

Proposed Revisions to the *Statutes*

Article IX. Academic and Administrative Staffs

Section 6. Severe Sanctions Other Than Dismissal For Cause

[New Section 6. Subsequent sections of Article IX are to be renumbered accordingly.]

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

(b) 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. These campus procedures are the exclusive process for determining whether severe sanctions other than dismissal for cause may be imposed.

(c) 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) below.

(d) Adequate due cause for severe sanctions other than dismissal shall be restricted to actions clearly related to University activities and shall be limited to the following: (1) engaging in professional misconduct in the performance of University duties or academic activities, (2) neglecting or refusing to perform reasonable assigned academic duties, (3) violating Senate-approved Campus or University regulations or policies related to conduct of academic duties, (4) acting outside the appropriate exercise of University responsibilities so as willfully to physically harm, threaten physical harm to, harass or intimidate a visitor or a member of the University community with the effect of interfering with that person's performance of University duties or academic activities, (5) willfully damaging, destroying or misappropriating property owned by the University or any property used in connection with a University function or approved activity, or (6) conviction in a court of law for a felony that is clearly related to the performance of University duties or academic activities. Findings of fact made in prior proceedings under policies established by the President with the advice of the Senates and University Senates Conference under procedures described in Article XIII, Section 8 of the *Statutes* shall be presumed to have been established subject to rebuttal on grounds *inter alia* of the thoroughness and fairness of the proceeding giving rise to them.

(e) 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.

