

Cornell University AFPS Committee

Draft revisions to dismissal procedure

DRAFT: 05-06-04

Proposed changes to dismissal procedure originally adopted by the Board of Trustees and University Faculty in 1951:

Changes shown in **bold text**.

Summary of proposed revisions:

1. Add "severe sanctions" to scope of procedures.
2. Add suggestions for informal resolution.
3. Dismissal decisions go to Bd of Trustees; other severe sanctions decided by president (changed 5/6/04).
4. Reference definitions to "Misconduct policy" (changed 5/6/04).

Definitions:

See "Faculty Misconduct Policy" for definitions of severe sanctions and related terms.

The university reserves the right to dismiss and discontinue the appointment of any member of its faculties, **or impose other severe sanctions**, 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:

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 the imposition of other severe sanctions**, 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. **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 [thereafter] report to the president the results of the investigation 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 dean'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.

B. If the faculty member desires a hearing, he or she shall so request in writing 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 and consisting of five members of the University Faculty, of whom two shall be selected by the faculty member, two by the president 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. [and this] **Where the proposed sanction is dismissal, 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. For other severe sanctions, the president shall make the final decision.**

D. 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 following action may be taken: 1) where the proposed sanction is dismissal, the Board of Trustees shall be free to dismiss him or her; or 2) for severe sanctions other than dismissal, the president may impose such sanctions. In either case, these sanctions may be imposed without further notice or hearing.**

[back to index](#)