

To: UFC

From: Alex Tanford, Chair of Policy Review Committee

Date: November 30, 2020

Re: ACA-52, Permanent Separations for Academic Appointees

**A. The UFC Policy Review Committee has reviewed ACA-52, Permanent Separations for Academic Appointees, and finds:**

1. The policy was comprehensively updated in April 2020
2. In August, 2020, updates were made to UA-03, Discrimination, Harassment and Sexual Misconduct, including amendments to the section on what constitutes an act of personal misconduct that justifies dismissal of faculty as a potential sanction.
3. Prior Trustees policy specifies that acts of serious personal misconduct may justify dismissal of faculty on 10-days notice rather than one-year's notice, but does not provide a definition.
4. This amendment defines when immediate dismissal is authorized and deletes potentially conflicting definitions of serious personal misconduct from related policies.

**B. The policy update proposal has been circulated for comment.**

The amendment has been developed in consultation with the university chief policy officer, circulated to campus academic affairs officers, UFC co-chairs, campus council presidents, and the university counsel's office.

**C. The Committee moves that the UFC take the following actions:**

**1. Amend ACA-52 ¶ D, Involuntary dismissal of tenured academic appointees, as follows:**

1. Involuntary dismissal of tenured academic appointees refers to the termination of employment prior to retirement or resignation. Dismissal is thus to be distinguished from non-reappointment during the probationary period.
2. **Involuntary** dismissal shall occur only for reason of (a) incompetence, (b) serious personal or professional misconduct or (c) extraordinary financial exigencies of the University. No academic appointee shall be dismissed unless reasonable efforts have been made in private conferences between the appointee and the appropriate administrative officers to resolve questions of fitness or of the specified financial exigency. If no resolution is attained, the appointee to be dismissed shall be notified of dismissal in writing by the Chancellor or Provost or President one year before the date the dismissal is to become effective, except that an appointee **found responsible for** ~~deemed guilty of~~ serious personal misconduct may be dismissed upon shorter notice, but not on less than ten days' notice. Upon receipt of the dismissal notification, an academic appointee must be accorded the opportunity for a hearing. A statement with reasonable particularity of the

ground proposed for the dismissal shall be available in accordance with the provisions in the Faculty Constitution. An appointee ~~may~~ shall be suspended during the pendency of dismissal proceedings only if immediate harm to the appointee or others is threatened by continuance. Any such suspension shall be with pay.

3. The hearing required by paragraph 2 shall be held by a campus faculty board of review.
4. In any case in which the position of an academic appointee with tenure has been eliminated, the university will make every reasonable effort to place the appointee in a comparable position elsewhere in the university or at another institution.

**2. Amend ACA-52 by adding a new section F as follows:**

F. In order to dismiss an academic appointee in less than one year because the appointee is deemed guilty of serious personal misconduct, the conduct must pose an ongoing threat to the safety and security of the university community, constitute repeated acts of the same form of misconduct, or have resulted in a felony conviction.

**3. Amend the definition of personal misconduct in ACA-52 as follows:**

**Serious** personal or professional misconduct: Conduct that has been determined to violate a misconduct policy of the university or a campus which has been enacted or approved by a faculty governance organization, including UA-03, **Discrimination, Harassment and Sexual Misconduct**; ACA-30, Research Misconduct, ACA-33, Code of Academic Ethics, and campus policies on personal misconduct.

**4. Delete the definition of serious personal or professional misconduct from ACA-18, 19 and 20 (NTT appointments) and replace it with a cross-reference to ACA-52. That definition currently reads:**

Serious Personal or Professional misconduct: Conduct that has been determined to violate a misconduct policy of the university or a campus which has been enacted or approved by a faculty governance organization, including UA-03, Sexual Misconduct; ACA-30, Research Misconduct, ACA-33, Code of Academic Ethics, and campus policies on personal misconduct.