

**ADDENDUM TO MINUTES FILE**  
**ADDENDUM 2 OF 2**  
UNIVERSITY REVIEW COMMITTEE, 2016-2017

At its last meeting of academic year 2016-2017, on May 11, 2017, the University Review Committee formed a writing group to work during summer 2017 to finish reviewing and revising the four proposed ASPT disciplinary articles reviewed by the University Review Committee throughout academic year 2016-2017. The University Review Committee set a goal of having the writing group recommend a final set of articles to the full 2016-2017 committee membership and having URC recommend a final set of articles to the Faculty Caucus of the Academic Senate before the start of the fall 2017 semester.

The University Review Committee writing group subsequently met six times: May 16, May 17, May 23, May 24, May 30, and August 10 (2017). Committee members participating in the group included Angela Bonnell, Sam Catanzaro, Diane Dean, Nerida Ellerton, Christopher Horvath, Joe Goodman, and Sarah Smelser. At the August 10, 2017 writing group meeting, the writing group unanimously recommended the attached version of the disciplinary articles to the full committee for its approval. Attending the August 10, 2017 writing group meeting were Angela Bonnell, Sam Catanzaro, Diane Dean, Nerida Ellerton, Christopher Horvath, and Sarah Smelser.

The full 2016-2017 University Review Committee subsequently approved the attached version of the ASPT disciplinary articles (i.e., the version recommended to the full committee by the writing group on August 10, 2017) via email, for recommendation to the Faculty Caucus of the Academic Senate. The approval was effective August 25, 2017.

Diane Dean, Chairperson of the 2016-2017 University Review Committee, forwarded the disciplinary articles as approved by the committee (and as attached) to the Academic Senate office on September 8, 2017.

## **ASPT DISCIPLINARY ARTICLES WITH SUPPLEMENTAL DOCUMENTS**

Approved by the University Review Committee, Illinois State University, on August 25, 2017  
for Recommendation to the Faculty Caucus of the Academic Senate, Illinois State University

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## ARTICLE XII: GENERAL CONSIDERATIONS

### A. Types of Disciplinary Actions

1. Faculty may be subject to discipline of varying levels. Disciplinary actions include sanctions, suspensions, or dismissals. The University normally uses progressive discipline to address misconduct. Progressive discipline is intended to be remedial, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension or dismissal may be appropriate.
2. A faculty member's duties may be reassigned temporarily while possible causes for disciplinary actions are being investigated or while the due process for a disciplinary action is being followed.
3. Sanctions are minor disciplinary actions of varying degrees undertaken to address behavioral problems or issues. Sanctions are intended to be remedial.

Sanctions may be effected for such reasons as violations of laws or of University policies, including the Code of Ethics. Specific policies related to sanctions are provided in Article XIII.

4. Suspensions are major disciplinary actions of varying degrees undertaken to relieve a faculty member temporarily from all academic duties (teaching, research, and service), with exclusion from all or parts of campus, and may include the temporary loss of University Login Identification (ULID) access or other privileges. Suspensions may be either with or without pay. Suspensions may be effected for such reasons as credible threat of imminent harm to the University, including the faculty member in question, other employees, students, or University property; or as a next step in a progressive disciplinary process; or when credible evidence of adequate cause for dismissal is available. Specific policies related to suspensions are provided in Article XIV.
5. Dismissals are major disciplinary actions terminating the appointment of a probationary or tenured faculty member. Dismissals are effected under extraordinary or egregious circumstances or when other recourses of disciplinary action have been exhausted without effect. They should rarely if ever occur.

Dismissals may be effected for such reasons as lack of fitness to continue to perform in a faculty member's professional capacity as a teacher or researcher, failure to perform assigned duties in a manner consonant with professional standards, or malfeasance. Specific policies related to dismissals are provided in Article XV.

When a dismissal is recommended due to continuing unsatisfactory performance, suggesting a lack of fitness to perform in a faculty member's professional capacity as a teacher or researcher, the policies and procedures provided in Article XV will apply, even if the reason is not viewed as discipline for misconduct *per se*.

6. Recommendations for non-reappointment of probationary faculty will follow the process outlined in Article XI.
7. Termination of a probationary or tenured faculty member's appointment due to demonstrable University financial exigency or program termination is not disciplinary in nature and will follow the process outlined in the Illinois State University Constitution (Article III, Section 4.B.2.), the Governing Document of the Board of Trustees (Section C), and all applicable policies.

## B. Faculty Rights

1. Disciplinary actions or the threat thereof may not be used to restrain faculty members' exercise of academic freedom. Faculty members shall retain their right to file a grievance at any time with the Academic Freedom, Ethics, and Grievance Committee (AFEGC) if they believe that their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. See the Illinois State University Constitution (Article III) and the Faculty Academic Freedom, Ethics and Grievance policy (University Policy 3.3.8).
2. In all disciplinary proceedings, faculty members have the right to due process, to timely notice, to seek advice, and to respond to developments in the disciplinary process. Faculty members also have the right to have an advisor or counsel present at discussions, hearings, and appeals. The role of the advisor or counsel is to offer advice to the faculty member only; the advisor or counsel may not otherwise participate in the discussions, hearings, or appeals related to disciplinary actions.
3. Probationary faculty who face disciplinary actions whether exonerated or not may request a one year "stop-the-clock" extension of their probationary period, as described in IX.B.3.
4. Records of the disciplinary process, including documentation of exoneration and/or completion of any required corrective actions, may be reviewed in the tenure and promotion process. The purpose of such review will be to ensure that only the documented facts of the individual's exoneration and/or required corrective actions are considered.
5. Uniformed police or security officers shall only be engaged in enforcing a suspension or dismissal when there are credible threats of harm to the University, including the faculty member in question, other employees, students, or University property; when required by law; or when necessitated by pending criminal investigation or legal proceedings.
6. A faculty member may not be denied access to electronic or physical materials, documents, or resources they might need to prepare for pending disciplinary actions or appeals. If access to such materials poses a risk to campus security, alternative arrangements may be made to provide the faculty member with access to materials.
7. Only confidential means of communication, whether electronic or physical, will be used to transmit communications and materials related to disciplinary actions, and all proceedings and records with regard to disciplinary actions will be kept confidential to the degree permitted by the law.
8. Final disciplinary determinations will not be made until all appeals processes are complete. The exception is suspension involving credible threat of imminent harm, criminal investigations, or legal proceedings. In such a circumstance, a suspension may be effected prior to the start of appeal proceedings (XIV.A.4).
9. When the outcome of a disciplinary process includes placing written documentation in a faculty member's official personnel files (see XVIII.A.1), the faculty member retains the right to place a written statement of their own in those same files (see University Policy 3.1.29).

## **ARTICLE XIII: SANCTIONS**

### **A. General Provisions**

1. All parties involved in considering the sanctioning of a faculty member shall refer to the definitions, conditions, and faculty rights set forth in Article XII in addition to this Article XIII.
2. Sanctions are intended to be progressive and remedial. Therefore, effort should be made to apply the most minor sanction likely to address the problem or issue. Past disciplinary actions related to the problem or issue, if any, should be taken into consideration when determining sanctions. Repeated cause for discipline may merit progressively increased sanctions.
3. No sanction may be implemented until all appeals are exhausted.

### **B. Types of Sanctions**

Sanctions fall into four broad categories: reprimands, penalties, loss of prospective benefits, and temporary reassignments.

