CHAPTER 8: FACULTY CODE OF CONDUCT, DISCIPLINARY ACTIONS AND DISMISSALS

SECTION 8.1 Faculty Code of Conduct

PREAMBLE

The University seeks to provide and sustain an environment conducive to the creation and sharing of knowledge. Effective performance of these central functions requires that faculty members be free within their respective fields of competence to pursue and teach in accord with appropriate standards of scholarly inquiry and artistic expression.

The faculty’s privileges and protections, including that of tenure, rest on the mutually supportive relationships among the faculty’s special professional competencies, its academic freedom, and the central functions of the University. These relationships are also the source of the professional responsibilities of faculty members. It is the intent of the Faculty Code of Conduct to foster academic freedom and to maintain the highest standards of teaching, scholarship, and art-making and to advance the mission of the University as an institution of higher learning.

Section 8.1.1 sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty’s pursuit of the University’s central functions. It elaborates standards of professional conduct, derived from a consensus about appropriate faculty behavior shared across the academic profession. The faculty of the University view conduct that departs from these standards as unacceptable because it is inconsistent with the mission of the University. The articulation of types of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice that failure to observe acceptable standards of conduct may give rise to disciplinary proceedings.

Section 8.1.2 establishes a clear distinction between statements of (1) ethical principles and (2) types of unacceptable behavior.

1. Ethical Principles

These are drawn primarily from the 1966 Statement on Professional Ethics and its June 1987 revisions, issued by the American Association of University Professors. They comprise ethical prescriptions affirming the highest professional ideals. They are aspirational in character, and represent objectives toward which faculty members should strive. Behavior in accordance with these principles clearly precludes the application of a disciplinary sanction.

2. Types of Unacceptable Faculty Conduct

Derived from the Ethical Principles, these statements specify examples of types of unacceptable faculty behavior that are subject to University discipline because, as stated in the introductory section to Section 8.1.2, they are “not justified by the Ethical Principles” and they “significantly impair the University’s central functions as set
forth in the Preamble.”

The Ethical Principles encompass major concerns traditionally and currently important to the profession. The examples of types of unacceptable faculty conduct set forth below are not exhaustive. It is expected that case adjudication, the lessons of experience and evolving standards of the profession will promote reasoned adaptation and change of this Code. Faculty may be subjected to disciplinary action under this Code for any type of conduct that, although not specifically enumerated herein, fails to meet the standard for acceptable faculty behavior.

Section 8.2 deals with the enforcement process applicable to unacceptable faculty behavior. That process must meet basic standards of fairness and must reflect significant faculty involvement.

SECTION 8.1.1 Professional Rights of Faculty and the Obligations of the University to Protect Them

In support of the University’s central functions as an institution of higher learning, a major responsibility of the administration is to protect and encourage the faculty in its teaching, learning, research, creative development, and public service. It is the responsibility of the administration to observe and protect faculty rights, including:

1. free inquiry, artistic expression, and exchange of ideas;

2. presentation of controversial material relevant to a course of instruction;

3. enjoyment of constitutionally protected freedom of expression;

4. freedom to address any matter of institutional policy or action when acting as a member of the faculty whether or not as a member of an agency of institutional governance;

5. participation in the governance of the University, including
   a. approval of course content and manner of instruction,
   b. establishment of requirements for matriculation and for degrees,
   c. appointment and promotion of faculty,
   d. selection of chairs of departments and certain academic administrators,
   e. discipline of members of the faculty, and the formulation of rules and procedures for discipline of students,
   f. establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement, and
g. determination of the forms of departmental governance;

6. evaluation by one’s colleagues, in accordance with fair procedures and due process, in matters of promotion, tenure, and discipline, solely on the basis of the faculty members’ professional qualifications and professional conduct.

