

Dismissal Procedures

The following are procedures for the dismissal of a faculty member with tenure or one whose term contract has not yet expired.

The procedures described below are predicated on a spirit of collegiality. If at any time the faculty member chooses to be represented by an attorney, the faculty member accepts financial responsibility for all costs associated with legal representation. In order to preserve institutional integrity, the Board of Trustees may remove any faculty member at any time by a majority vote.

Such a dismissal may be only for financial exigency, curricular exigency, medical circumstances, or **cause**. Cause is defined as (1) incompetence; (2) insubordination in the performance of contractual responsibilities; (3) academic dishonesty; (4) ethical misconduct; (5) sexual harassment; or (6) sexual misconduct.

Dismissal for Cause: Preliminary Procedures

1. The appropriate academic Dean and the faculty member discuss the matter in a private and confidential manner.
2. If the matter remains unresolved, the Dean notifies the President of the Faculty Senate, who appoints a Faculty Investigating Committee composed of three members.
3. The Faculty Investigating Committee reviews the situation and gives a written report, including the nature of the testimony of the witnesses, to the President, the Dean, and the faculty member within 10 days of notification.
4. The President, the Faculty Investigating Committee, or the faculty member may request a hearing which will be held within thirty days of the request.
5. The faculty member may prepare a written response which must be presented to the Investigating Committee, the Dean, the Provost, and the President at least one week prior to the date of the hearing. If the faculty member intends to be represented by an attorney at the hearing, the faculty member must notify the Investigating Committee, the Dean, the Provost, and the President in writing at least one week prior to the date of the hearing. An attorney representing the University may also be present at the hearing. If the University chooses to have an attorney present at the hearing, the President of the University must notify the faculty member in writing at least one week prior to the hearing.

Refusal of a Hearing

A faculty member not wanting a hearing indicates such in writing to the President, the Provost, the Dean, and the Investigating Committee. The Investigating Committee will submit to the President its written recommendations regarding dismissal on the basis of available data within two weeks after the refusal of the hearing.

Procedure for Hearing

1. A Faculty Hearing Committee is formed. The Faculty Hearing Committee is composed of three faculty members who are appointed as follows:
 1. The faculty member selects the first member.
 2. The Dean appoints the second member.
 3. The President of the Faculty Senate appoints the third, who serves as chair. At the option of the faculty member, the third can be elected by the Senate rather than appointed by the Senate President. The Faculty Hearing Committee, the Provost and the President will become familiar with the Investigating Committee's report and the faculty member's written response prior to the hearing. Attorneys for the faculty member and the University may also be present

as set forth above. The Faculty Hearing Committee meets with the faculty member and other appropriate witnesses. If extraordinary circumstances prevent a witness from appearing at the hearing, a written statement signed by such witness may be presented to the hearing.

2. The Hearing Committee submits a written recommendation, signed by all members, to the Provost and the President of the University within two weeks of the completion of the hearing. The Provost submits an independent recommendation to the President within two weeks of the completion of the hearing.
3. The President prepares a statement to the Board of Trustees explaining the situation and including the written recommendation of the Hearing Committee. The Board of Trustees may decide to review the case by considering all the available evidence and questioning those involved. If the Board of Trustees sustains the Hearing Committee's decision, a letter is sent through the President to the Hearing Committee announcing the agreement of the Board of Trustees. If the Board of Trustees does not concur with the Hearing Committee's decision, it states its reason in a letter. In the latter case, the Hearing Committee reviews the case in light of the letter and receives new evidence if necessary. The Hearing Committee transmits its second decision through the President to the Board of Trustees with full explanation of its reasons. The Board of Trustees may sustain, overrule, or alter the Hearing Committee decision and the decision of the Board of Trustees is final. The President, the Provost, and the Dean meet with the faculty member to convey the Board of Trustees' decision. A complete record of the hearing and of the actions of the Investigating Committee, and the Hearing Committee, the President, and the Board of Trustees is kept in a confidential file in the President's office.

Suspension of the faculty member during the proceedings is permissible only if there is a threat of harm to the faculty member or others.

The University is obligated to fulfill all contractual and salary obligations to the faculty member until the final decision of the Board of Trustees.

The University and its representatives should avoid public statements about the case. Any public statements by the University should be made only at the direction of the President and should contain the original action of the Hearing Committee if it differs from the final action of the Board of Trustees.