1. Reprimands include written notices of issues that do not result in overt disciplinary action but that require corrective action by the faculty member.
2. Penalties are disciplinary actions that do not impede a faculty member's duties. These may include the removal of honors, reimbursement, restitution or fine, or mandatory training.
3. Loss of prospective benefits are the withholding of rewards or support for a stated period. This may include the suspension of regular or merit pay increases, a temporary reduction in salary, or the temporary loss of/ineligibility for institutional support for academic or research activities. Loss of prospective benefits cannot be applied to pension, healthcare, or other benefits provided by the State of Illinois.
4. Temporary reassignments may be used as a disciplinary action that modifies a faculty member's teaching, research, or service activities or administrative assignments for a stated period of time no longer than one full academic year, without relieving a faculty member of his or her entire duties.

### **C. Procedural Considerations Related to Sanctions**

Sanction proceedings may be initiated by the DFSC/SFSC or the Provost.

1. Sanction proceedings initiated by the DFSC/SFSC

The DFSC/SFSC may initiate sanction proceedings when there is evidence of cause, such as: behavior problems or issues in the faculty member's responsibilities; violation of University policies; or violation of laws pertinent to the faculty member's responsibilities. Sanction proceedings initiated by the DFSC/SFSC are directed to and reviewed by the CFSC.

- a. The DFSC/SFSC will first request to meet with the faculty member to discuss the alleged misconduct and the potential for discipline. The intent of such consultation is to reconcile disputes early and informally. The faculty member's right to seek advice or counsel must be honored and facilitated through reasonable scheduling of the meeting (see XII.B.2).
- b. If the issue is not resolved through informal consultation, then the DFSC/SFSC will notify the faculty member in writing within five (5) business days that the matter is being referred to the CFSC. The notification will include the alleged misconduct, a summary of the evidence supporting the charges, and the relevant University policy or law violated and/or basis for showing that the faculty member has

breached acceptable standards for responsible behavior. This information is directed to the CFSC with a request for its review and recommendation.

- c. The faculty member may provide a written response to the charges for consideration by the CFSC. The faculty member's written statement shall be submitted to the CFSC within five (5) business days of the written notification from the DFSC/SFSC that the matter has been referred to the CFSC.
- d. The CFSC will review the information regarding the allegation and the faculty member's response and will recommend to the Provost whether a sanction should be imposed and, if so, the nature of that sanction. A CFSC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost. The Dean is required to write a separate report when his or her recommendation differs from the CFSC recommendation.

A "minority report" is defined as a voluntary written statement submitted by a committee member(s) other than the Dean indicating reasons for dissenting from the recommendation made by the majority of the committee. Such a minority report may focus on the alternative conclusions the author wishes to propose and the evidence for such conclusions. The minority report must not breach the confidentiality of the disciplinary process by reporting the deliberations of the committee, by reporting the views or statements of individual members of the committee during deliberations, or by being communicated to anyone outside of the disciplinary process.

- e. The CFSC will submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, the DFSC/SFSC and the Provost, within 10 business days of receiving the case for review.
  - f. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matter that falls within the AFEGC's jurisdiction and shall consider the AFEGC's findings or recommendations in its review of the case.
  - g. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, such a grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations to the faculty member and the respondents in the case with a copy to the Provost.
  - h. The Provost will review sanctioning recommendations made by the CFSC including any minority reports, the Dean's report (if required), any appeal recommendations made by the FRC including any minority reports, any reports from the AFEGC, and all supporting materials, and make a decision regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC, and FRC of the decision in writing within 10 business days of receipt of the FRC and/or the AFEGC recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, and CFSC of the decision in writing within 10 business days of the receipt of the CFSC's recommendation. If the decision results in a sanction, the written decision will include the details of the sanction to be imposed and conditions thereof, and a timeline that identifies the start and end date. The written notification also will be copied to the official personnel files.
2. Sanction proceedings initiated by the Provost

The Provost may initiate sanction proceedings when there is a substantiated finding of a violation imposed on a faculty member by an office or entity external to the ASPT process after all applicable appeals are complete; such as:



Receipt from the University Ethics Officer of a substantiated finding of violation of the State Officials and Employees Ethics Act (5 ILCS 430/) and/or other relevant laws;

Receipt from the Office of Equal Opportunity and Access of a substantiated finding of violation of the Anti-Harassment and Non-Discrimination Policy (University Policy 1.2);

Receipt from the Office of Research Ethics and Compliance of a substantiated finding of violation of federal, state, and/or University policies regarding the conduct of ethical research, academic integrity, or financial practices in sponsored research;

Receipt from the Academic Freedom, Ethics and Grievance Committee (AFEGC) of a substantiated finding regarding violations of academic freedom (University Policy 3.3.13) or the Code of Ethics (University Policy 1.17 and appendices).

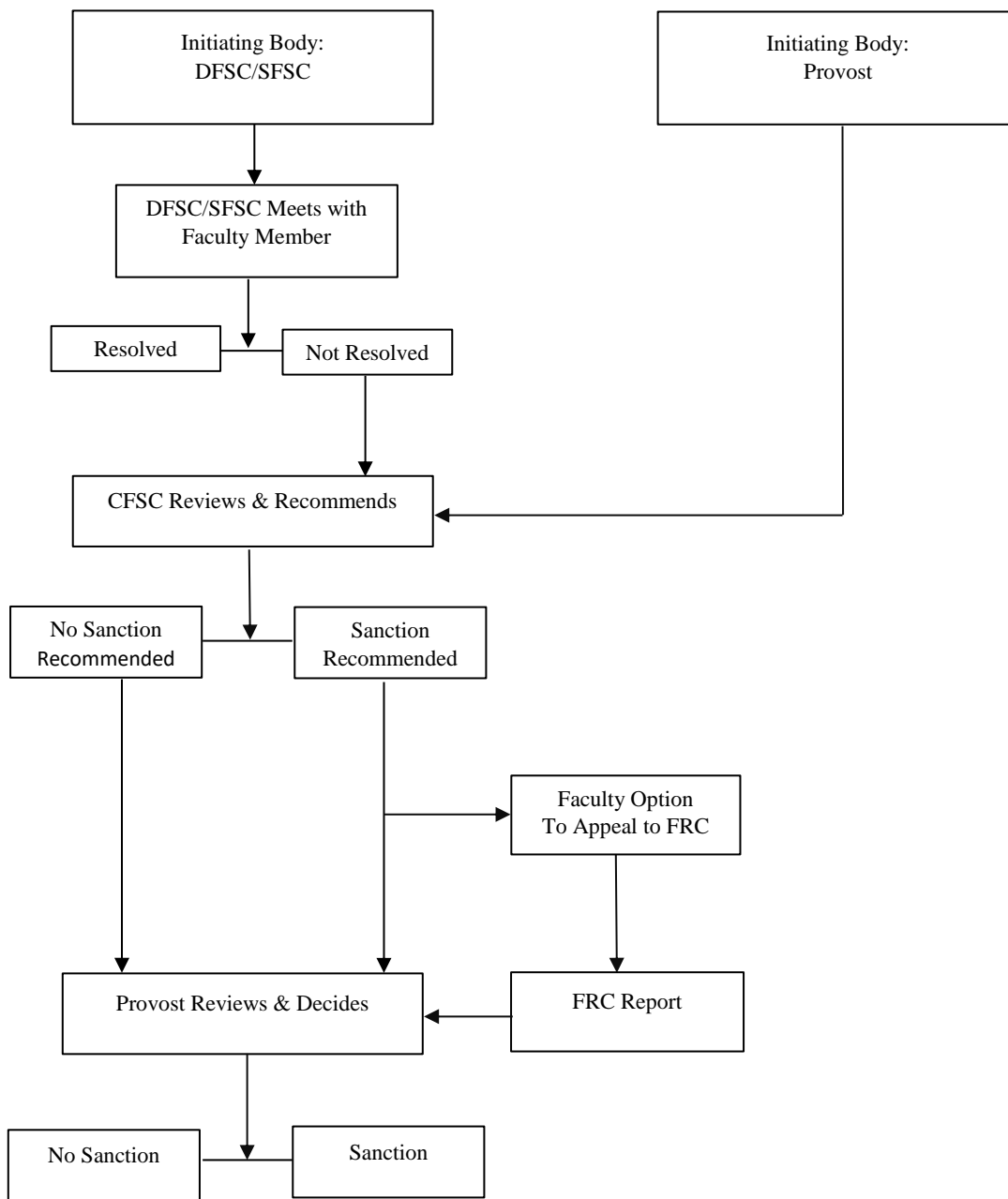
- a. The Provost will notify the faculty member in writing that sanction proceedings are being initiated. The notification will include the alleged misconduct, the substantiated findings of a violation, and the office or entity issuing the findings. The Provost will also direct this information to the CFSC, with a request for its review and recommendation. The Provost's written notification to the faculty member and referral to the CFSC will be submitted within five (5) business days of his or her receipt of the aforementioned substantiated and finalized violation.
- b. The faculty member will have an opportunity to provide a written response to the charges for consideration by the CFSC. The faculty member's written statement shall be submitted within five (5) business days of the written notification from the Provost that the matter has been referred to the CFSC.
- c. The CFSC will review the information regarding the allegation and the faculty member's response and will recommend to the Provost whether a sanction should be imposed. If the CFSC recommends imposing a sanction, the CFSC will also recommend the sanction(s) to be imposed. A CFSC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost (as defined in XIII.C.1.d). The Dean is required to write a separate report when his or her recommendation differs from the CFSC recommendation.
- d. The CFSC will submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, the DFSC/SFSC, and the Provost within 10 business days of receiving the case for review.
- e. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matters that fall within the AFEGC's jurisdiction, and shall consider the AFEGC's findings or recommendations within its review of the case.
- f. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, such a grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations to the faculty member with a copy to the Provost.
- g. The Provost will review sanctioning recommendations made by the CFSC including any minority reports, the Dean's report (if required), any appeal recommendations made by the FRC and/or the AFEGC, including any minority reports, and all supporting materials, and make a decision regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC, and FRC of the decision in writing within 10 business days of receipt of the CFSC recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, and CFSC of the decision in writing within 10 business days of the receipt of the CFSC's recommendation.