SECTION 8.1.2 Faculty Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct

This listing of faculty responsibilities, ethical principles, and types of unacceptable behavior is organized around the individual faculty member’s relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. Because University discipline, as distinguished from other sanctions or administrative actions, should be reserved for faculty misconduct that is either serious in itself or is made serious through its repetition or its consequences, the following general principle is intended to govern all instances of its application:

University discipline under this Code may be imposed on a faculty member only for conduct that is not consistent with the Ethical Principles and that significantly impairs the University’s central functions as set forth in the Preamble. The types of unacceptable conduct listed below in Sections 8.1.2.1 through 8.1.2.5 are examples of conduct that fail to meet the preceding standards and hence are potentially subject to University discipline. Other types of misconduct, not specifically enumerated herein, may nonetheless be the basis for disciplinary action if they also fail to meet the preceding standards.

Section 8.1.2.1 Teaching and Students

Ethical Principles

“As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student’s true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.” (AAUP Statement, 1966; Revised, 1987)

The integrity of the faculty-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a faculty member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the
educational process. See Chapter 6, “Integrity of the Academic Environment.”

In this section, the term student refers to all individuals under the academic supervision of faculty.

Types of sanctionable misconduct:

1. Failure to meet the responsibilities of instruction, including:
   a. arbitrary denial of access to instruction;
   b. significant intrusion of material unrelated to the course;
   c. significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to be available to students though office hours or appointments, or to hold examinations as scheduled;
   d. evaluation of student work by criteria not directly reflective of course performance;
   e. undue and unexcused delay in evaluating student work.

2. Discrimination, including harassment, against a student on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition, genetic information, or service in the uniformed services. See Chapter 6, “Integrity of the Academic Environment.”

3. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.

4. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.

5. Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory). See Policy on Consensual Relationships in Chapter 6, Section 6.7.

6. Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship

Section 8.1.2.2 Scholarship

Ethical Principles
“Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.” (AAUP Statement, 1966; Revised, 1987)

Types of sanctionable misconduct:

Violation of canons of intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, research, and findings of others. See Chapter 5 “Other Policies Pertaining to Research, Scholarship, and Creative Activity.”

Section 8.1.2.3 Faculty and the University

Ethical Principles

“As a member of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of the work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.” (AAUP Statement, 1966; Revised, 1987)

Examples of sanctionable misconduct:

1. Disobeying or inciting others to disobey University rules or disrupt functions or activities sponsored or authorized by the University when such disobedience constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University’s central functions will be significantly impaired.

2. Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes that does not contribute to research, teaching or other legitimate university purposes.

3. Discrimination, including harassment and retaliation against any member of the University community as outlined in Chapter 6, “Integrity of the Academic Environment”).

4. Violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research (see Chapter 5, “Other Policies Pertaining to Research, Scholarship, and Creative Activity”), outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower
Section 8.1.2.4 Faculty and Colleagues

Ethical Principles

“As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.” (AAUP Statement, 1966; Revised, 1987)

Examples of sanctionable misconduct

1. Evaluation of the professional competence of faculty members by criteria not directly reflective of professional performance.

2. Breach of established rules governing confidentiality in personnel and academic review procedures.

Section 8.1.2.5 Faculty and the Community

Ethical Principles

“Faculty are simultaneously members of the public sphere, of learned professions, and of the University. When they speak as experts, i.e., within their own professional areas, they are entitled to identify themselves as members of the University. When they speak or write as private individuals, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As members of the academic community, they should remember that the public may judge their profession and the University by what they say. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the University in any official capacity.” Faculty Handbook, Chapter 3.2.5.

Examples of sanctionable misconduct

1. Intentional misrepresentation of personal views as a statement of position of the University or any of its agencies. (An institutional affiliation appended to a faculty member’s name in a public statement or appearance is permissible, if used solely for purposes of identification.) See Chapter 3, “Faculty: Academic Practices and Policies.”

2. Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty.

Section 8.2 Procedures for Disciplinary Actions and Dismissals
SCOPE

This section applies to all corrective actions and dismissals for cause of a tenured faculty member, a tenure-track faculty member before the expiration of his or her term of appointment, and a non-tenure-track faculty member before the expiration of his or her contract. Corrective actions and dismissals for cause should not be confused with non-reappointment or termination, as discussed in Chapter 4, “Faculty Appointments, Promotion and Tenure.”

