

Cornell University AFPS Committee

Draft policy on job-related faculty misconduct

DRAFT: 05-06-04

Summary of proposed revisions (5/6/04):

- Add clarifying text to emergency suspension definition;
- Revise suspension definition, deleting first sentence.
- Clarify duration of suspension limits as not applicable to emergency suspensions.
- Require that the president report *promptly* to the Dean of Faculty in the Emergency Suspension section.

Policy Statement:

Reason for Policy:

Entities Affected by this Policy: University professors and college or school faculty members.

Who Should Read this Policy:

Definitions:

- College or school faculty member: as defined in 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; 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. 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.
- Emergency suspension: A suspension with pay pending the ultimate determination of the faculty member's case where the member is charged with misconduct and the member's continuance threatens serious harm to the member or others.
- Minor sanction: any sanction other than a "severe sanction."
- Severe sanction: dismissal or suspension.
- Suspension: a temporary abrogation of a faculty member's rights, responsibilities, or remuneration that effectively prevents the faculty member from carrying out the responsibilities of his or her position will be considered a suspension for the purposes of this policy, whether or not it is named as such.

Purpose and Scope of this Policy:

To ensure fair and adequate 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.

Procedures:

Severe Sanctions

Duration of suspensions:

- No suspension, other than emergency suspension, shall be imposed for a period of less than 30 days nor more than 12 months.

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.

For university professors, professors, associate professors, and assistant professors:

- If the administration believes that the conduct of a faculty member is sufficiently grave to justify imposition of a severe sanction, the procedures for dismissal and other severe sanctions adopted for this class of faculty members by the Board of Trustees shall apply.
- 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"), the faculty member may appeal the recommendations issued under that policy by requesting a hearing according to sections B, C, and D of the procedures for dismissal and other severe sanctions adopted by the Board of Trustees. In this case, the administrator shall not implement the sanctions recommended under the initial policy procedures but shall instead report to the president the results of any investigations undertaken, together with his or her recommendations. The president shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her if, after receiving the administrator's report and making such independent investigation as may seem appropriate to the president, it is the opinion of the president that further proceedings are warranted.

For college or school faculty members other than professors, associate professors, and assistant professors:

- 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.

- 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.
- No severe sanction 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.
- 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").

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:

- 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.
- 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.
- 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.

Emergency Suspension

If a university professor, or college or school faculty member, is charged with misconduct and if the member's continuance threatens serious harm to the member or others, 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. 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. Salary shall continue during the period of the emergency suspension.

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