If the decision results in a sanction, the written decision will include the details of the sanction to be imposed and conditions thereof, and a timeline that identifies the start and end date. The written notification also will be copied to the official personnel files.

3. If the sanctions include corrective actions, the requirements of these corrective actions, including timeline and acceptable documentation of completion, will be described in the same written notification from the Provost. The faculty member may request, and shall receive, clarification of such requirements.
4. An overview of the sanctions process is found in Appendix 5.

## APPENDIX 5

### Overview of the Sanctions Process



**NOTE:**  
A faculty member may file a grievance with the AFEGC at any point in this process.

## **ARTICLE XIV: SUSPENSIONS**

### **A. General Provisions**

1. All parties involved in considering suspension of a faculty member shall refer to the definitions, conditions, and faculty rights set forth in Article XII in addition to this Article XIV.
2. There are three circumstances in which suspension of a faculty member may be considered:
  - a. As a next step in the progressive disciplinary process;
  - b. In circumstances involving credible threat of imminent harm to the University, including the faculty member in question, other employees, students, or University property, or when necessitated by pending criminal investigations or legal proceedings;
  - c. In circumstances involving substantiated finding of a violation by a body external to the ASPT process (such as one of those listed in XIV.C.3.b) but not involving credible threat of imminent harm or a criminal investigation or legal proceedings.
3. A faculty member may be suspended during dismissal proceedings, if the imminent harm standard also applies, or if necessitated by pending criminal investigations or legal proceedings.
4. A faculty member will be afforded due process in the suspension proceedings. This right is balanced against the responsibility of the University to prevent harm to students, other employees, and the institution.
  - a. In circumstances involving progressive disciplinary action (XIV.A.2.a), a suspension shall be effected only after all appeals are exhausted.
  - b. In circumstances involving credible threat of imminent harm or when necessitated by pending criminal investigations or legal proceedings (XIV.A.2.b), a suspension may be effected prior to the start of any appeal proceedings.
5. A faculty member may be suspended only for a specified period of time, ordinarily no longer than six calendar months. Under unusual circumstances the Provost may extend the suspension for an additional specified amount of time. Suspensions must be followed by reinstatement, unless the faculty member has been dismissed following the process set forth in Article XV.

### **B. Types of Suspensions**

1. Suspensions are temporary relief from all academic duties (teaching, research and service), with exclusion from all or parts of campus, and may include temporary loss of University Login Identification (ULID) access or other privileges.
2. Suspensions may be either with or without pay. Ordinarily, suspensions will be paid suspensions. Suspensions without pay will ordinarily only occur after all appeals are complete.

### **C. Procedural Considerations Related to Suspensions**

Suspension proceedings may be initiated by the DFSC/SFSC or the Provost.

1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated. However, the DFSC/SFSC or Provost may extend these deadlines for good reason, and involved parties may request consideration for doing so. The DFSC/SFSC or Provost will

communicate any timeline extensions in writing to all involved parties. Such extensions shall not constitute a procedural violation of this policy.

2. Suspension proceedings initiated by the DFSC/SFSC

The DFSC/SFSC may initiate suspension proceedings as the next step in a progressive disciplinary process when there is evidence of cause, such as: continued behavior problems or issues in the faculty member's responsibilities that have not been ameliorated through sanctions; repeated or egregious violation of University policies; or repeated or egregious violation of laws pertinent to the faculty member's responsibilities.

- a. The DFSC/SFSC will first request in writing to meet with the faculty member to discuss the alleged misconduct and the potential for suspension. Such consultation will include a review of relevant documentation/information. The intent of such consultation is to reconcile disputes and to develop a mutually agreeable solution that ensures safety for the University community and educational success of students. The faculty member's right to seek advice or counsel must be honored and facilitated through reasonable scheduling of the meeting (see XII.B.2).
- b. If a mutually agreeable solution is found, it shall be documented in writing and signed by the DFSC/SFSC and faculty member within five (5) business days of the meeting described in XIV.C.2.a. However, this period may be extended if both parties agree that additional time for deliberation would lead to a mutually agreeable solution. The DFSC/SFSC will communicate any timeline extensions to the faculty member in writing within five (5) business days of the initial meeting (XIV.C.2.a.). The length and details of the timeline extension must be stated.
- c. If the issue is not resolved through informal consultation, then the DFSC/SFSC will notify the faculty member in writing that the matter is being referred to the CFSC. This notification will be made within five (5) business days of the initial meeting, if there is no timeline extension as provided under XIV.C.2.b; or within five (5) business days of the expiration of any extension. The notification will include the alleged misconduct, the evidence supporting the charges, relevant documentation/information, and the reasons why suspension may be warranted. This information will be directed to the CFSC with a request for its review and recommendation.
- d. The faculty member will have an opportunity to provide a written response to the charges. The faculty member's written statement shall be submitted within five (5) business days of the written notification from the DFSC/SFSC that the matter has been referred to the CFSC.
- e. The CFSC will review the information regarding the allegation and the faculty member's response, and recommend to the Provost whether a suspension should be imposed. If the CFSC recommends imposing a suspension, the CFSC will also recommend the length and conditions of the suspension to be imposed. A CFSC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost. The Dean is also required to write a separate report when his or her recommendation differs from the CFSC recommendation.

