

Approved  
Campus Senate Meeting  
October 24, 2003

**UNIVERSITY OF ILLINOIS AT SPRINGFIELD  
CAMPUS SENATE AY 2003/2004  
RESOLUTION 33-4**

**Severe Sanctions Other Than Dismissal for Cause  
Campus Process**

**WHEREAS**, Article IX, Section 6 of the Statutes states that each campus will provide procedures for implementing severe sanctions other than dismissal for cause that are approved in consultation with the Campus Senate; and

**WHEREAS**, the process shall facilitate a judicial process for implementation of the severe sanctions other than dismissal for cause legislation;

**THEREFORE, BE IT RESOLVED** that the Campus Senate of the University of Illinois at Springfield approves the attached process for implementing Article IX, Section of the Statutes.

## **Severe Sanctions Other Than Dismissal For Cause Campus Process**

Attempts to impose severe sanctions shall be applied before the expiration of the term of appointment of a faculty member who is on definite or indefinite tenure shall comply with the procedures described in the following provisions of this section:

**(1) Confidentiality.** The success of this policy depends in large part upon its ability to protect the confidentiality of all parties involved. The following procedures are to be implemented with the expectation that members of the campus community will respect the confidentiality of the process. It is a violation of this policy for those administering the policy to disclose information to those outside of the process. When a violation of confidence is charged, the complaining party can utilize any appropriate grievance resolution mechanisms available to them. A violation of the confidentiality of the parties involved or of the process is a basis for disciplinary action or sanctions by the appropriate administrator.

**(2) Attempts of Informal Settlement.** *The campus procedures will be initiated only after discussions are held between the faculty member and appropriate administrative officers looking toward a mutual settlement. The initiation or pendency of proceedings under this Section 6 shall not be deemed to prevent or delay the University or any other person from pursuing any other remedy available to such person against the faculty member for conduct allegedly violating subsection (d). (from UI Statutes, Article IX, Section 6c).*

**(3) Charges.** Normally, a Dean will bring charges for severe sanctions less than dismissal to the Provost who must consult with the faculty members of the Senate Steering Committee concerning whether cause for the severe sanctions of a faculty member may exist. After such consultation, the Provost shall determine whether severe sanctions proceedings should be instituted. Within twenty business days after the consultation with the Senate Steering Committee, the Provost or the Provost's designee will present the charges of severe sanctions in writing and will place them on file with the Chancellor's office. The statement shall be sufficiently specific to inform the

faculty member of the nature and source of the charges and enable the faculty member to present a defense to them.

**(4) Notification.** Within five business days after charges have been filed, the Chancellor's office shall provide a copy of the statement of the charges and a copies of Article IX, Section 6, of the *Statutes* and these procedures to the faculty member personally or mailed to the faculty member's last known post office address by registered mail

**(5) Request for Hearing.** Within ten business days after a copy of the statement of charges has been served, the faculty member may file with the Chancellor's office a request for a hearing before the Committee on Academic Freedom and Tenure; and within ten business days after filing such request, the faculty member shall file with the Chancellor's office a detailed written answer to the statement of grounds for severe sanctions. Within five business days, the Chancellor's office shall transmit the statement of charges, the request, and the answer for a hearing to the chair of the Committee on Academic Freedom and Tenure, and copies of the answer and request for a hearing to the Provost.

**(6) Notice of Hearing.** Not less than fifteen business days after the transmission of the charges, request for hearing and answer to the Chair of the Committee on Academic Freedom and Tenure, the Chancellor's office will simultaneously notify, either personally or by registered mail, the faculty member and the Provost of the time and place of the hearing. The hearing shall be not less than fifteen business days from the date of delivery or mailing of the notice of hearing.

**(7) Committee Requirements.** No member of that committee shall sit in a case that involves a colleague of that committee member's department, program, college, or center nor shall a member sit in a case if the member has previously acted on another committee while it considered the pending matter. A majority of the members of the committee shall constitute a quorum for the conduct of the hearing, and the chair of the committee may appoint another member of the committee to preside over the hearing. If vacancies occur as many members as are necessary to constitute a quorum shall be appointed in accordance with the bylaws of the committee.

**(8) Hearing.** At the designated time and place, the Committee on Academic Freedom and Tenure shall hold a closed hearing on the charges. The hearing shall be conducted according to such rules as the committee may establish. The committee shall not be bound by technical rules of evidence, but all findings, conclusions, and recommendations of the committee shall be supported by, and be in accord with, substantial evidence on the record. The faculty member shall be entitled to be present at all sessions of the committee when evidence is being received and to be accompanied by an adviser or legal counsel of the faculty member's choice who may act as counsel. Likewise, the Provost or the Provost's designee, shall be entitled to be present at all sessions of the committee when evidence is being received and to be accompanied by legal counsel if the Provost desires legal counsel. Each party shall have the right, within reasonable limits, to call and question witnesses, to introduce documents and exhibits and, when all the evidence has been received, to argue in support of its position, either in person or by counsel. A full stenographic transcript shall be made of the hearing unless both parties agree to the making of a record in a briefer form.

**(9) Findings, Conclusions, and Recommendations.** Following the conclusion of the hearing, the committee shall make its explicit findings of fact on each charge, its conclusions, and its recommendations for sanctions, if any, within ten business days. Committee recommendations against sanctions are final.

*When misconduct is determined to have occurred, a severe sanction other than dismissal consists of suspension with or without salary (full or partial) for a period not to exceed one-half of the individual's normal appointment period. During the suspension period, health and retirement benefits shall be maintained. (from UI Statutes, Article IX, Section 6e).*

If the Committee recommends for sanctions, within five business days from receipt of these recommendations, each party may file a written statement setting forth objections and their grounds to these findings, conclusions, and recommendations. A copy of one party's objections shall be given to the other party. The committee shall forward the originals of the findings,

conclusions, recommendations, and the hearing transcript to the Provost, with copies simultaneously transmitted to the faculty member. The Provost will direct the Dean to impose sanctions recommended by the committee and transmit a written statement of this decision to the faculty member within ten business days of receiving the committee's recommendations. The faculty member may file an appeal with the Chancellor within twenty business days following receipt of the Provost's decision to impose sanctions. This appeal may encompass both substantive and procedural objections. The Chancellor's decision on the merits of the appeal is final.

**(10) Retaliatory Actions.** It is a violation of this policy to retaliate against a person for instituting a complaint that is pursued under this policy, for assisting, participating, or cooperating in an investigation of same, or for defending against a complaint that is pursued under this policy. When retaliation is charged, the complaining party can utilize any appropriate grievance resolution mechanisms available to them. Retaliation is a basis for disciplinary action or sanctions by the appropriate administrator.