

Annotations on Pending Disciplinary Policies and
Associated ASPT Revisions for CFSCs and DFSC/SFSCs
August 8, 2018

CFSCs

1. Revisions to CFSC Standards:

- a. Make sure the recusal clause in CFSC standards explicitly provides that CFSC members may not participate in disciplinary proceedings emanating from their home departments/schools (revision to IV.A.1).
 - i. Note that this provision contrasts with the University recusal policy for promotion and tenure review, in which Colleges determine their own policy regarding CFSC members' participation in cases from their home departments/schools.
 - ii. Deans may serve on cases from their home department/school, but they must recuse themselves when they have a specific conflict of interest.
- b. Adopt one of three methods set forth in Section XII.B.3 for replacing recused CFSC members, if fewer than five CFSC members remain eligible to participate in disciplinary proceedings. Consultation available from URC (see options on accompanying handout).
- c. Provide for designation by the Dean of an associate dean or, if appropriate, a chain of associate deans to serve in disciplinary proceedings if the Dean is recused from those proceedings. Such designations are to be made by each Dean on July 1.

2. Reminders

- a. Changes to CFSC standards must be approved by college faculty through a vote held pursuant to college policies and procedures. A majority of departments and schools in the College must approve the standards for them to go into effect. Each department/school gets one vote, which is determined by a majority vote of the department/school ASPT faculty.
- b. Changes to CFSC standards also need to be approved by URC. Approvals need to be obtained in time for revised CFSC standards to take effect January 1, 2019. The suggested schedule for faculty and URC approvals, as established by URC, is as follows
 - i. Complete faculty voting on revised CFSC standards by November 9, 2019 and submit approved standards to URC by this same date.
 - ii. URC will vote to approve or disapprove revised CFSC standards no later than Friday November 30, 2018.
 - iii. Colleges that are asked by URC to revise their standards are asked to have their revised standards approved by their faculty no later than December 14, 2018.
- c. CFSCs must review and approve changes made by departments and schools to their ASPT guidelines. The timeline for doing so can be set by the College, but final approval is needed prior to December 31 for policies to go into effect on January 1.

DFSCs/SFSCs

1. **Proposed revision to University ASPT Policies V.B.1 will require DFSCs/SFSCs to develop policies for disciplinary actions.** This can be done by:
 - a. Inserting language into DFSC/SFSC guidelines adopting the disciplinary articles of University ASPT policies by reference.
 - b. Incorporating provisions of the University ASPT disciplinary articles into DFSC/SFSC guidelines.
 - c. Some combination of a. and b.

2. **Reminders:**
 - a. Changes made to DFSC/SFSC guidelines must be voted on by the department/school ASPT-covered faculty, in accordance with department/school policies and procedures. Guidelines are approved by majority vote.
 - b. Revised DFSC/SDSC guidelines approved by faculty vote must then be submitted to the CFSC for approval.
 - c. For new guidelines to be effective on January 1, final CFSC approval must be granted by December 31.
 - d. Colleges may wish to set deadlines in light of potential need for CFSC requests for department/school revisions.

General Considerations

1. **Distinction between performance-based and misconduct-based termination proceedings.** Performance-based dismissal proceedings are not considered to be disciplinary actions, though they follow the same procedures outlined in the new article XIV in the disciplinary section.
 - a. For probationary faculty, non-reappointment is performance-based and the policies have not changed (XI.A). Misconduct-based proceedings fall under the dismissal procedures, as a safeguard of academic freedom. (XI.B.1)
 - b. For tenured faculty, dismissal proceedings may be misconduct-based (disciplinary) or performance-based (ongoing unsatisfactory performance). In either event, evidence of adequate cause must be presented. (XI.B.1, XV.2)

2. **Other Processes**
 - a. **Academic Freedom and Ethics.** Complaints about alleged violations of the University's Code of Ethics or Academic Freedom Policy, as well as grievances as defined by the Academic Freedom, Ethics, and Grievance Policy, are handled by AFEGC according to the provisions of Policy 3.3.8.
 - b. **Faculty Academic Dishonesty.** The provisions of Policy 1.8, Integrity in Research and Scholarly Activities, govern the adjudication of allegations of academic integrity violations.

Disciplinary policies in the new ASPT articles pertain to other policy violations and forms of misconduct.