A "minority report" is defined as a voluntary written statement submitted by a committee member(s) other than the Dean indicating reasons for dissenting from the recommendation made by the majority of the committee. Such a minority report may focus on the alternative conclusions the author wishes to propose, and the evidence for such conclusions. The minority report must not breach the confidentiality of the disciplinary process by reporting the deliberations of the committee, by reporting the views or statements of individual members of the committee during deliberations, or by being communicated to anyone outside of the disciplinary process.

- f. The CFSC will submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, the DFSC/SFSC, and the Provost within 10 business days of receiving the case for review.
  - g. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matter that falls within the AFEGC's jurisdiction and shall consider the AFEGC's findings or recommendations within its review of the case.
  - h. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, any such grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations in writing to the faculty member with a copy to the Provost.
  - i. The Provost will review suspension recommendations made by the CFSC including any minority reports, the Dean's report (if required), any appeal recommendations made by the FRC including any minority reports, any reports from the AFEGC, and all supporting materials, and make a decision regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC, and FRC of the decision in writing within 10 business days of receipt of the CFSC recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, and CFSC of the decision in writing within 10 business days of the receipt of the CFSC's recommendation. If the decision results in a suspension, the written decision will include the details of the conditions thereof, and a timeline that identifies the start and end date. The written notification will also be copied to the official personnel files.
3. Suspension proceedings initiated by the Provost
- a. Circumstances involving credible threat of imminent harm, criminal investigations, or legal proceedings

The Provost may initiate suspension proceedings in circumstances involving credible threat of imminent harm to the University, including the faculty member in question, other employees, students, or University property, or when necessitated by criminal investigations or legal proceedings. As such, the process is intended to mitigate or eliminate the possibility of harm or comply with legal requirements.

- i. The Provost will review the alleged misconduct, relevant documentation/information, and the rationale for why an immediate suspension may be warranted.
- ii. The Provost, after the aforementioned review, will make a decision regarding whether a suspension should be imposed. If a suspension is to be imposed, the Provost's decision will also include details of the type and length of suspension. The Provost will notify the faculty member, DFSC/SFSC, and Dean of the decision in writing. The suspension is effective immediately upon serving notice to the faculty member. The written notification also will be copied to the official personnel files.
- iii. A faculty member suspended under the rationale of imminent harm or the necessity of criminal investigations or legal proceedings retains the right to due process and may appeal the suspension to the FRC following the provisions in Article XVII. The FRC shall refer to the AFEGC any matters that fall within the AFEGC's jurisdiction and shall consider the AFEGC's findings or recommendations in its review of the case. Suspensions remain in effect while any appeal is adjudicated.

- iv. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, any such grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations in writing to the faculty member with a copy to the Provost. Suspensions will remain in effect while any grievance is adjudicated.
- b. Circumstances involving a substantiated finding of a violation by a body external to the ASPT process but not involving credible threat of imminent harm, criminal invitation, or legal proceedings

The Provost may also initiate suspension proceedings when there is a substantiated finding of a repeated or egregious violation imposed on a faculty member by an office or entity external to the ASPT process after all applicable appeals are complete, such as:

Receipt from the University Ethics Officer of a substantiated finding of repeated or egregious violation of the State Officials and Employees Ethics Act (5 ILCS 430/) and/or other relevant laws;

Receipt from the Office of Equal Opportunity and Access of a substantiated finding of repeated or egregious violation of the Anti-Harassment and Non-Discrimination Policy (University Policy 1.2);

Receipt from the Office of Research Ethics and Compliance of a substantiated finding of repeated or egregious violation of federal, state and/or University policies regarding the conduct of ethical research, academic integrity, or financial practices in sponsored research;

Receipt from the Academic Freedom, Ethics, and Grievance Committee (AFEGC) of a substantiated finding regarding repeated or egregious violations of academic freedom (University Policy 3.3.13) or the Code of Ethics (University Policy 1.17).

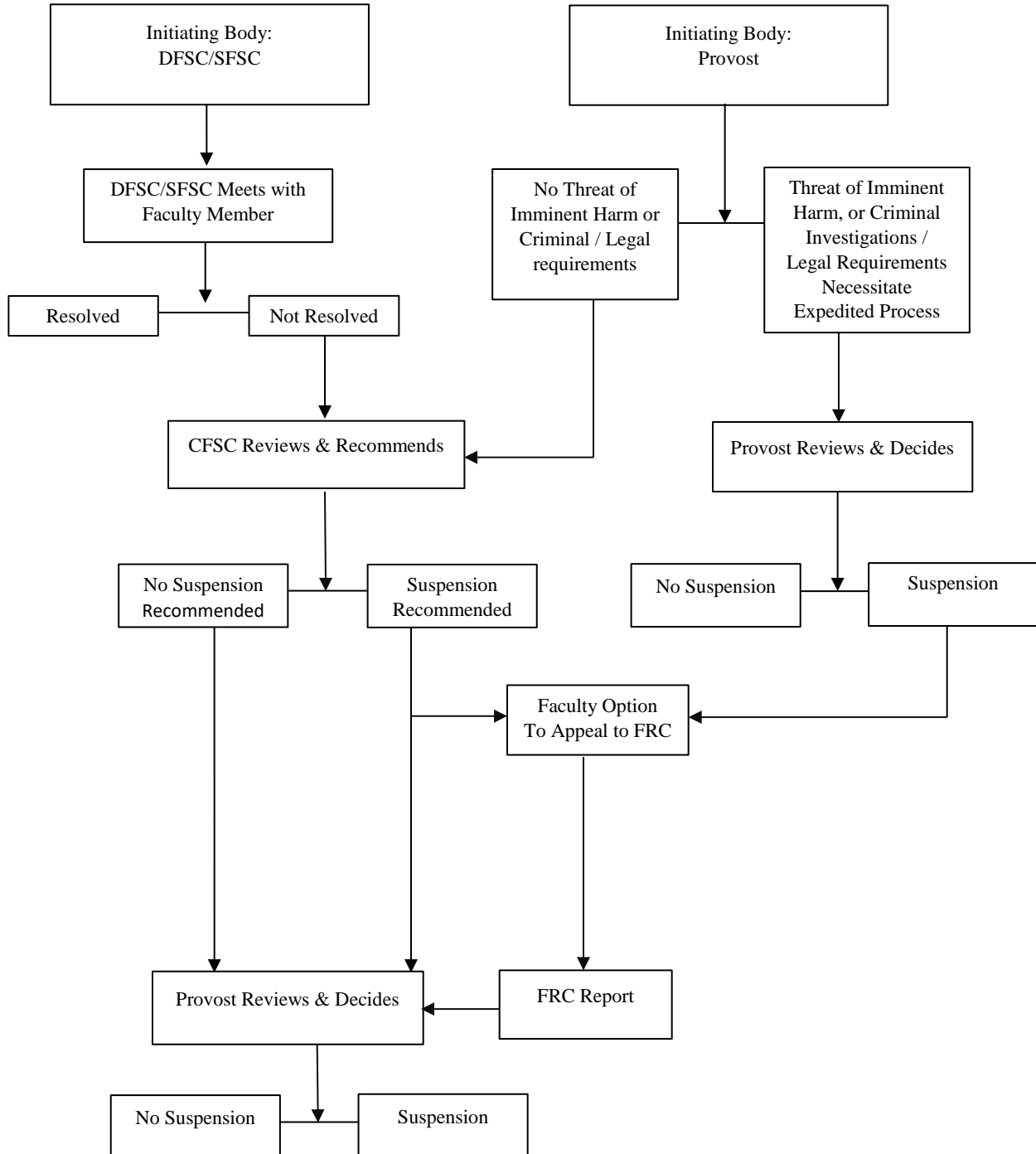
- i. The Provost will notify the faculty member in writing that suspension proceedings are being initiated. The notification will include the alleged misconduct, the substantiated findings of a violation, and the office or entity issuing the findings. The Provost will also direct this information to the CFSC, with a request for its review and recommendation. The Provost's written notification to the faculty member and referral to the CFSC will be submitted within five (5) business days of his or her receipt of the aforementioned substantiated and finalized violation.
- ii. The faculty member will have an opportunity to provide a written response to the charges for consideration by the CFSC. The faculty member's written statement shall be submitted within five (5) business days of the written notification from the Provost that the matter has been referred to the CFSC.
- iii. The CFSC will review the information regarding the allegation and the faculty member's response and will recommend to the Provost whether a suspension should be imposed. If the CFSC recommends imposing a suspension, the CFSC will also recommend the length and conditions of the suspension to be imposed. A CFSC recommendation shall be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost (as defined in XIV.C.2.e). The Dean is also required to write a separate report when his or her recommendation differs from the CFSC recommendation.

