

AY24-29-F&G

Faculty Sanctions

[\(Board of Visitors Policy\)](#)

NUMBER: 1450

APPROVED: February 13, 1982; Revised April 22, 2022

SCHEDULED REVIEW DATE: April 2027

I. General

A sanction may be imposed on a faculty member to document, correct, and/or take disciplinary action for behavior that violates the standards of faculty conduct as articulated in the *ODU Teaching and Research Faculty Handbook*, other university policies, and applicable local, state, and federal laws. A sanction may not be imposed upon a faculty member unless the faculty member has been notified in writing of the charges upon which the sanction is based and has been provided with an opportunity to respond to those charges.

Under no circumstances shall the imposition of sanctions or the threat of the imposition of sanctions be used to restrain a faculty member's exercise of academic freedom or exercise of any of the rights guaranteed by the Constitution of Virginia or by the Constitution of the United States.

All notifications required under this policy shall be presumed delivered upon an email sent to the faculty member's ODU email address.

II. Definitions

- a. [A Minor Sanction includes all other disciplinary actions imposed on a faculty member and placed in the personnel file including letters of reprimand.](#)
- b. A Major Sanction is an action that negatively affects the faculty member's property [or liberty](#) interest including salary and rank. Examples may include but are not limited to actions that involve the dismissal, suspension without pay, reduction in salary, loss of salary increases, or reduction in rank of a faculty member.

III. Minor Sanction

A. Authority

A minor sanction may be imposed upon a faculty member by a department

Deleted: A Minor Sanction includes all other disciplinary actions imposed on a faculty member and placed in the personnel file including letters of reprimand.¹

chair, a dean, the appropriate Executive Vice President (EVP), or the president.

Deleted: provost and vice president for academic affairs, executive vice president for health sciences

B. Procedure

1. Before a minor sanction is imposed upon a faculty member, the faculty member must be provided with a written warning of the charges for which a sanction might be imposed. Charges should be related to violations of university policies or rules, or laws. The university policies which serve as the basis for the sanction should be specified in any charges leveled.
2. The faculty member then must be provided with an opportunity to present a statement in defense or in mitigation of the charges to the individual with the authority to impose the sanction. The faculty member should respond within 15 calendar days of receipt of the written warning.
3. Before a department chair or a dean exercises the authority to impose a minor sanction upon a faculty member, the decision and justification for imposing the sanction must be reviewed and approved by the immediate administrative supervisor of the individual imposing the sanction.
4. Upon approval of the administrative supervisor, the department chair or dean will send the notice that a minor sanction has been imposed, to the faculty member. The dean of the college/school should inform the appropriate EVP of the imposition of a minor sanction.
5. The faculty member shall acknowledge receipt of the notice of imposition of the sanction within 30 days of receipt of the notice of sanction. The notice shall include a statement of the reasons for the sanction, the faculty member's right to respond in writing, and refer to the information in the Faculty Sanctions policy. Any sanction imposed and the reasons therefore shall be noted in the faculty member's permanent personnel file but if no sanction is imposed, there shall be no notation or reference to the charges in the file.
6. The faculty member may respond in writing to the imposition of a minor sanction but must do so within 30 days following the faculty member's receipt of notice of the sanction. The faculty member's written response to the sanction will be included in the faculty member's permanent personnel file unless the faculty member requests otherwise.
7. All documents related to an imposed sanction must be retained in a secure location at the college level for five years.

Deleted:

Deleted: That opportunity shall be provided no less than ten (10) and no more than thirty (30) days

Deleted: following

Deleted: the faculty member's

Deleted: to impose the sanction and the reasons therefore

Deleted:

Deleted: of charges, including the recommended minor sanction(s) or a notice

Deleted: Provost

Deleted: If a notice of sanction was not included with the formal notice of charges, the faculty member shall be notified within 60 days of the notice of charges whether a minor sanction has been imposed. Whether the notice of sanction is included with the notice of charges or sent later, t

Deleted: 60

Deleted: If a minor sanction has been imposed, t

Deleted: thirty (30)

Deleted: charges

- C. A faculty member who desires a review of the minor sanction imposed may file a grievance against the administrative official imposing the sanction in accordance with the Faculty Grievance Policy.

IV. Dismissal and Other Major Sanctions

A. Authority

Only the Board of Visitors has the authority to dismiss a faculty member and only the Board of Visitors or the president has the authority to impose upon a faculty member a major sanction short of dismissal, i.e., reduction in current salary level or rank or suspension from service for a stated period with or without pay. "Dismissal" as used in this policy means the termination of a tenured faculty member or the termination of a nontenured faculty member prior to the end of a term appointment to which the faculty member would otherwise be entitled under the policies of the university but does not include the termination of faculty due to financial exigency, severe financial difficulties, or extensive curtailment in or discontinuance of a program of study or department of instruction.

B. Grounds for Dismissal or for the Imposition of Other Major Sanctions

Adequate cause for a dismissal will be related directly to the fitness of the faculty member in their professional capacity as a teacher, researcher, or provider of patient care.

