

UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE  
Committee on General University Policy  
(Final;Action)

GP.03.03 Implementation of Severe Sanctions Other Than Dismissal for Cause

**BACKGROUND**

On October 29, 2001, the Urbana-Champaign Senate approved "Revisions to the *University of Illinois Statutes - Terms of Faculty Employment (ST-30)*," as UC.02.00. This statutory amendment was likewise approved by the other two Senates of the University, and was subsequently approved by the University Board of Trustees on July 18, 2002. The aforementioned document called for each campus to develop and adopt its own implementation procedures, following the stipulations in the new section of the *Statutes* (Article IX, Section 6). These statutory stipulations are as follows:

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Campus procedures shall include, at a minimum,

- (1) A determination by the provost, in consultation with a committee identified by the senate, that cause exists to initiate proceedings that may result in the imposition of serious sanctions,
- (2) Notice to the faculty member of the charges and initiation of the sanction proceedings,
- (3) Opportunity for a hearing before an elected committee specified by the senate,
- (4) Provision that a recommendation by the elected committee against sanction will be final,
- (5) The opportunity for the faculty member to file an appeal with the chancellor within 20 days following the provost's decision to impose sanctions,
- (6) An appeal process encompassing both substantive and procedural objections, and
- (7) A process wherein the chancellor's decision on the merits of an appeal is final.

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At its first meeting of the 2002-03 academic year, the Senate Executive Committee referred this matter to GUP, AFT and USSP, with the understanding that GUP would take the lead in the drafting of an implementation procedure, which then would be circulated to the other two committees for their consideration, in the expectation of arriving at agreement. This was done, during the course of the fall semester and the first month of the spring semester, involving much discussion and many drafts. University Legal Counsel was also consulted. When agreement was reached, the resulting document was discussed and approved for presentation to the Senate by the Senate Executive Committee, with several further suggestions that were taken into account in the preparation of the final version that follows. This document was presented to the Senate as an Information item at its March meeting, with the expectation of being presented for Action at its April meeting, as it is being done today.

The document follows the above statutory stipulations, citing them and then providing implementation language and procedures for each of them, to make it clear what stipulation

each part of the procedures is implementing. (For purposes of clarity, the statutory provisions appear in regular type, and the implementation language and procedures appear in *italics*.) Flow charts are attached (appendices A and B) to show the procedure for the selection of the Hearing Committee, and the course that a Severe Sanction Other Than Dismissal proceeding would follow. Precise timelines cannot be specified; but times and time limits for the selection of the Hearing Committee and conduct of a Sanction proceeding are indicated as specifically as is possible in the body of the document. (The list of Sanctions from the *Statutes*, Article IX, Section 6.d., appears in appendix C.)

The statutory stipulations call explicitly for the involvement of two committees, and implicitly for the involvement of a third (in the appeal process). The sponsors of this proposal are in agreement that the "elected committee specified by the senate" before which a faculty member is to have the "opportunity for a hearing" should be a committee elected expressly and specifically for the purpose of conducting such hearings. That is the only new committee the document calls for. The sponsors are in agreement that the Faculty Advisory Committee should have a role, and that its role should be at the stage of the "appeal process." And they are in further agreement that the most appropriate existing committee with which the provost should be directed to consult at the outset is the Senate Executive Committee. They also are in agreement that the Senate Executive Committee and its Chair are most appropriately placed to undertake any needed adjustments in the membership of the Hearing Committee for the hearing of a particular case.

#### April 9, 2003—ADDENDUM

During the floor discussion at the March 17 Senate meeting, at which this document was presented as an Information item, three suggestions were made:

1. that the second sentence of (1)(b) be changed from "Should a faculty member subject to such a proceeding break this confidentiality" to "Should a participant in such a proceeding break this confidentiality".
2. that (3)(a) be changed to allow for persons other than faculty members holding the rank of Professor on full-time regular appointment at the Urbana-Champaign campus, such as adjunct or emeritus faculty, be eligible to serve on the Hearing Committee.
3. that (3)(b) be changed to allow for nominations from the floor of the Senate to the slate from which the Hearing Committee is to be elected, when the slate is presented to the Senate for ratification, by deleting the word "not" in the last sentence of this section.

USSP recommended to GUP that the first and third suggestions be accepted, and that the second suggestion not be followed. GUP concurs with USSP's recommendations; and the text of the document has been modified accordingly, to incorporate the first and third suggested changes.

It is the recommendation of GUP, AFT, USSP and SEC that this document be approved as presented.