- iv. The CFSC will submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member and the Provost within 10 business days of receiving the case for review.
  - v. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in XVII. The FRC shall refer to the AFEGC any matters that fall within the AFEGC's jurisdiction, and shall consider the AFEGC's findings or recommendations within its review of the case.
  - vi. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, any such grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations in writing to the faculty member with a copy to the Provost.
  - vii. The Provost will review suspension recommendations made by the CFSC including any minority reports, the Dean's report (if required), any appeal recommendations made by the FRC and/or the AFEGC including any minority reports, and all supporting materials, and make a decision regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC and FRC of the decision in writing within 10 business days of receipt of the CFSC recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, and the CFSC of the decision in writing within 10 business days of the receipt of the CFSC's recommendation. If the decision results in a suspension, the written decision will include details of the conditions thereof, and a timeline that identifies the start and end date. The written notification also will be copied to the official personnel files.
4. If the suspension includes corrective actions to be taken prior to reinstatement, the requirements of the corrective actions, including timeline and acceptable documentation, will be described in the same written notification from the Provost. The faculty member may request, and shall receive, clarification of any conditions of such requirements.
  5. If the reasons for suspension also constitute adequate cause for dismissal as described in Article XV, the written notice of suspension from the Provost shall so indicate, and then the dismissal procedures delineated in Article XV will commence.
  6. An overview of the suspensions process is found in Appendix 6.



## APPENDIX 6

### Overview of the Suspension Process



**NOTE:**  
A faculty member may file a grievance with the AFEGC at any point in this process.

## ARTICLE XV: DISMISSAL

### A. General Provisions

1. All parties involved in considering disciplinary dismissal of a probationary or tenured faculty member shall refer to the definitions, conditions, and faculty rights set forth in Article XII in addition to this Article XV.
2. A disciplinary dismissal of a faculty member may be considered for adequate causes such as:
  - a. A next step in the progressive disciplinary process, when other recourses of disciplinary action have been exhausted without effect;
  - b. Upon notification from a law enforcement or judiciary body or other entity external to the University of a substantiated finding of malfeasance;
  - c. Upon notification of a substantiated finding of a repeated, extraordinary, or egregious violation imposed on a faculty member by an office or entity external to the ASPT process; or
  - d. In an extraordinary or egregious circumstance involving harm or credible threat of imminent harm to the University, including the faculty member in question, other employees, students, or University property.
3. Dismissal proceedings recommended for performance-related reasons (e.g., continuing unsatisfactory performance suggesting lack of fitness to perform in the faculty member's professional capacity as a teacher or researcher) will follow the procedures provided in this Article XV, even if the reasons are not viewed as disciplinary *per se*.
4. The standard for any dismissal of a faculty member is that of adequate cause. The burden of proof shall be upon the institution. Negative performance evaluation ratings shall not shift the burden of proof to the faculty member (to show why the faculty member should be retained). Performance evaluation records may be admissible but may be rebutted as to accuracy.
5. A faculty member shall be afforded due process in the dismissal proceedings. A dismissal shall be effected only after all appeals are exhausted.
6. In general, public statements about the case should be avoided. University statements about the case, whether during proceedings or after a final decision has been made, may only be made through the Office of the President.

### D. Procedural Considerations Related to Dismissal

Disciplinary dismissal proceedings may be initiated by the DFSC/SFSC or the Provost.

1. Each step in the procedures described below should be completed as soon as is practicable, and normally in the time frame indicated. However, the DFSC/SFSC, CFSC, or Provost may extend these deadlines for good reason, and involved parties may request consideration for doing so. The DFSC/SFSC, CFSC, or Provost will communicate any timeline extensions in writing to all involved parties.
2. Dismissal Proceedings Initiated by the DFSC/SFSC

The DFSC/SFSC may initiate dismissal proceedings as the next step in a progressive disciplinary process when there is evidence of adequate cause, such as continued problems that have not been remediated through sanction(s) or suspension(s). The DFSC may also initiate dismissal proceedings in a case of continuing unsatisfactory performance, such as those that have not been remediated through the process of post-tenure review (Article X).

- a. The DFSC/SFSC will first request in writing to meet with the faculty member to discuss the alleged misconduct or continuing unsatisfactory performance, and the potential for dismissal. Such consultation will include a review of relevant documentation/information. The intent of such consultation is to reconcile disputes and to develop a mutually agreeable solution. The faculty member's right to seek advice or counsel must be honored and facilitated through reasonable scheduling of the meeting (see XII.B.2).
  - b. When appropriate, the Dean, Provost, or administrative designee with information pertinent to the matter (such as the University Ethics Officer) may also be present. Ordinarily, an attorney for the University will not be present.
  - c. When appropriate, the DFSC/SFSC may also meet with any persons having information or relevant documentation pertinent to the matter. Any such individuals consulted shall be made known to the faculty member, and the resultant information or documentation shall be provided.
  - d. If a mutually agreeable solution is found, it shall be documented in writing and signed by the DFSC/SFSC, faculty member, Dean, and Provost within five (5) business days of the meeting. However, this five-day period may be extended if all parties agree that additional time for deliberation would lead to a mutually agreeable solution. The DFSC/SFSC will communicate any timeline extensions to the faculty member in writing within five (5) business days of the initial meeting. The details of the timeline extension must be stated.
  - e. If a mutually agreeable solution does not result, then the DFSC/SFSC will notify the faculty member in writing that the matter is being referred to the CFSC. This notification will be made within five (5) business days of the initial meeting, if there is no timeline extension; or within five (5) business days of the expiration of any extension. The notification will include: a description of the alleged misconduct or continuing unsatisfactory performance, the evidence supporting the charges, relevant documentation information, and the reasons why disciplinary dismissal may be warranted. The notification will also include: a statement regarding the outcome of the preliminary meeting with the faculty member, and information regarding the faculty member's procedural rights. This information is directed to the CFSC with a request for its review and recommendation, with a copy submitted to the Provost.
  - f. Dismissal proceedings initiated by the DFSC/SFSC are directed to and reviewed by the CFSC. Formal proceedings as described in XV.B.4 will then commence.
3. Dismissal Proceedings Initiated by the Provost

The Provost may initiate dismissal proceedings in extraordinary or egregious circumstances when there is evidence of adequate cause (see XI.B.1 and XII.A.5) that originates external to the ASPT process.

