Faculty Policies

Policy on Disciplinary Suspension or Termination of Academic Faculty

Termination of University Employment
Employment at the University may be terminated by non renewal of a term election, by resignation, by retirement, or by termination for financial stringency or for adequate cause. Termination of a faculty member’s employment before the end of a specified term or after a faculty member has been granted tenure is rare, but possible. It can occur if the University faces financial stringency. Or it can occur for adequate cause revealed by the faculty performance review process or in other situations where adequate cause exists. "Adequate cause" includes a clear level of professional incompetence, a serious breach of professional ethics, willful neglect of duty, or serious misconduct. Termination of a faculty member requires the approval of the vice president and provost (or designee if she or he is unavailable).

Suspension of University Employment
Suspension of a faculty member from University employment is available as a sanction for unacceptable performance disclosed as part of the faculty performance review process or as a disciplinary sanction for a serious breach of University policy. Emergency suspension for a serious breach of University policy is also available if an immediate response is required to prevent irreparable harm if behavior leading to the suspension is allowed to continue without prompt remedial action. Suspension of a faculty member requires the approval of the vice president and provost (or designee if she or he is unavailable).

Restoration of employment following a suspension will occur if and when the faculty member can demonstrate that the cause of the suspension has been addressed and the behavior leading to the suspension is not likely to be continued. A suspended faculty member may be terminated from University employment if the criteria for "adequate cause" listed in the section entitled "Termination of University Employment" have been met.

Procedure for Disciplinary Suspension or Termination of Academic Faculty
1. The following administrative procedures govern "for-cause" disciplinary suspensions and terminations of academic faculty. These procedures do not apply to employees classified as administrative or professional non-tenure-track faculty, nor do they apply to decisions involving promotion, election to an indefinite term, reappointment, renewal, or non-renewal of appointments.

2. Academic faculty appointments are terminable for adequate cause. Adequate cause includes a clear level of professional incompetence, a serious breach of professional ethics, willful neglect of duty, or serious misconduct. These procedures provide that faculty members who face possible disciplinary suspension or termination shall receive (a) written notice of the charges against them, (b) an opportunity to meet with the responsible administrator to discuss the charges, (c) an opportunity to have an advisory faculty panel review the charges, and (d) written notice of the provost's decision.

3. Written Notice: Prior to initiating a termination or suspension, the dean (or provost) shall provide a faculty member with written notice of the charges. EXCEPT that when the provost, in consultation with the dean and the chair of the Faculty Senate, determines that an immediate suspension is justified to safeguard the University community or its operations from harm or disruption, a faculty member may be suspended before receiving written notice of the charges. As soon as practicable, and no later than five business days later, the dean shall provide the faculty member with written notice of the suspension including a description of the charges involved. Such interim suspension shall normally be with pay.

4. Meeting with the Dean: The dean shall schedule a meeting with the faculty member to discuss possible charges as soon as practicable, but normally within ten calendar days after the date of the written notice of charges.

5. After meeting with the faculty member, the dean shall formulate a recommendation to the provost. The dean may recommend termination, suspension (with or without pay), a lesser sanction, or no sanction at all. As soon as practicable, the dean shall provide the faculty member with written notice of the recommendation. The provost may however initiate such action on his or her own authority, providing written notice to the faculty member.

6. Final administrative responsibility for deciding whether to suspend or terminate rests solely with the provost or other person authorized by the University's president. At any time, however, deans and other appropriate administrators are authorized to accept employment resignations without seeking further approval.
7. Requesting Peer Review: After receiving written notice of a recommended termination or suspension a faculty member may request peer review. Such a request must be in writing and delivered to the provost's office within twenty calendar days after the date of the written notice of the dean's recommendation to the provost, or the date of the provost's notice in those cases when the provost acts on his or her own authority. This request for peer review shall describe in clear terms the faculty member’s objections to the recommended disciplinary action. The faculty member shall also provide a copy of the request and any supporting documentation to the responsible dean or other administrator.