#### **RECOMMENDATION**

*The relevant new section of the Statutes is shown in plain type. The proposed implementation procedure is shown in italics.*

1  
2 Section 6. Severe Sanctions Other Than Dismissal For Cause  
3

4 a. Severe sanctions other than dismissal for cause may be imposed on a member of the faculty, as  
5 defined in Article II, Section 3a(1) of the Statutes, provided that procedures on a campus adopted  
6 by the campus chancellor in consultation with that campus senate are followed. In all cases, the  
7 chancellor or the chancellor's designee shall exercise the duties assigned to the president for  
8 academic staff who are members of campus units, and in all cases the process to be followed will  
9 be that of the campus on which the unit resides.

10  
11 b. Campus procedures shall include, at a minimum,  
12

13 (1) A determination by the provost, in consultation with a committee identified by the senate, that  
14 cause exists to initiate proceedings that may result in the imposition of serious sanctions,  
15

16 *(a) In considering whether cause exists to initiate proceedings that may result in the imposition upon a*  
17 *faculty member of severe sanction other than dismissal, and before arriving at a determination that such*  
18 *cause exists, the provost shall consult about the matter with the faculty members of the Senate Executive*  
19 *Committee in closed session.*  
20

21 *(b) This consultation and all further deliberations and communications involved in any such proceeding*  
22 *shall be confidential to the extent permitted by law. Should a participant in such a proceeding break this*  
23 *confidentiality, however, either during or following the conclusion of a proceeding, the right of appropriate*  
24 *response is reserved to the provost and/or chancellor.*  
25

26 (2) Notice to the faculty member of the charges and initiation of the sanction proceedings,  
27

28 *When the provost has arrived at the determination that cause exists to initiate such proceedings, the faculty*  
29 *member shall be informed in writing by the provost of the charges and initiation of sanction proceedings, of*  
30 *the process to be followed in these proceedings (including the appeal procedure), and of the timelines of the*  
31 *process.*  
32

33 (3) Opportunity for a hearing before an elected committee specified by the senate,  
34

35 *(a) There shall be an elected Hearing Committee for Severe Sanctions Other Than Dismissal (henceforth*  
36 *"Hearing Committee" or "Committee") to which such charges shall be referred, that shall hold hearings,*  
37 *inquiries and deliberations relating to the cases in which they are brought, and that shall be empowered and*  
38 *charged as specified below with respect to the disposition of these cases. It shall consist of seven (7) faculty*  
39 *members, with a list of alternates, all holding the rank of Professor, on full-time regular appointment at the*  
40 *Urbana-Champaign campus. They shall be elected by the faculty members of the Senate.*  
41

42 *(b) Members of the Hearing Committee shall be elected from a slate of nominees (who have indicated*  
43 *willingness to serve) of at least double the number to be elected, prepared by the Senate Committee on*  
44 *Committees. The Committee on Committees shall solicit suggestions of faculty members to be considered for*  
45 *nomination from the deans of the various colleges, from the membership of the Senate, and from the faculty of*  
46 *the Urbana-Champaign campus generally, and shall provide relevant information about the nominees along*  
47 *with the ballot for the information of the electorate. All full-time faculty on the Urbana-Champaign Campus*  
48 *holding the rank of Professor are eligible to be nominated. In selecting the slate of nominees, the Committee*  
49 *shall give primary consideration to suitability to participate in the work of the Hearing Committee, rather*  
50 *than to representation of any sort. The slate shall be presented to the full Senate (at its first regular meeting*  
51 *of the academic year if possible) for ratification. The slate shall be open to further nominations from the floor.*  
52 *If it is not ratified, it shall be returned to the Committee on Committees for further consideration and*  
53 *resubmission.*

54  
55 (c) When the slate has been ratified, a special election shall be held as soon as possible thereafter, conducted  
56 by mail or electronic ballot of the faculty members of the Senate, each of whom shall be asked to vote for up to  
57 the number of candidates to be elected. These elections shall be conducted annually, with either four or three  
58 members being elected each year, depending upon the number of seats to be filled to bring the total to seven.  
59 The requisite number of candidates receiving the most votes in each such election will be elected to two-year  
60 non-renewable terms, except in the first year of the committee's existence, in which all seven members shall  
61 be elected, with the four candidates receiving the most votes being elected to two-year terms, and the three  
62 receiving the next most votes being elected to one-year terms, and being eligible for election to two-year  
63 terms immediately thereafter. Ties shall be broken by lot. The remaining candidates shall be deemed  
64 alternates, in order of the numbers of votes received, with ties broken by lot, and shall be eligible to stand  
65 again in the next election. Those who serve two-year terms may stand again for election to new terms after  
66 two-year intervals. The Hearing Committee membership and alternate list shall remain as constituted by  
67 previous election (subject to the replacement of particular members, as provided in (d) below) until a new  
68 slate has been elected.