- a. The Provost reviews the alleged misconduct, the evidence supporting the charges, relevant documentation/information, and the rationale for why a disciplinary dismissal may be warranted.
- b. As part of the review process, the Provost may consult with any persons having information or relevant documentation pertinent to the matter. Any such individuals consulted shall be made known to the faculty member, and the resultant information or documentation shall be provided.
- c. The Provost will notify the faculty member in writing that dismissal proceedings are being initiated. This notification will be made within five (5) business days from when the Provost completes the review and will include: the alleged misconduct, the substantiated finding of a violation, the office or entity issuing the findings, relevant documentation/information, and the reasons why disciplinary dismissal may be warranted. The notification will also include information regarding the faculty member's procedural rights. The Provost will also direct this information to the CFSC, with a request for its review and recommendation, with a copy submitted to the DFSC/SFSC.

- d. Dismissal proceedings initiated by the Provost are directed to and reviewed by the CFSC. Formal proceedings as described in XV.B.4 will then commence.

#### 4. Commencement of Formal Proceedings by the CFSC

- a. The formal proceedings will commence with a written notification from the CFSC addressed to the faculty member within five (5) business days of the CFSC's receipt of the referral from the DFSC/SFSC or the Provost. The notice will acknowledge receipt of the disciplinary referral, inform the faculty member of his or her procedural rights, and inform the faculty member that a hearing will be conducted by the CFSC at a specified time and place. The hearing date should be set at least 10 business days from the date of the notification.
- b. The faculty member may provide a written response to the charges and submit this document to the CFSC no later than five (5) business days before the date set for the hearing. Hearings will then follow the procedures described in XV.B.5.
- c. The faculty member may waive the hearing by notifying the CFSC in writing no later than five (5) business days before the date set for the hearing.
- d. In absence of a hearing, the CFSC will review each allegation in the referral; the evidence, documentation and information regarding the allegation(s); the rationale for why disciplinary dismissal may be warranted; and the DFSC/SFSC's statement regarding the outcomes of the preliminary proceedings (if applicable). The CFSC will also review the faculty member's written response to the charges (if submitted). The CFSC will have the authority to review any other relevant information, and to interview any other persons who may have relevant information.
- e. The CFSC will then deliberate and recommend to the Provost whether the faculty member should be dismissed. The CFSC's recommendation will state the basis on which it finds grounds or no grounds for dismissal. The CFSC may recommend other disciplinary or corrective actions in lieu of dismissal. The CFSC's recommendation will be based on a majority vote of the members of the committee. In the event that the vote is not unanimous, minority reports may also be submitted to the Provost. The Dean is required to write a separate report when his or her recommendation differs from the CFSC recommendation.

A "minority report" is defined as a voluntary written statement submitted by a committee member(s) other than the Dean indicating reasons for dissenting from the recommendation made by the majority of the committee. Such a minority report may focus on the alternative conclusions the author wishes to propose, and the evidence for such conclusions. The minority report must not breach the confidentiality of the faculty disciplinary process by reporting the deliberations of the committee, by reporting the views or statements of individual members of the committee during deliberations, or by being communicated to anyone outside of the disciplinary process.

- f. The CFSC will report its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, DFSC/SFSC, and the Provost within 10 business days of the date that was set for the hearing.
- g. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matter that falls within the AFEGC's jurisdiction, and shall consider the AFEGC's findings or recommendations within its review of the case.
- h. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any other policy under the AFEGC's jurisdiction has been violated. However, such a

grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations to the faculty member with a copy to the Provost.

- i. The Provost will not make his or her recommendation until all appeals have been completed.

5. Hearings by the CFSC

- a. If the faculty member has not waived a hearing, the CFSC shall hold a hearing. As with all ASPT matters, dismissal proceedings are conducted confidentially and in private.
- b. The faculty member shall have the right to have an advisor or counsel present at the hearing. The role of the advisor or counsel is to offer advice or counsel to the faculty member only; the advisor or counsel may not otherwise participate in the hearing. The faculty member's right to seek advice or counsel must be honored and facilitated through reasonable scheduling of the hearing (see XII.B.2).
- c. The referring party (DFSC/SFSC or the Provost) will attend the hearing and be available to respond to questions and present information as needed.
- d. In the event the Provost is not the referring party, the Provost or designee(s) will attend the hearing as an observer. Ordinarily, the Provost's designee will not be an attorney for the University, although there may be exceptions.
- e. A member of the Faculty Caucus, elected by the Faculty Caucus, will attend the hearing as an observer. Members of the Faculty Caucus from the faculty member's college may not serve as the elected observer.
- f. The CFSC will determine the order of proof, conduct the questioning of witnesses, and secure the presentation of evidence important to the case. The proceedings will be audio or video recorded at the expense of the University and a copy provided to the faculty member at no cost. The CFSC may have the proceedings transcribed; if so, a copy shall be provided to the faculty member at no cost.
- g. The CFSC may ask questions of both the faculty member and the referring party (DFSC/SFSC or the Provost) based on their written statements.
- h. If facts are in dispute, testimony of witnesses should be taken and/or other evidence received. Appropriate procedures for the participation of witnesses will be determined by the CFSC.
- i. The faculty member shall have the right to call a reasonable number of witnesses. The CFSC shall assist in securing the participation of witnesses of the faculty member's choosing. The CFSC shall have the discretion to limit the number of witnesses.
- j. The CFSC may reschedule the hearing, or postpone its conclusion to a later date, if it determines that additional time is needed for the collection of information or evidence, the coordination of witnesses, or the faculty member's preparation to respond. However, because the CFSC cannot compel the participation of a witness, ordinarily the proceedings shall not be delayed by the unavailability of a witness. The CFSC will communicate any timeline extensions to the faculty member in writing. The length and rationale for the timeline extension must be stated.
- k. The CFSC shall have the right to ask questions of all witnesses who testify orally. The faculty member and the referring party(ies) may suggest questions to the CFSC, which shall retain the right to determine whether and how a question is asked. When witnesses cannot appear or decline to appear, written testimony may be submitted. Copies of any written testimony shall be provided to the faculty member. Anonymous testimony will not be permitted. The CFSC may, at its discretion, grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.

