

Cornell University

Policy on job-related faculty misconduct

2/17/2006

Policy Statement:

Reason for Policy:

Entities Affected by this Policy: University professors and college or school faculty members of the Endowed Ithaca and Contract Colleges of the University (excluding the Joan and Sanford I. Weill Medical College).

Who Should Read this Policy:

I. Definitions:

- A. College or school faculty member: as defined by Art. XIII of the Bylaws of Cornell University:

Each college or school faculty, except the Graduate Faculty, shall be composed of the President; the Dean or director of the college or school; and all professors, associate professors, and assistant professors in the department or departments under the charge of that faculty. Instructors, senior research associates, senior extension associates, lecturers, senior lecturers, clinical professors, associate clinical professors, and assistant clinical professors, and those bearing the adjunct title shall be non-voting members. Each college or school faculty may, in its discretion, grant membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Any college or school faculty may elect to its membership persons who are already members of other faculties of the University for so long a period as they continue to be members of such other faculties.

Note: The provisions of this policy do not apply to faculty members holding appointments with a duration of six months or less, or to those holding honorary appointments.

- B. Emergency suspension: A suspension with full salary pending the ultimate determination of the faculty member's case where the member is charged with misconduct and the member's continuance threatens imminent serious harm to the member or others or to property.
- C. Minor sanction: any sanction other than a "severe sanction."
- D. Severe sanction: dismissal or suspension.

- E. Suspension: A temporary abrogation of the faculty member's rights or responsibilities that effectively prevents the faculty member from carrying out the responsibilities of his or her position or a temporary partial or temporary full reduction of a faculty member's salary will be considered a suspension for the purposes of this policy, whether or not it is named as such. This policy does not apply to the Joan and Sanford I. Weill Medical College or to decisions to deny, suspend, or revoke clinical privileges at the College of Veterinary Medicine or its affiliated hospitals, nor does it apply to a non-disciplinary reduction of salary such as a non-temporary reduction of salary that may be implemented at the time of an annual salary review (which may be grieved pursuant to the academic grievance policy).

II. Purpose and Scope of this Policy:

To ensure fair and adequate disciplinary processes for faculty charged with job-related misconduct or failure to perform the duties required of the position held. The following procedures govern the imposition of severe sanctions, minor sanctions, and emergency suspensions. This policy does not apply to the Joan and Sanford I. Weill Medical College or to the denial, suspension, or revocation of clinical privileges at the College of Veterinary Medicine or to annual salary adjustments based upon an assessment of the faculty member's performance.

III. Procedures:

A. Severe Sanctions

1. *Duration of suspensions*: No suspension, other than emergency suspension, shall be imposed for a period of not less than two weeks or more than 12 months.
2. *Reporting requirements for severe sanctions*: All severe sanctions, including those resulting from informal settlements, shall be reported to the Dean of Faculty by the appropriate administrator. Such reports shall include a summary of both the complaint and its resolution, and shall be maintained in a permanent archive.
3. *Suspension procedures for university professors, professors, associate professors, and assistant professors*:
 - (a) The term "faculty member" in Subsection III A. 3. shall refer exclusively to university professors, professors, associate professors, or assistant professors.

- (b) If the administration believes that the conduct of a faculty member is sufficiently grave to justify imposition of a suspension, other than an emergency suspension, the procedures in III.A.3.(d) below shall apply.
- (c) Where the recommendation for a suspension is a result of action taken under any other university policy (including those policies governing “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”), the faculty member may seek to appeal the recommendation issued under that policy by requesting review according to III.A.3.(d) below. In this case, the relevant administrator shall not implement the suspension recommended under the initial policy procedures but shall instead report to the Provost the results of any investigations undertaken, together with his or her recommendations. The Provost shall determine, after making such independent investigation as may seem appropriate to the Provost, whether the investigation or hearings conducted pursuant to the initial policy procedures were fair and appropriate. In the event that the Provost determines that such procedures were fair and appropriate, the faculty member may appeal the recommendation of a suspension according to the provisions set forth below, but in such cases the review panel shall restrict its inquiry under III.A.3 (e) to the appropriateness of the proposed suspension to the misconduct determined by the prior proceeding. In cases where the Provost has concerns about the fairness or appropriateness of the investigation or hearings conducted pursuant to the initial policy procedures, the faculty member may seek full review to the extent authorized in III.A.3(e).
- (d) The charges against the faculty member shall be heard by a review panel appointed as follows: The faculty member and the Dean shall each choose four members of the University Appeals Panel. The faculty member’s nominees shall choose two of the Dean’s nominees, and the Dean’s nominees shall choose two of the faculty member’s nominees. The four so chosen shall then choose a fifth tenured University member, who shall chair the review panel. Any person nominated who has participated in the matter being heard or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself.
- (e) Investigation and Hearings. The review panel shall determine whether a detailed investigation is called for and whether hearings are necessary. At the discretion of the review panel, written statements may be requested from relevant parties and witnesses, and the review panel may elect to meet with relevant witnesses. If the review panel determines that the circumstances so warrant, it may conduct a formal hearing at which the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his