SECTION 8.2.1 Examples of Disciplinary Actions and Dismissal

a. Disciplinary actions may be a written warning, written censure, suspension without pay, reduction in salary, or demotion for good cause, including but not limited to misconduct, dereliction of duty, or violation of University policy.

   (1) A written warning is a communication that informs the faculty member of the nature of the misconduct, the method of correction, and the probable consequence of continued misconduct. A written warning is to be distinguished from an informal spoken warning. An informal spoken warning or a letter outlining performance expectations is not an official disciplinary action.

   (2) A written censure is a formal written expression of institutional rebuke that contains a description of the censured misconduct. A written censure must be delivered to the recipient and a copy must be maintained in a designated file or files, or for the period of time specified in the censure.

   (3) A suspension is debarment without pay from appointment responsibilities for a stated period of time. Unless otherwise noted, the terms of a suspension will include loss of normal employee privileges such as access to University property and parking and library privileges.

   (4) A reduction in base salary is a reduction to a lower salary without a change in rank or title. The amount and duration of the reduced salary shall be specified.

   (5) A demotion is a reduction to a lower rank with a corresponding reduction in salary. The duration of the demotion and the reduction in salary shall be specified. Demotion of a faculty member with tenure to an untenured rank is not an option.

b. Dismissal is the termination of an appointment for good cause initiated by the University prior to the ending date of appointment.

SECTION 8.3 PROCEDURES FOR DISCIPLINARY ACTIONS

8.3.1 Informal resolution
Prior to instituting a disciplinary action or dismissal, efforts may be made to resolve the issue(s) informally. The relevant dean or academic director may invite the faculty member to meet with him or her in a personal conference to discuss the problem, its possible resolution, and the possibility of disciplinary actions if it is not resolved.

8.3.2 Making A Recommendation for Disciplinary Actions other than Dismissal

The dean or academic director refers his/her recommendation to an elected committee of full-time faculty (for example, an executive committee or a grievance committee) for review and advice. If the faculty member holds a non-tenure track appointment, the committee should include at least one non-tenure track member. The faculty committee will review the case and document its recommendations to the dean/academic director in writing. If, after reviewing the faculty committee’s report, the dean/academic director elects to proceed, he/she will forward the recommendation for an official disciplinary action to the Senior Vice President for Academic Affairs and Provost, including a detailed statement of charges and recommended disciplinary actions (see 8.2.1).

The Senior Vice President for Academic Affairs and Provost will inform the President of the process and review the charges to make his/her own determination of the appropriate corrective action. He or she may also seek the counsel of the Senate Committee of Faculty Tenure, Freedom and Responsibilities (FTFR).

8.3.3 Written Notice of Intent

Representing the University, the Senior Vice President for Academic Affairs and Provost shall provide a written Notice of Intent to the faculty member prior to initiating the actions of written censure, suspension without pay, reduction in salary, or demotion. The Notice shall state:

(1) the intended action, including reasons for the action and the proposed effective date;

(2) the basis of the charges, including copies of pertinent materials supporting the charges;

(3) the faculty member’s right to respond in writing within fourteen (14) calendar days of the date of issuance of the written Notice of Intent; and

(4) The name of the person to whom the faculty member should respond.

No Notice of Intent is required for a written warning.

8.3.4 Response to Written Notice of Intent

The faculty member who receives a written Notice of Intent shall be entitled to respond, in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the administration.

8.3.5 Written Notice of Action

If the University justifies disciplinary action following the review of a timely response,
if any, from the faculty member and within **thirty (30) calendar days** of the date of issuance of the written Notice of Intent, the University shall issue a written Notice of Action to the faculty member of the disciplinary action to be taken and its effective date. Based on this Notice of Action, the faculty member has the right to appeal all disciplinary actions to the University Senate Committee of Faculty, Tenure, Freedom, and Responsibility (FTFR). The Notice of Action may not include an action more severe than that described in the Notice of Intent.