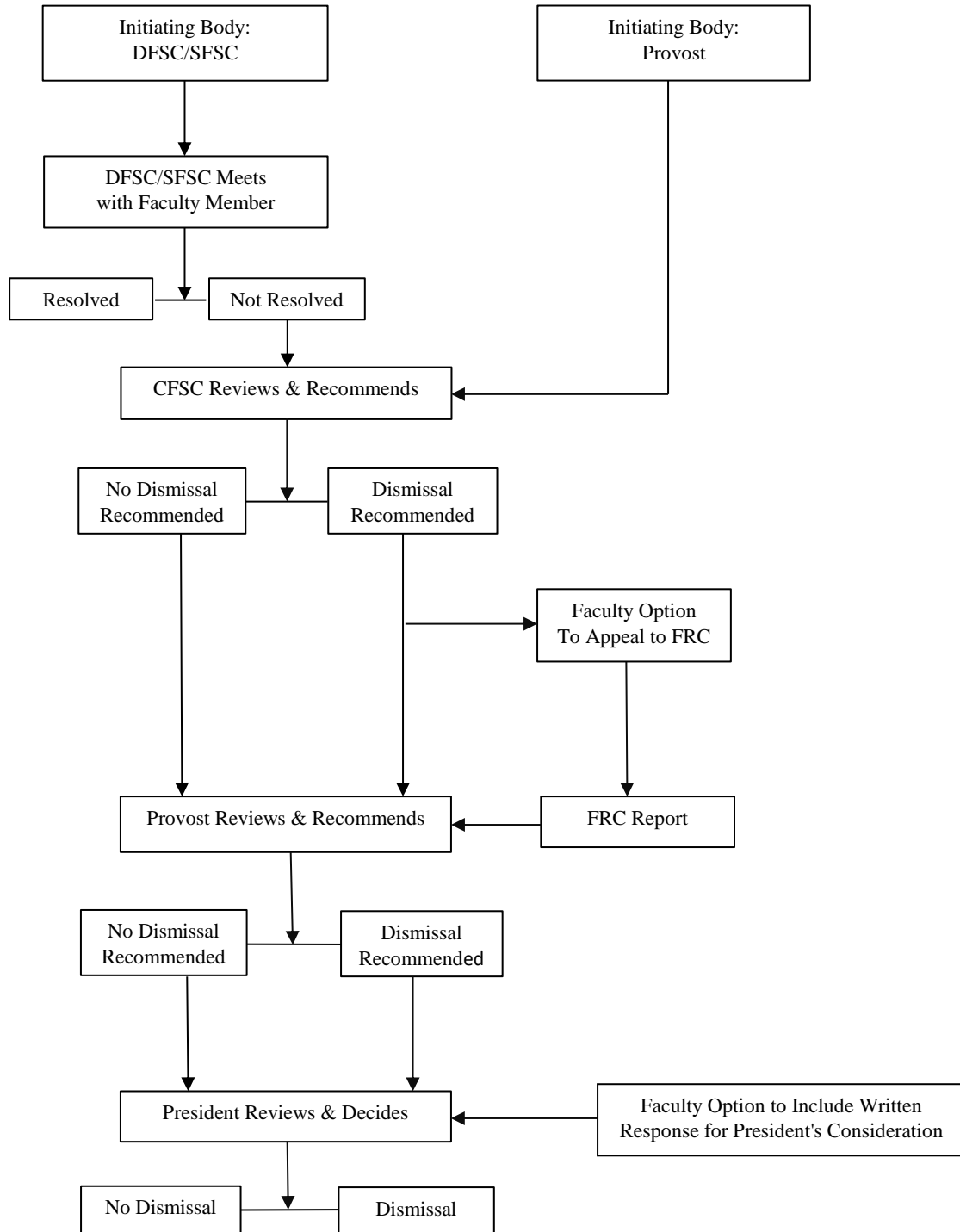
- l. The CFSC will permit closing statements by the faculty member and by the referring party or designee. The CFSC may exercise its discretion in allowing a reasonable amount of time for each statement.
  - m. The CFSC will then adjourn to deliberate and recommend to the Provost whether the faculty member should be dismissed. The CFSC's recommendation will include a full written report of the hearing and will state the basis on which it finds grounds or no grounds for dismissal. The CFSC may recommend other disciplinary or corrective actions in lieu of dismissal. A CFSC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may be submitted to the Provost (as defined in XV.B.4.e). The Dean is required to write a separate report when his or her recommendation differs from the CFSC recommendation.
  - n. The CFSC shall submit its recommendation, including any minority reports and the Dean's report (if required), in writing to the faculty member, DFSC/SFSC, and the Provost within 10 business days of the conclusion of the hearing.
  - o. The faculty member may file an intent to appeal the CFSC recommendation to the FRC within five (5) business days of receipt of the CFSC's recommendation following the provisions in Article XVII. The FRC shall refer to the AFEGC any matters that fall within the AFEGC's jurisdiction, and shall consider the AFEGC's findings or recommendations within its review of the case.
  - p. The faculty member retains the right to file a grievance at any time with the AFEGC, following the provisions of University Policy 3.3.8, if the faculty member believes their academic freedom, the Code of Ethics, or any policy under the AFEGC's jurisdiction has been violated. However, such a grievance by itself does not constitute an appeal of disciplinary recommendations. The AFEGC will communicate its findings and recommendations to the faculty member with a copy to the Provost.
  - q. The Provost will not make his or her recommendation until after all appeals have been exhausted.
6. Provost's Consideration of CFSC's Recommendation
- The Provost will review the disciplinary recommendations made by the CFSC including any minority reports and the Dean's report (if applicable), the full written report of any hearing, any appeal recommendations made by the FRC including any minority reports, any reports from the AFEGC, and all supporting materials, and make a recommendation to the President regarding the disciplinary action. If there is an appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC and FRC of the recommendation in writing within 10 business days of receipt of the FRC and/or the AFEGC's recommendation. If there is no appeal, the Provost will notify the faculty member, DFSC/SFSC, CFSC, and President within 10 business days of the receipt of the CFSC's recommendation.
7. The faculty member will have an opportunity to provide a written response to the Provost's recommendation to be considered in the President's deliberations. The faculty member will also submit copies of the written response to DFSC/SFSC, CFSC, the FRC and/or the AFEGC (if applicable), and the Provost. The faculty member's written response shall be submitted to the President within five (5) business days of the written recommendation received from the Provost.
8. President's Consideration of the Provost's Recommendation
- The President will review the recommendations made by the Provost and by the CFSC including any minority reports and the Dean's report (if applicable), the full written report of the hearing, any appeal recommendations made by the FRC and/or the AFEGC, any written response made by the faculty member, and all supporting materials. The President will make a decision regarding the dismissal action. The President will notify the faculty member, DFSC/SFSC, CFSC, the FRC and/or the AFEGC (if applicable), and Provost of the decision in writing within 10 business days of the receipt of the Provost's recommendation. If the decision results in a dismissal, the notification will state the grounds for the

dismissal, the effective date, and the procedures that were followed in its review and consideration. The written notification also will be copied to the official personnel files.

9. All communication regarding the final outcome of the case must be in accordance with XV.A.6.
10. An overview of the dismissal process is found in Appendix 7.