or her own behalf and to confront and question the witnesses against him or her. The faculty member's advisor or counsel may not address the panel or question the witnesses unless requested to do so by the chair of the panel.

- (f) If the faculty member requests before or at the opening of the review panel proceedings, he or she shall after the conclusion of such proceedings be furnished, without cost to him or her, copies of documents received, and the panel's findings and recommendations.
 - (g) The review panel shall report its findings to the President in writing within eight weeks of being formed. The decision of the President will not be subject to further appeal or reconsideration.
 - (h) The office of the Dean of the Faculty will provide staff support for the review panel.
 - (i) The procedure for dismissal of university professors, professors, associate professors, or assistant professors is the procedure adopted for that purpose by the Board of Trustees, as supplemented by the reporting requirement described in III.A.2 of this Policy.
4. *Procedures for suspension or dismissal of college or school faculty members other than university professors, professors, associate professors, and assistant professors:*
- (a) When complaint from any source is made against such member which might lead to the imposition of a severe sanction, and unless the alleged misconduct falls under the jurisdiction of a specific Cornell policy containing alternate procedures, the Dean of his or her college shall inform the member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it.
 - (b) If the matter is adjusted informally to the satisfaction of the Dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the Dean shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her.
 - (c) No severe sanction, other than an emergency suspension, shall be imposed without first giving such member an opportunity to invoke grievance procedures and seek review by the Committee on Academic Freedom and Professional Status of the Faculty [AFPS], to the extent permitted by the specific policy guidelines governing such reviews, and within the following stated time periods: The member shall have 4

weeks after being informed in writing of the charges and recommended sanctions to invoke grievance procedures or review by the AFPS. Where a review by the AFPS is requested following a grievance action, the faculty member shall have 4 weeks after the completion of the grievance procedure to request review by the AFPS.

- (d) The opportunity to invoke grievance procedures and seek review by the AFPS before the imposition of a severe sanction, as described above, applies also to cases where the recommendation for a severe sanction is a result of action taken under any other university policy (including those policies governing “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”). In all such cases, the relevant review bodies shall endeavor to avoid duplicating any investigation or hearing conducted pursuant to such other policy unless such duplication is necessary to correct a manifest error resulting in substantial unfairness to a party.

B. Minor Sanctions

If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, the following procedures will be followed:

1. If a minor sanction is imposed under a specific university policy (such as “academic misconduct,” “sexual harassment,” “financial irregularities,” and “conflict of commitment/interest”), the faculty member may obtain consideration and, possibly, redress by invoking a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
2. If the conduct justifying a minor sanction is not regulated under any other specific university policy, the appropriate administrator will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been unjustly imposed may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
3. A faculty member who believes that a sanction proposed under the procedures for “minor sanctions” is, in fact, a “severe sanction” may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

C. Emergency Suspension

1. If a university professor, or college or school faculty member, is charged with misconduct and if the member's continuance threatens imminent serious harm to the member or others or to property, the faculty member may be suspended by the President (or his or her designee) or assigned to other duties in lieu of suspension pending final resolution of the charge.
2. The scope of the emergency suspension shall be tailored as narrowly as possible to the nature of the harm posed, so that the faculty member's rights and privileges are not summarily abrogated more broadly than is reasonably necessary to protect persons or property pending completion of the Severe Sanction procedures. Whatever other rights and privileges may be withdrawn by an emergency suspension, the faculty member's full salary shall continue during the period of the emergency suspension.
3. The President (or his or her designee) shall promptly report to the Dean of Faculty concerning the propriety, the length, and any other conditions of the emergency suspension.