

**Resolution from the Faculty Senate Committee
on Academic Freedom and the Professional Status of the Faculty**

WHEREAS, a suspension is second only to dismissal in the effect that it has on a faculty member's career, and

WHEREAS, a dismissal procedure, authorized in the Bylaws of Cornell University (Article XVI Instructional and Research Staff, Appointment and Tenure, Section 10), is already present in the Faculty Handbook of Cornell University (Section 4.3, Separation), and

WHEREAS, the Faculty Senate unanimously passed the Job-Related Faculty Misconduct Policy (aka the Suspension Policy) in September 2006 containing the principles and procedures deemed essential for imposing suspension upon a faculty member, and

WHEREAS, the Administration has agreed to a revision of the dismissal procedure adopted by the Board of Trustees and the University Faculty in 1951, creating a combined procedure for faculty dismissal and suspension (attached below) that provides faculty facing a temporary suspension with a process as fair and protective of faculty rights as the September 2006 Senate approved Suspension Policy,

Therefore, Be It Resolved that the Faculty Senate approves the following procedure for dismissal and suspension, with the intention that it will replace the Job-Related Faculty Misconduct Policy (aka the Suspension Policy) unanimously passed by the Faculty Senate in September 2006.

**Text to be incorporated into the Faculty Handbook
(proposed changes tracked)**

Article XVI, Section 10, of the bylaws states:

"The Board shall have the right to dismiss and terminate the appointment of any member of the staff of instruction and research for failure to perform the duties required of the position which he holds or for such personal misfeasance or nonfeasance as shall make him unfit to participate in the relationship of teacher and student. Such dismissal shall be effected through such procedures as the Board may adopt. Such procedures shall provide for reasonable notice and an opportunity to be heard."

The following dismissal procedure in the case of faculty members was adopted by the Board of Trustees and the University Faculty in 1951 (Note: non-substantive changes have been made to phrase the policy in gender-neutral terms):

The university reserves the right to dismiss and discontinue, or to suspend, the appointment of any member of its faculties, on reasonable notice and after giving such member an opportunity to be heard, for misconduct or failure to perform the duties required of the position he or she holds.

In the case of a university professor, professor, associate professor, or assistant professor the following procedure shall be adopted to govern dismissal or suspension for the period of one semester or more:

A. When complaint from any source is made against a university professor, a professor, an associate professor, or an assistant professor which might lead to his or her dismissal or to suspension for the period of one semester or more, the dean of his or her college, or in the case of a university professor the dean of the University Faculty, shall inform the faculty 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. The dean shall thereafter report to the ~~president~~ provost the results of the investigation together with his or her recommendations. The ~~president~~ provost shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her and the suggested disciplinary action if, after receiving the dean's report and making such independent investigation as may seem appropriate to the ~~president~~ provost, it is the opinion of the ~~president~~ provost that further proceedings are warranted.

B. If the faculty member desires a hearing, he or she shall so request in writing to the president provost within thirty days of the receipt of the written charges against him or her, and he or she shall then be entitled to a hearing before a board appointed by the ~~president~~ provost and consisting of five members of the University Faculty, of whom two shall be selected by the faculty member, two by the ~~president~~ provost and the fifth by the other four.

C. At such hearing 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. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion, be furnished, without cost to him or her, a full report of the proceedings before the board, including the testimony taken, the evidence received, and the board's findings and recommendations. The board shall submit to the president a report of its findings and recommendations. If suspension is recommended, the president's decision shall be final; and if dismissal is recommended, this report shall be appended by the president to any recommendations he or she may make to the Board of Trustees in regard to the case.

D. If dismissal is recommended, the faculty member shall be free to resign at any time within thirty days of receipt of the written charges against him or her; but if he or she has neither requested a hearing nor resigned within such thirty days, the Board of Trustees shall be free to dismiss him or her without further notice or hearing. If suspension is recommended and the faculty member fails to request a hearing within the thirty day period described in paragraph B above, the suspension shall be implemented as recommended.

E. In the case of suspension of less than one semester, or suspensions of any length of faculty other than university professor, professor, associate professor or assistant professor, a dean's determination to suspend a faculty member shall be subject to existing grievance procedures. In cases where the Faculty Committee on Academic Freedom and the Professional Status of the Faculty is the final step in the grievance procedure, the Faculty Committee will submit a report of its findings and recommendations to the president. If suspension is recommended, the president's decision shall be final.

For purposes of this dismissal and suspension procedure, the following definitions shall pertain:

"Provost" refers to the provost or the provost for medical affairs, as appropriate. However, in the event the provost for medical affairs serves simultaneously as the dean of the college in which the case arises, the president shall receive and review the dean's report and make the appropriate judgment about further proceedings.

"Suspend" or "suspension" means 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, whether or not it is named as a suspension. 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, or a non-disciplinary reassignment of duties at an appropriate time in the academic calendar shall not be considered a suspension. The period of a suspension shall be no less than two weeks and no more than two semesters. Except for an emergency suspension, the imposition of any suspension shall be deferred pending the conclusion of the internal review process.

"Emergency suspension" refers to the suspension by the president or his designee with full salary pending the ultimate determination of the faculty member's case where the faculty member is charged with misconduct and his or her continuance threatens imminent, serious harm to the member, to others, or to property. The scope and duration 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 suspension procedures.

"Faculty" refers to full-time faculty members as described in the University Bylaws.