## APPENDIX 7

### Overview of the Dismissal Process



**NOTE:**  
A faculty member may file a grievance with the AFEGC at any point in this process.



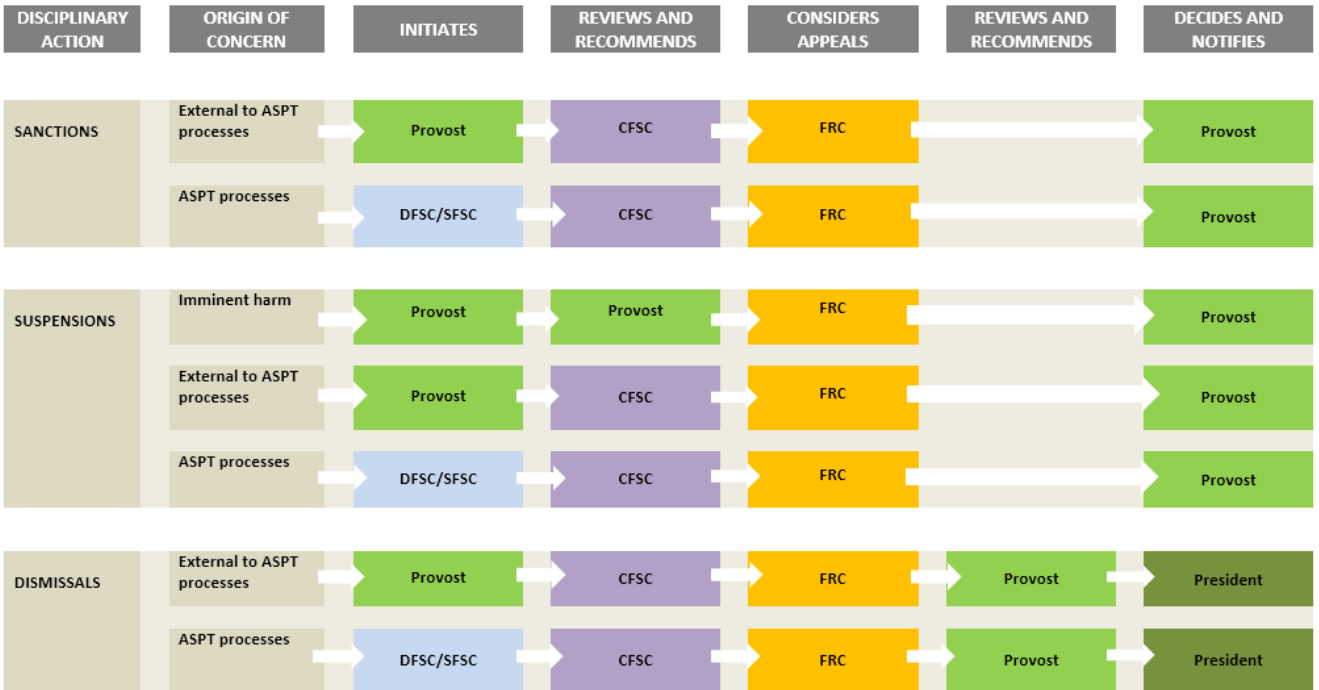
## **ARTICLE XVII: APPEALS POLICIES AND PROCEDURES**

### **L. Initiation of a Disciplinary Action Appeal:**

1. Upon receipt of a recommendation for sanction, suspension, or dismissal from the CFSC or a notice of suspension from the Provost (see XIV.C.3.a), the faculty member may appeal the recommendation or notice to the Faculty Review Committee (FRC).
2. Within five (5) business days of receipt of the disciplinary recommendation or notice of suspension, the faculty member must notify the Chairperson of the FRC in writing of an intent to appeal.
3. The Chairperson of the FRC will respond to the faculty member within five (5) business days following the receipt of a written intent to appeal and will notify the Provost, the CFSC, and the party initiating the disciplinary action (DFSC/SFSC or Provost). The FRC shall initiate consideration of an appeal as expeditiously as possible.
4. The faculty member, within five (5) business days of submitting an intent to appeal, must submit to the FRC a written statement of appeal as defined in XVII.C, including information or documentation supporting the request. To prepare an appeal, the faculty member may request appropriate information regarding the case. This information shall include any official documents used to support a decision regarding the case. A copy of the faculty member's appeal will be provided to the CFSC and to the party initiating the disciplinary action (DFSC/SFSC or Provost).
5. The FRC will review the notice of suspension from the Provost or the disciplinary recommendation made by the CFSC, including any minority reports, the Dean's report (if applicable), the written report of the hearing (if applicable), any written response made by the faculty member, and all supporting materials.
6. The FRC may request to meet with any persons having information or relevant documentation pertinent to the matter. The purpose of such a meeting is for clarification only and does not constitute a second hearing. The FRC shall determine who attends such a meeting and how that meeting proceeds. Any such individuals consulted shall be made known to the faculty member, and the resultant information or documentation shall be provided.
7. If the FRC believes that the basis of the appeal includes matters under the jurisdiction of the AFEGC, then the FRC may refer the matter to the AFEGC and suspend its proceedings until it receives a report from the AFEGC.
8. If the matter includes consideration by the AFEGC, its report shall be forwarded to the FRC upon completion of the AFEGC process. Any such AFEGC report shall become a permanent part of the FRC report. If the AFEGC rules that a violation under the AFEGC's jurisdiction has occurred, the FRC must decide whether the violation significantly contributed to the disciplinary proceedings or actions. The FRC shall then complete its deliberations.
9. An FRC recommendation will be based on a majority vote of the members of the committee. In the event the vote is not unanimous, minority reports may also be submitted to the Provost.

A "minority report" is defined as a voluntary written statement submitted by a committee member(s) indicating reasons for dissenting from the recommendation made by the majority of the committee. Such a minority report may focus on the alternative conclusions the author wishes to propose and the evidence for such conclusions. The minority report must not breach the confidentiality of the faculty disciplinary process by reporting the deliberations of the committee, by reporting the views or statements of individual members of the committee during deliberations, or by being communicated to anyone outside of the disciplinary process. The FRC will report its recommendation (including any minority reports) in writing to the faculty member, the party initiating the disciplinary action (DFSC/SFSC or Provost), the CFSC, and the Provost.

**FLOW CHART, ASPT DISCIPLINARY PROCESSES**  
**UNIVERSITY REVIEW COMMITTEE, AUGUST 25, 2017**



### **Principles Guiding the University Review Committee In its 2016-2017 Revision of Proposed ASPT Disciplinary Articles**

- The focus of the disciplinary articles should be on behavior and not on performance. Non-reappointment of faculty members can occur for reasons other than behavior. Those instances are addressed elsewhere in the ASPT document.
- Disciplinary actions should be considered only in extreme circumstances. Issues should be promptly addressed to avoid consideration of disciplinary actions.
- Disciplinary processes should be corrective and progressive not retributive.
- Every attempt should be made to develop disciplinary processes that are clear and logical.
- Disciplinary actions and processes include sanctions, suspensions, and dismissal. Every attempt should be made to delineate clearly between them. Examples provided in each article should be illustrative rather than exhaustive.
- AAUP guidelines should be considered and, when deemed appropriate, incorporated into the disciplinary articles text, but they should not be explicitly referenced in the articles.
- Disciplinary processes should be faculty-controlled even in circumstances potentially involving imminent harm.
- Committees already existing should be used in disciplinary processes rather than newly-created committees, if possible. Doing so may necessitate changes to committee by-laws. The Faculty Caucus and committees should review and amend their by-laws as appropriate.
- Committees already playing roles in the ASPT process should be involved in disciplinary processes rather than involving committees external to the ASPT process, if possible.
- The body that recommends whether disciplinary actions should be imposed should not be the same body that decides whether disciplinary actions should be formally considered.
- The body to which a faculty member may appeal should always be a faculty body rather than a body whose members are all or part administrators.
- Every attempt should be made to protect the due process rights of both faculty and the University. Due process is not something earned by tenure rather it is the right of probationary faculty members and tenured faculty members.
- The highest level of confidentiality shall be maintained in disciplinary proceedings unless there are legal requirements to share information. The number of parties involved in and knowledgeable of a disciplinary case should be minimized. There may be instances in which individuals internal and external to Illinois State University are impacted (e.g., criminal investigations). The confidentiality of these individuals shall follow prescribed legal precedence.
- Modifications to some disciplinary processes set forth in the articles may be needed by Mennonite College of Nursing and Milner Library in light of administrative structures and ASPT processes unique to those colleges. All such modifications shall be subject to prior review and approval by the University Review Committee.