8. Peer Review Process: Upon timely receipt of the faculty member’s request for peer review, the provost shall direct the chair of the Faculty Senate to appoint a faculty panel to assist in reviewing the charges, and to explore prospects for mediated resolution.

9. The panel shall be composed of at least three members selected from the ranks of the academic faculty. Every effort shall be made to avoid appointing non-tenure-track administrative or professional faculty or any individual known to be directly involved in the underlying dispute. The chair of the Faculty Senate shall designate the chair of the panel.

10. The panel shall review the charges and the administration's justification for disciplinary action. The panel shall provide the faculty member with an opportunity to appear before the panel to address the charges and offer his or her explanation as to why the recommended disciplinary action is unjustified. Such meeting shall be scheduled promptly and normally within 15 calendar days following appointment of the panel.

11. The chair of the panel shall preside over all of its meetings and shall exercise his or her sound discretion to resolve any procedural issue that may arise, consistent with the following guidelines:

   1) The chair shall schedule panel meetings and shall promptly notify the affected faculty member, the provost, and the dean of that schedule.
   2) The chair shall determine the order of appearance of all persons who are invited to appear before the panel.
   3) The affected faculty member shall be responsible for ensuring that any person who wishes to appear before the panel on the faculty member's behalf is available at the scheduled time.
   4) All other persons wishing to communicate with the panel shall be responsible for making arrangements to appear on schedule.
   5) The affected faculty member may be represented by counsel and may question witnesses, subject to the authority of the chair of the panel to control the proceedings.
   6) No one appearing before the panel shall be compelled to answer questions in violation of their constitutional privilege against self-incrimination.
   7) Formal rules of evidence, courtroom practices, and discovery rules do not apply to the panel's proceedings.
   8) The provost may be present to observe panel meetings with the faculty member and other persons. With the permission of the chair of the panel, the provost may ask questions related to the dean's recommendation.
   9) A full record of the hearing will be kept.
   10) The burden of proof shall be upon the administration to establish grounds for termination or other serious disciplinary action.

12. At the conclusion of its review, the panel shall prepare a written report and recommendation to the provost. In this report, the panel shall advise the provost whether, in its opinion, the charges appear reasonably justified and constitute grounds for termination or other serious disciplinary action. The panel shall base its decision on all of the information available to it. The unavailability of witnesses or any person's refusal to answer questions shall not prevent the panel from concluding its review. Any dissenting reports shall be included in the panel report.

13. The chair of the panel shall promptly deliver its report and recommendation to the provost and provide copies to the affected faculty member, the dean, and the chair of the Faculty Senate. Except in unusual circumstances, the panel's report and recommendation should be delivered within 10 calendar days following completion of its review and not later than 30 calendar days from the appointment of the panel. The provost may extend these deadlines for good reason.

14. Provost's Decision: The provost shall review the advisory recommendation of the faculty panel, make a decision, and communicate that decision in writing to the parties involved including the faculty member, the panel members, the chair of the Faculty Senate, and the dean.

15. Grievance: The faculty member may appeal the provost's decision in accordance with and subject to the grievance procedures established by the Faculty Senate bylaws and approved by the provost or president for the University. He or she may seek in this appeal appropriate relief, including reinstatement and/or reasonable back pay, excluding attorneys' fees or an award of damages.

16. No Waiver or Delegation: Nothing in these procedures or elsewhere shall be interpreted as a waiver or delegation of management responsibility, imposed by the laws of Virginia, for the affairs and operations of the University.

17. Changes in Procedures: These procedures are subject to change at any time upon notice from the provost; provided that any change shall not apply to proceedings pending before a faculty panel appointed hereunder.
18. Designations: Whenever the provost, dean, or chair of the Faculty Senate is mentioned in these procedures, such reference includes their designees or other appropriate persons with authority.

19. Notice: Notice shall be effective when a written or other document is hand delivered to the person or received in the mail by the intended recipient within the time provided in these procedures.