69  
70 (d) Hearing Committee members shall recuse themselves from a case if they themselves or others with whom  
71 they have close professional or personal relationships are the subjects of that case. They further shall recuse  
72 themselves from any case in which the subject is a colleague in their department or other smallest  
73 administrative unit, or if they have previously acted on another committee by which the case has previously  
74 been considered, or for other reasons rendering their involvement in the hearing of the case inappropriate.  
75 Their recusal in such circumstances shall be either automatic (by virtue of their and the charged faculty  
76 member's appointments), or of their own volition, or at the request of the Senate Executive Committee by  
77 majority vote of its faculty members. The Senate Executive Committee, by majority vote of its faculty  
78 members, may also find Hearing Committee members to require replacement, either permanently or  
79 temporarily, for reasons relating either to inability to serve or to dereliction of Hearing Committee  
80 responsibility.

81  
82 (e) The Hearing Committee shall have a specifically designated membership of seven (7) for the hearing of  
83 any case. This membership shall normally be the initially elected membership; but alternates may be  
84 designated to achieve that number for any of the reasons specified in (d) above, or in the event of the  
85 unavailability of initially elected members during the period of time set for the hearing of a given case. If any  
86 designated member must be replaced in mid-hearing, that member shall be replaced by an alternate before  
87 any final vote on the case is taken and any final report issued. The specific designation of membership for the  
88 hearing of particular cases, and the replacement of members by alternates when necessary, shall be the  
89 responsibility of the Chair of the Senate Executive Committee, who shall keep the faculty members of the  
90 Senate Executive Committee informed of any such designation and replacement, and shall consult with them  
91 on these matters as may be appropriate.

92 (f) The Hearing Committee shall be charged by the chancellor with respect to any case brought by the  
93 provost. Its charge shall include a timeline for its report, which shall allow it no less than two months' time.  
94 It shall conduct its proceedings as expeditiously as is feasible and consistent with due diligence. All of its  
95 proceedings shall be confidential, and shall be held in confidence by all who take part in them.

96  
97 (g) For each case it hears, the Hearing Committee shall elect a chair from among its members, to convene the  
98 Committee, chair its sessions, and speak for it during its consideration of that case. The Committee shall also  
99 select one of its members, for each case it hears, to make a confidential written summary of what transpires in  
100 its sessions. Such summaries shall be regularly reviewed and approved by the Committee, retained, and  
101 turned over to the chancellor at the conclusion of the Committee's deliberations on each case it is charged to  
102 consider.

103

104 *(h) The Committee as constituted to hear a specific case shall decide upon the process to be followed in the*  
105 *consideration of the case. Its hearings shall be conducted according to such rules as the Committee as*  
106 *constituted for the hearing of the case may from time to time establish for the hearing of that case, of which*  
107 *all persons in attendance at any of its sessions shall be respectful. It shall not be bound by technical rules of*  
108 *evidence, but all findings, conclusions and recommendations of the Committee shall be supported by and be*  
109 *in accord with substantial evidence. No hearing shall be held unless all members of the Committee are*  
110 *present.*  
111

112 (i) The faculty member charged shall have the opportunity to be present when evidence is being received by  
113 the Hearing Committee relating to the charges. The provost or provost's designee shall have the same  
114 opportunity. The Committee shall give the faculty member charged the opportunity to appear before it prior  
115 to its final deliberations to respond to the charges, address such evidence, and present further evidence  
116 relevant to the charges to the Committee. It shall also give the provost or provost's designee the same  
117 opportunity with respect to any such response and further evidence submitted by the faculty member, in  
118 which event the faculty member charged shall have the opportunity to be present, and to make a final  
119 response to the Committee. On all such occasions the faculty member may be accompanied by and consult  
120 with an advisor, as may the provost or provost's designee. The final deliberations of the Committee shall be  
121 held in closed session, with all and only members of the Committee as constituted for the hearing of the case  
122 being present.

123  
124 (j) The Hearing Committee shall conclude its consideration of a case by voting on whether sanction is to be  
125 recommended, and if so, on what specific sanction among those available is to be recommended. Such votes  
126 shall be taken by secret ballot. All members of the Committee as constituted shall vote on whether sanction is  
127 to be recommended. In that vote, abstentions shall not be recognized, and any member not voting in favor of  
128 the recommendation of sanction shall be counted as voting against it. For purposes of making  
129 recommendations for or against sanction and with respect to specific sanctions, a formal majority vote of the  
130 voting members shall be required, which shall be understood here to consist of a vote of four (4) or more of the  
131 seven (7) voting members of the Committee as constituted to hear a particular case.