Tenured or non-tenured faculty may be dismissed for "Just Cause" with a right of appeal through the faculty grievance process. "Just Cause" is defined as any act or patterns of behavior considered to be seriously detrimental to the interests of ODU, its faculty, its students, or its employees, including, but not limited to, the following:

- Neglect of duty, including, but not limited to, serious violation of faculty rules for governance or corporate by-laws, rules, and regulations.
- Violation of accepted standards of professional ethics.
- A consistent pattern of bullying, harassment, or similar inappropriate conduct toward colleagues and/or students. Bullying or harassment includes non-discriminatory bullying or harassment.
- Material breach of the faculty member's employment agreement.
- Conviction of a crime deemed to render the faculty member unfit to carry out their professional activities.
- Professional incompetence.
- Refusal to perform legitimate work assigned by the faculty member's supervisor.

C. Proceedings to Dismiss or to Impose Other Major Sanctions Upon a Faculty Member

1. The dismissal of a faculty member or the imposition upon a faculty member of other major sanction(s) shall be done only in accordance with the procedures described herein.

Deleted: ¶
Language from policy 1706 (Lift&Shift policy 1706) has been inserted below and the following language was deleted: ¶

Deleted: The dismissal of a faculty member or the imposition upon a faculty member of another major sanction shall be only for adequate cause. Such adequate cause must be related, directly and substantially, to the faculty member's performance of professional duties or responsibilities or to the fitness of the faculty member in his or her professional capacity. ¶

Deleted: From Policy 1706 – Grounds for Dismissal of EVMS Faculty ¶
Dismissal for "Just Cause" ¶

Deleted: ,

Deleted: and,

Deleted: Dismissal will not be used to restrain the faculty member in the exercise of academic freedom or other rights of an American citizen. University policies pertaining to academic freedom, discrimination, and sexual harassment shall be observed.

Deleted: and/or

Deleted:

2. It is solely within the discretion of the president to determine those cases in which the institution of proceedings to dismiss or to impose a major sanction on a faculty member might be appropriate. In deciding whether to initiate such proceedings, the president may act upon the recommendation of a department chair, a dean, the appropriate EVP, or upon their own initiative.
3. Except in extraordinary circumstances, if the president decides to initiate proceedings to dismiss or to impose a major sanction on a faculty member, either the president or an administrative official designated by the president shall offer to discuss the matter in private conference with the faculty member. The faculty member should respond to the offer to meet with the president or designee and schedule the meeting within 30 days. The meeting should normally be scheduled during the faculty member's contract period. At that time, the matter may be resolved by agreement. If the agreement includes the faculty member's acceptance of dismissal or another major sanction, that agreement shall be in writing and shall be placed in the faculty member's permanent personnel file.
4. If the president decides to proceed with dismissal or a major sanction, the president shall designate the appropriate administrative official to present charges against the faculty member and request that the chair of the Faculty Grievance Committee initiate the applicable procedures of the committee. The Faculty Grievance Policy and the policy on Faculty Grievance Committee and Hearing Panels: Composition and Procedures can be found in the ODU [Teaching and Research Faculty Handbook](#).
5. Upon the conclusion of the Faculty Grievance Committee's procedures and upon the president's receipt of the recommendation and report of the committee issued as described therein, the president may decide to accept, alter, or reject the recommendation of the committee as the president sees fit. If the president decides to alter or reject the committee's recommendation, the president must state in writing the reasons for that decision.
6. The president must notify the faculty member and the committee of the president's decision and, if required, the reasons therefore, within thirty (30) days of the president's receipt of the committee's report. If the president fails to forward notice to the faculty member and the committee within thirty (30) days, the president shall be deemed to


Deleted: provost and executive vice president for academic affairs, executive vice president for health sciences

Deleted: commence a proceeding to dismiss or to impose a major sanction on a faculty member and will

have accepted the committee's recommendation.

- a. If the president decides to dismiss the charges or to impose a minor sanction upon the faculty member, the president's decision shall be final.
- b. If the president decides to impose a major sanction other than dismissal upon the faculty member, the president's decision shall be final.
- c. If the president recommends dismissal of the faculty member, the president shall forward that decision to the Board of Visitors at the time of notification of the faculty member and the committee as provided above.

D. Actions by the Board of Visitors

1. After consideration of a presidential recommendation to dismiss a faculty member, the Board may decide whether to dismiss the faculty member or impose a lesser sanction or to dismiss the charges against the faculty member. If it should decide to dismiss the faculty member, the Board shall provide written notification of this decision to the faculty member and to the president. Written notice shall include the effective date of the dismissal, other sanction, or dismissal of charges which may be any time following the date of notice.
2. 

In every case the decision of the Board is final.

E. Limitations Upon the Imposition of More than One Sanction

The imposition of a minor or major sanction on a faculty member shall preclude the imposition of another sanction based upon the same incident. Previous sanctions imposed on a faculty member may be taken into account when considering new sanctions based on a different incident or a repeat of sanctioned behavior.

F. Suspension Prior to the Completion of Proceedings

Prior to the completion of proceedings under this policy, a faculty member may be suspended by the president or assigned other duties in lieu of suspension if the faculty member's continued performance of regular duties presents a threat of serious harm to the faculty member or to others. Salary shall continue during suspension. Suspension pursuant to this section does not release the university from its obligation to complete proceedings as described in this policy within a reasonable time after suspension.

Deleted: The Board may decide instead to impose a major sanction, other than dismissal, to impose a minor sanction, to dismiss the charges or to withhold final decision and to remand the matter to the Faculty Grievance Committee for further proceedings in accordance with the Board's directions. The Board shall provide written notice of its decision to the president and to the faculty member.

Deleted: serious harm to the faculty member or to others is threatened by