### 8.3.6 Appeal Hearings of Disciplinary Actions

If the faculty member elects to proceed with an appeal to FTFR, a hearing committee shall be constituted and will proceed to hear the case according to the normal procedural practices outlined in the Senate By-Laws and below.

#### 8.3.6.1 Conflict of Interest

No member of FTFR who has a conflict of interest shall participate in the appeal hearings. If there is a question about conflict of interest, the Chair of FTFR will make the final decision.

#### 8.3.6.2 Confidentiality

Appeal hearings shall be private and all matters pertaining to the appeal shall be kept strictly confidential.

#### 8.3.6.3 Burden of Proof

The burden of proof in challenging the disciplinary action shall rest upon the faculty member making the appeal.

#### 8.3.6.4 Evidence

The FTFR Committee shall not be bound by strict rules of legal evidence. The Committee will offer all parties the opportunity to present witnesses, documents, or other evidence they consider relevant. The Committee has the discretion to determine what evidence or witnesses are relevant to the issues involved.

#### 8.3.6.5 Representation

Faculty members may bring a full-time faculty member of the University as an advisor to the appeal hearing. The advisor shall not receive any compensation for this service. The role of the advisor is to serve in a consulting capacity. An advisor may address the committee with the permission of the Chair.

All parties may be accompanied by legal counsel at the appeal hearing and should notify the Chair of their intention to be so accompanied. Legal counsel may address the committee at the request of the Chair.

#### 8.3.6.6 Process
a) The Chair of FTFR shall be responsible for conducting the hearing and shall rule on all evidentiary questions. The chair shall set the order of argument and of presentation and may exclude irrelevant or unduly repetitious evidence or arguments.

b) The Committee’s recommendations must be in accordance with established University policies including those contained in the Faculty Handbook and the faculty member’s contract.

c) A full written or audiovisual record of the hearing shall be maintained and made available upon request only to the parties, FTFR members, to the President of the University or his/her designee. The record shall be kept for at least one year after the conclusion of the appeal process.

8.3.7 Outcomes

At the conclusion of the hearing, as promptly as is consistent with due deliberation and, in any event, not later than 15 working days thereafter, the Committee shall make its recommendation. The findings of fact and recommendation of the Committee shall be based solely on the record of the hearing. The recommendations shall be in writing, shall state the basis for the decision, and shall recommend any proposed action. The written recommendation shall be provided to the appellant, the Senior Vice President for Academic Affairs, the President or the President’s representative, and/or any other parties to the appeal.

The Provost will review these findings and recommendations and will make his/her own recommendations within 15 working days to the President and Board of Administrators. The President and Board of Administrators shall take final action within 15 working days of receipt of the Provost’s recommendations.

SECTION 8.4 ADEQUATE GROUNDS FOR DISMISSAL

No offense will be considered adequate cause for dismissal unless it is serious and either (a) relates directly and substantially to the fitness of the faculty member in his or her professional capacity as a teacher, researcher, or practitioner performing clinical services, or (b) is of such a nature that it would bring severe injury or discredit to the University. Adequate cause for a dismissal may include but not be limited to one or more of the following: neglect of duty, incompetence, violations of academic freedom, misconduct, dishonesty, unmanaged or unreported conflict of interest, or moral turpitude. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights as a faculty member.

SECTION 8.5 DISMISSAL PROCEDURES

Every action to dismiss a faculty member must follow the procedures outlined below. The full set of faculty rights enumerated herein must be observed.
Procedures pertaining to allegations of unlawful discrimination, harassment or retaliation, including hearings held by FTFR, are specified in Chapter 6, “Integrity of the Academic Environment.”

Procedures pertaining to allegations of research misconduct include inquiry and investigation stages according to the University Policy on Research Misconduct as jointly formulated in consultation with an appropriate faculty committee and in accord with the applicable Federal regulatory requirements. See Chapter 5, “Other Policies Pertaining to Research, Scholarship and Creative Activity.”