132  
133 (4) Provision that a recommendation by the elected committee against sanction will be final,

134  
135 (a) If the Hearing Committee recommends against sanction in any proceeding by formal majority vote (as  
136 defined above), that recommendation shall be deemed final, and shall terminate that proceeding; and the  
137 faculty member, the chancellor, and all who have been involved in the proceeding shall be so informed.

138  
139 (b) If a formal majority votes in favor of the recommendation of sanction, that recommendation shall be made  
140 by the Committee to the provost, accompanied by a report on its activities and reasoning, in accordance with  
141 (3)(h) above. This report shall summarize the views on all sides within the Committee.

142  
143 (c) If a recommendation of sanction is voted by a formal majority, the Committee may then proceed to vote on  
144 the question of which of the available sanctions is to be recommended. If a formal majority votes to  
145 recommend either for or against any specific available sanction, that recommendation shall be made to the  
146 provost. If there is no formal majority either for or against the recommendation of any specific sanction, that  
147 fact shall be reported to the provost. In either event, the report submitted to the provost shall summarize the  
148 views on all sides within the Committee on this question.

149  
150 (d) If the Hearing Committee recommends sanction, the provost shall proceed to consider and determine  
151 whether sanction is warranted, giving due consideration to the report of the Hearing Committee, and  
152 consulting with the Hearing Committee as may be appropriate and needful. If the provost decides against  
153 the imposition of sanction, that determination shall be communicated to the faculty member, and to the  
154 chancellor and Hearing Committee. If the provost concludes that sanction is warranted and decides upon a  
155 specific sanction, those determinations shall be communicated immediately and in writing to the faculty  
156 member (by registered mail if possible), to the chancellor, and to the Hearing Committee, together with a  
157 statement of the reasons for them, and notification of the appeal process available.

158  
159 (5) The opportunity for the faculty member to file an appeal with the chancellor within 20 days  
160 following the provost's decision to impose sanctions,

161

162 *A faculty member upon whom sanction has been imposed may file an appeal with the chancellor within 20*  
163 *days following the provost's decision to impose it. This appeal must be in writing, and must set out the*  
164 *grounds on which the appeal is being made.*

165  
166 (6) An appeal process encompassing both substantive and procedural objections,

167  
168 *The appeal may involve either substantive or procedural objections or both.*

169  
170 (7) A process wherein the chancellor's decision on the merits of an appeal is final. These campus  
171 procedures are the exclusive process for determining whether severe sanctions other than  
172 dismissal for cause may be imposed.

173  
174 *(a) Before arriving at a determination with respect to the appeal, the chancellor shall consult with the Faculty*  
175 *Advisory Committee on the matter, and, when appropriate, with the Academic Freedom and Tenure*  
176 *Committee and/or the Equal Opportunity Committee. The chancellor shall then make such a determination,*  
177 *informing the faculty member, the provost and the Hearing Committee in writing. The appeal process shall*  
178 *be concluded as expeditiously as possible, and in any event in no more than two months from the date of the*  
179 *filing of the appeal. Sanction shall not be put into effect prior to the conclusion of the appeal process.*

180  
181 *(b) The chancellor's decision shall be final, and shall be reported in writing to the faculty member charged,*  
182 *the faculty member's head or chair and dean, the provost, and campus legal counsel, and shall also be*  
183 *reported to the Hearing Committee, the Faculty Advisory Committee, and any other committee that has been*  
184 *consulted. These reports shall be made and held in confidence.*

185  
186 *(c) No records from such a proceeding, other than the above-mentioned communications from the provost*  
187 *and chancellor to the faculty member and from the faculty member in response to them, shall be placed in the*  
188 *faculty member's home department file. At the conclusion of such a proceeding, all other records and*  
189 *materials relating to it shall be collected and turned over to the chancellor, whose office shall retain the sole*  
190 *complete file of the proceeding and hold it in confidence to the fullest extent permitted by law.*

191  
192 *(d) Sanction proceedings shall not be brought more than once against a faculty member for the same instance*  
193 *of a cause, but may be brought again against a faculty member for a different cause, or for subsequent*  
194 *instances of the same cause in cases in which subsequent instances have further significance.*

195  
196 *(e) These procedures are the exclusive process for determining whether severe sanctions other than dismissal*  
197 *for cause may be imposed.*

198  
199 c. The campus procedures will be initiated only after discussions are held between the faculty  
200 member and appropriate administrative officers looking toward a mutual settlement. The  
201 initiation or pendency of proceedings under this Section 6 shall not be deemed to prevent or delay  
202 the University or any other person from pursuing any other remedy available to such person  
203 against the faculty member for conduct allegedly violating subsection (d) below.