

## Article X. DISCIPLINE AND DISMISSAL OF FACULTY

The College is committed to fostering a working and learning environment in which all of its members can flourish. To that end, this Article of the Faculty Handbook broadly defines the standards to which the Faculty expects to hold its members and provides for peer review and appeal.

### A. Standards of Conduct

Members of the Faculty are expected to maintain the highest professional standards in their interactions with students, with members of the staff, with external constituents, and with one another. In particular, faculty members are held to the standards published in the Faculty Handbook (Part One, Article VII, Part Two, Article III, and Part Six). The obligations of department chairs and program directors are spelled out in Part One, Article XV, D, and Article XVI, D. The procedures for handling complaints of harassment or discrimination may be found in Part Six of this Handbook

**Down Neglect of Duties** serious or habitual disregard of the duties of a faculty member as set forth in this Handbook and/or failure to fulfill other departmental and College duties required of a faculty member.

**Professional Misconduct** the violation of College policy.

**Personal Misconduct** this term in the ability of other community members to carry out their responsibilities. Turpitude shall be assessed according to whether the behavior would be condoned by the academic community generally.

### B. Note on Confidentiality

To the extent possible, all those involved in the procedures that follow will endeavor to maintain the confidentiality of all parties involved. Information about the complaint is therefore shared only to those individuals within the College who have a need to know that information to investigate and/or resolve the complaint.

Nevertheless, the College cannot guarantee absolute ~~confidentiality~~. In order to ensure compliance with College policies and federal and state laws, the College may be required to disclose information about a complaint to agencies or to individuals not involved in the complaint. Moreover, when the complaint involves alleged acts of a criminal nature, the College may be required by law to notify law enforcement authorities. The College may also publicly divulge details of the outcome if one of the parties discloses selective portions of the proceedings or if the findings or results of the College's investigation are contested in the course of a lawsuit.

### **C. Procedures for Imposition of Sanctions Other than Dismissal**

1. When a department chair, program director, or the Associate Dean of the Faculty Personnel (ADOF) receives or initiates a complaint about a faculty member involving alleged professional incompetence, neglect of duties, professional misconduct, or personal misconduct, the first step should be for faculty and administrative colleagues to determine whether the complaint appears to have merit and then to address the matter informally through conversation and mentoring, provided the nature of the ~~complaint~~ permits informal resolution.

Informal actions in response to a complaint may include (but are not limited to)

- clarification of the standards of conduct;
  - recommendation for counseling or mentoring;
  - monitoring of the situation;
  - support for ~~self~~ help;
  - mediation by a third party.
2. If the faculty member persists in failing to correct the behavior that has elicited the complaint, or if the basis of the complaint is sufficiently serious in the judgment of the ADOF to warrant immediate formal action, the ADOF will provide the faculty member with written notification of the charges and then convene a meeting with the faculty member, the department chair or program director, and others if appropriate. The faculty member may have a representative (not an attorney) present during the meeting.

After this meeting, the ADOF will have 51 work days to complete his or her inquiry and to respond in writing to the faculty member regarding the outcome and the imposition of any disciplinary sanctions.

Formal disciplinary sanctions may include (but are not limited to)

- placing a letter in the personnel file for a specified period of time;
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- suspension (with or without pay) from teaching and/or other responsibilities and privileges.

For reasons of confidentiality, any letter in a faculty member's file will be placed only in the personnel file located in Human Resources (HR). When a complaint is made against a faculty member and is found to have merit, the ADOF will check with HR to ascertain whether the faculty member already has a letter in his or her HR personnel file before deciding on an appropriate sanction.

#### **D. Appeal against Sanctions Other than Dismissal**

If the faculty member believes that his or her academic freedom and rights have been violated, or that a formal sanction is based on insufficient evidence or is too severe, he or she may appeal in writing, within 15 work days of receipt of the ADOF's letter regarding sanctions. Failure to appeal within the time limits stated in this section, unless such time limits are extended as provided in section below, shall make final the decision against which the appeal is sought.

1. For appeals based on an alleged violation of academic freedom and/or rights the faculty member may appeal to the ~~Committee on Academic Freedom and Rights (CAFR)~~ ~~the~~ ~~Committee on Academic Freedom and Rights (CAFR)~~ The CAFR will follow its operating code and will have 20 work days to convey its recommendation to the President.  
or
2. For appeals based on insufficiency of evidence or excessive severity, the faculty member may appeal to the ~~Faculty~~ ~~Advisory Board (FAB)~~. For the procedure to be followed, see section E below.





or

2. For appeals based on (i) procedural error that might have affected the outcome of the decision or on (ii) new evidence, the faculty member may appeal to the President.

Whether the appeal comes through the CAFR to the President, or whether it comes directly from the faculty member, the President will decide whether the appeal has merit with respect to the appropriate criteria in each case, a review of the record, and a review of the recommendations and findings related to the charges.

The President has the options of

- denying the appeal
- returning the case to the CAFR or the GP with specifications for further findings and recommendations
- conducting further investigation
- reversing or modifying the recommendation(s)

The President will provide his or her written recommendation with reasons for that