8.5.1 Preliminary Inquiry

Step 1:

A. When reason arises to consider whether cause exists to dismiss a faculty member who has tenure or whose term of appointment or contract has not expired, the relevant dean or academic director shall invite the faculty member to meet with him or her in a personal conference to discuss the problem, its possible resolution, and the possibility of dismissal proceedings if it is not resolved. The dean’s consideration of recommending dismissal for cause shall be based on a thorough inquiry into the circumstances.

B. Before making a recommendation to the Senior Vice President for Academic Affairs and Provost, the dean or academic director shall consult with an elected committee of full time faculty (for example, an executive committee or grievance committee). The committee's recommendations are not binding on the dean. However, the committee’s written report of its assessment is to be included in the dossier if the action is to proceed.

C. During Step 1, the dean may write a preliminary statement of charges with reasonable particularity of the grounds pertinent to the dismissal action under consideration. If the dean does so, a copy of the preliminary statement shall be given to the faculty member for the faculty member's written comments. The dean may also elect to provide evidence in writing to the faculty member and invite comment on that as well, and if the dean does so the faculty member shall be allowed 15 working days from the date on which the charges were sent to him or her to provide in writing his or her comments on the evidence to the dean. If the dean receives such comments on the preliminary statement, the evidence or both, and has not yet consulted with a faculty committee as provided above, the dean will share the comments with the committee as part of the consultation.

D. If the dean continues to believe that there is probable cause for dismissal, the dean shall forward his or her recommendation to the Senior Vice President for Academic Affairs and Provost, together with any preliminary statement or evidence (which has been shared with the faculty member), comments submitted by the faculty member, and the faculty committee’s report. The Provost will inform the President of the University of the process.

Step 2:
If the Senior Vice President for Academic Affairs and Provost does not believe there is cause for dismissal, he or she shall dismiss the case within 7 working days after receipt of the dean’s recommendation. The Senior Vice President for Academic Affairs and Provost may elect an alternative disciplinary action in lieu of dismissal. If he or she does believes there is probable cause for a dismissal, he or she shall formulate a preliminary statement of charges with reasonable particularity of the grounds pertinent to the dismissal action under consideration within 10 working days after receipt of the dean’s recommendation. A copy of the charges and grounds shall be given to the faculty member for the faculty member’s comment to the Provost, unless the Provost adopts the preliminary statement formulated by the dean as part of Step 1 on which the faculty member has already had the opportunity to comment, in which case the Provost will refer to any comments the faculty member submitted at Step 1. The faculty member shall have 7 working days to respond to the Provost.

8.5.2 Formal Proceedings

Step 3:

If the Senior Vice President for Academic Affairs and Provost determines to proceed with the dismissal, he/she will make recommendations to the President and the Board of Administrators of Tulane University for a disposition of the case on the basis of the evidence available. If dismissal is the final outcome, the faculty member shall be informed, in writing, of that decision and of his/her right to appeal to the Senate’s Committee on Faculty, Tenure, Freedom and Responsibility committee (FTFR).

Step 4:

The faculty member may choose to resign, in which the case the matter ends. The faculty member may also choose to waive the right to appeal to FTFR, in which the case the matter also ends.

If the faculty member elects to proceed with an appeal to FTFR, a hearing committee shall be constituted and will proceed to hear the case according to the normal procedural practices outlined in the Senate By-Laws and below.

8.5.3 Dismissal Appeal Hearings

8.5.3.1 Recusals

Any member of FTFR who has a conflict of interest in the case, as determined by the Chair, shall be recused from discussion and vote in the appeal

8.5.3.2 Confidentiality

Appeal hearings shall be private and all matters pertaining to the appeal shall be kept strictly confidential.
8.5.3.3 Burden of Proof

The burden of persuading FTFR that adequate cause for dismissal exists rests upon the University, and shall be satisfied only by a clear, persuasive preponderance of evidence in the record considered as a whole.

