

AY21-37-G

NUMBER: 1450
TITLE: Faculty Sanctions
APPROVED: February 13, 1982

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 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 Major Sanction is an action that negatively affects the faculty member's property interest including but not limited to 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.

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

III. Minor Sanction

A. Authority

A minor sanction may be imposed upon a faculty member by a department chair, a dean, the provost and vice president for academic affairs, or the president.

B. Procedure

1. Before a minor sanction may be imposed upon a faculty member, the faculty member must be notified in writing of the charges for which a sanction might be

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imposed. [Charges should be related to violations of university policies or rules, or laws. The university policies should be specified in any charges leveled.](#) The faculty member then must be provided with an opportunity to meet with and to present a statement in defense or in mitigation of the charges to the individual with the authority to impose the sanction. That opportunity shall be provided no less than ten (10) and no more than thirty (30) days following the faculty member's receipt of notification of charges.

2. Before a department chair or a dean exercises the authority to impose a minor sanction upon a faculty member, the decision to impose the sanction and the reasons therefore must be reviewed and approved by the immediate administrative supervisor of the individual imposing the sanction.
3. Within sixty (60) days of the date of the faculty member's receipt of notice of charges, the faculty member shall be notified as to whether a minor sanction has been imposed [and acknowledge receipt of the notice of imposition of the sanction.](#) If a minor sanction has been imposed, 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 notified 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.
4. The faculty member may respond in writing to the imposition of a minor sanction but must do so within thirty (30) days following the faculty member's receipt of notice of the sanction. The faculty member's written response to the charges will be included in the faculty member's permanent personnel file unless the faculty member requests otherwise.

5. [All documents related to an imposed sanction must be retained in a secure location at the college level for five years.](#)

- 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.

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IV. Dismissal and Other [Major](#) Sanctions

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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

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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

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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.

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

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

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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 provost and vice president for academic affairs, or upon his own initiative.

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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.

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4. If the president decides to proceed with dismissal or a major sanction, the president shall commence a proceeding to dismiss or to impose a major sanction on a faculty member and will 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 Teaching and Research Faculty Handbook. (include hyperlink)

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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 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.

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b. If the president decides to impose a major sanction other than dismissal upon the faculty member, the president's decision shall be final unless appealed to the Board of Visitors by the faculty member. In order to so appeal, the faculty member must notify the president in writing of the appeal within thirty (30) days after the faculty member's receipt of the president's decision.

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c. If the president decides to recommend 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.

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D. Actions by the Board of Visitors

1. During its consideration of a presidential recommendation to dismiss a faculty member or during its consideration of a faculty member's appeal of a presidential decision to impose another major sanction, the Board shall review the record of the case, including the report of the Faculty Grievance Committee, and shall provide the faculty member and the president (or the president's designated representative) with an opportunity to make a written statement and, if either party should so choose, an oral statement. Generally, these statements will be based upon the record of the case. Advisors (including attorneys) are not permitted to directly address the designated Board of Visitors Committee. The Board, in its discretion, may request additional evidence from either party or may permit either party, upon the party's request, to present additional evidence so long as the other party has the opportunity to examine and to respond to the additional evidence. Any additional evidence presented to the Board by either party shall be fully disclosed to the other party prior to presentation of the evidence to the Board.

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2. After its consideration of a presidential recommendation to dismiss a faculty member, the Board may decide to dismiss 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 which may be any time following the date of notice.

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▼ 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.

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3.▼ After its consideration of an appeal of a presidential decision to impose a major sanction other than dismissal upon a faculty member, the Board may decide to sustain the president's decision, to reduce the sanction (see D.1. above for relevant procedures), 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 faculty member and to the president.

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▼ If the matter is remanded to the Faculty Grievance Committee, the committee shall conduct additional proceedings in accordance with the Board's directions. Following the conclusion of such proceedings, the committee shall transmit its report to the Board and shall furnish copies of its report to the president and to the faculty member. After receipt of the committee's report, the Board shall make its final decision and shall provide written notice of its decision to the president and to the faculty member.

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4.▼ In every case, the decision of the Board is final.

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E.▼ Limitations Upon the Imposition of More than One Sanction

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The imposition upon a faculty member of a minor or major sanction shall preclude the imposition upon that faculty member 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.▼

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F.▼ Suspension Prior to the Completion of Proceedings

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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 serious harm to the faculty member or to others is threatened by the faculty member's continued performance of regular duties. 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.