEST A PAINFUL NECESSITY. IN DECIDING ON SANCTIONS, THE FOLLOWING FACTORS SHOULD BE CONSIDERED:

(A) WHETHER THE PURPOSES SET FORTH IN 7 ABOVE CAN BE ADEQUATELY SERVED BY LESS SEVERE MEASURES;

(B) WHETHER THE SANCTION IS DISPROPORTIONATELY SEVERE IN RELATIONSHIP TO THE RULE VIOLATION FOR WHICH IT IS IMPOSED;

(C) WHETHER THE IMPOSITION OF THE 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; AND

9. 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.

10. NO FACULTY MEMBER SHALL BE TWICE SUBJECT TO PROCEEDINGS UNDER THIS CODE FOR THE SAME ACT.

APPROVED: ACADEMIC SENATE MAY 1, 2006

APPROVED: BOARD OF TRUSTEES MAY 8, 2006

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OUTDATED