

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

TERMINATION FOR OTHER REASONS

- I. A FACULTY MEMBER MAY BE TERMINATED OR MAY RECEIVE A CONTRACT WITH SUBSTANTIALLY REDUCED STATUS FOR REASONS OTHER THAN VIOLATION OF THIS CODE IN THE FOLLOWING SITUATIONS:
 - A. MEDICAL REASONS WHICH RESULT IN THE FACULTY MEMBER'S INABILITY TO PERFORM, EVEN WITH REASONABLE ACCOMMODATIONS, THE ESSENTIAL FUNCTIONS OF HIS OR HER DUTIES AND RESPONSIBILITIES AS A FACULTY MEMBER. [SEE [PPM 8-7](#) (3)(B)]
 - B. FINANCIAL EXIGENCY OR BONA FIDE DISCONTINUANCE OF A PROGRAM. [SEE [PPM 8-7](#) (3)(C-D)]
2.
 - A. PROCEEDINGS TO TERMINATE OR TO AWARD A CONTRACT WITH SUBSTANTIALLY REDUCED STATUS TO A FACULTY MEMBER FOR MEDICAL REASONS AS PER I. (A) ABOVE SHALL BE PRECEDED BY DISCUSSIONS WITH THE FACULTY MEMBER'S DEPARTMENT CHAIRPERSON, DEAN, AND/OR COGNIZANT VICE PRESIDENT LOOKING TO A MUTUALLY ACCEPTABLE RESOLUTION OF THE PROBLEM. THE UNIVERSITY SHALL OFFER TO EXTEND A LEAVE TO THE FACULTY MEMBER CONSISTENT WITH ITS CURRENT LEAVE POLICIES BEFORE TERMINATION PROCEEDINGS ARE INITIATED. IN THE COURSE OF THE DISCUSSIONS THE VICE PRESIDENT OR THE VICE PRESIDENT'S DELEGATE SHALL NOTIFY THE FACULTY MEMBER OF THE RIGHT TO BE EXAMINED, AT UNIVERSITY EXPENSE, BY A HEALTH CARE PRACTITIONER CHOSEN BY THE FACULTY MEMBER. THE UNIVERSITY ALSO HAS THE RIGHT TO REQUEST THE FACULTY MEMBER TO SUBMIT TO ANOTHER EXAMINATION BY A HEALTH CARE PRACTITIONER CHOSEN AND PAID FOR BY THE UNIVERSITY.
 - B. IN THE EVENT OF FAILURE TO REACH A MUTUALLY ACCEPTABLE RESOLUTION, PROCEEDINGS TO TERMINATE OR TO AWARD A CONTRACT WITH SUBSTANTIALLY REDUCED STATUS TO A FACULTY MEMBER FOR MEDICAL REASONS SHALL BE INITIATED BY A WRITTEN STATEMENT ALLEGING WITH REASONABLE PARTICULARITY THE FACULTY MEMBER'S INABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF THE JOB, MADE BY THE PRESIDENT OR THE PRESIDENT'S DELEGATE. THE ISSUE SHALL PROCEED TO A HEARING BEFORE THE ACADEMIC FREEDOM AND TENURE COMMITTEE. IN ADDITION TO THE PROCEDURES SPECIFIED IN 8-7 (4), IF THE COMMITTEE BELIEVES THAT THE MEDICAL EVIDENCE FROM THE TWO PRIOR HEALTH EXAMINATIONS IS INCONCLUSIVE, THE COMMITTEE MAY ORDER A THIRD EXAMINATION AT THE UNIVERSITY'S EXPENSE, TO BE CONDUCTED BY A HEALTH CARE PRACTITIONER SELECTED JOINTLY BY THE FACULTY MEMBER AND THE UNIVERSITY OR, IF THEY FAIL TO AGREE, BY THE COMMITTEE.
3. FOR PROCEEDINGS PURSUANT TO I.(B) ABOVE, THE ADMINISTRATION SHALL CONSULT WITH AND GIVE CONSIDERATION TO ADVICE OFFERED BY THE EXECUTIVE COMMITTEE OF THE ACADEMIC SENATE AND OTHER APPROPRIATE BODIES OF THE FACULTY PRIOR TO TERMINATING OR AWARDED A CONTRACT WITH SUBSTANTIALLY REDUCED STATUS TO A FACULTY MEMBER FOR FINANCIAL EXIGENCY OR BONA FIDE DISCONTINUANCE OF A PROGRAM OR DEPARTMENT OF INSTRUCTION.

APPROVED: ACADEMIC SENATE NOVEMBER 4, 1996
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