8.5.3.4 Evidence

The FTFR Committee shall not be bound by strict rules of legal evidence and has the discretion to determine what evidence is relevant to the issues involved. The Committee will offer all parties the opportunity to present witnesses, documents, or other evidence it considers relevant.

8.5.3.5 Representation

Faculty members may bring an advocate to the appeal hearing, as long as the advocate is a faculty member of the University and receives no compensation for being an advocate. The role of the advocate is to serve in a consulting capacity. An advocate may address the committee with the permission of the Chair.

All parties may be represented by legal counsel at the appeal hearing and should notify the Chair of their intention to do so.

8.5.3.6 Process

d) The Chair of FTFR shall be responsible for conducting the hearing and shall rule on all evidentiary questions. The chair shall set the order of argument and of presentation and may exclude irrelevant or unduly repetitious evidence or argument.

e) The Chair will instruct the Committee that its recommendations must be in accordance with established University policies including those contained in the Faculty Handbook and the faculty member’s contract.

f) A full written or audiovisual record of the hearing shall be maintained and made available upon request only to the parties, FTFR members, to the President of the University or his/her designee. The record shall be kept for at least one year after the termination of the appeal.

SECTION 8.6 Outcomes

8.6.1 General Procedures

At the conclusion of the hearing, as promptly as is consistent with due deliberation and, in any event, not later than 15 working days thereafter, the Committee shall make its recommendation. The findings of fact and recommendation of the Committee shall be based solely on the record of the hearing. The recommendations shall be in writing, shall state the basis for the decision, and shall recommend any proposed action. The written recommendation shall be provided to the faculty member, the Senior Vice President for Academic Affairs, the President or the President’s representative, and/or any other parties to the appeal.

FTFR will send its findings and recommendations to the Senior Vice President for Academic Affairs.
Affairs and Provost. The Provost will review these findings and recommendations and will make his/her own recommendations to the President and Board of Administrators for their final action.

SECTION 8.7 Protections During the Appeal Process

8.7.1 Suspension of a Faculty Member

Until the final decision whether or not to terminate an appointment has been reached, the faculty member shall maintain his or her current position and duties, unless his or her dean recommends that immediate harm to the faculty member or others is threatened by his or her continuance. Such a determination is at the sole discretion of the Senior Vice President for Academic Affairs and Provost. Salary shall continue during the period of suspension while hearings are being conducted.

8.7.2 Temporary Separation

The Senior Vice President for Academic Affairs and Provost may temporarily separate a faculty member from his or her duties before an FTFR appeal process is finalized or an unlawful discrimination, harassment, or retaliation investigation is initiated under Chapter 6.3 without loss of pay and usual faculty privileges, if it is the Provost’s judgment that immediate harm to the faculty member or others is threatened by his or her continuance and that extraordinary circumstances warrant the action. The Provost may also use the term “administrative leave” in announcing a temporary separation.

The faculty member retains the right to file a grievance seeking an end to the temporary separation. During the separation period, the faculty member may consult with members of the University community, except those persons or categories of persons with whom the Provost expressly prohibits or restricts contact. The University shall make reasonable efforts to protect the continuity of the academic work of students, faculty and staff who are adversely affected. The Provost shall consult with the dean of the relevant school during the temporary separation and indicate the reasons underlying any prohibited or restricted contact between the faculty member and other members of the University community.

8.7.3 Other Protections in Connection with Dismissal Proceedings

A faculty member may not be dismissed nor, except as specified above, may his or her compensation be cut off or withheld before the dismissal procedure has been completed and the President and the Board of Administrators have made a final decision.

8.7.4 Terminal Notice

If the appointment is to be terminated, the faculty member shall receive notice or salary in lieu of notice in accordance with the schedule of notice to which the faculty member is entitled under Chapter 3, “Academic Practices and Policies,” or if the faculty member has tenure, for at least one year. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct that justified dismissal involved moral turpitude or the commission of a felony. In determining the length of terminal notice or salary in lieu of notice, the President may take into account the length
and quality of service and the character of the grounds upon which the action was based.