

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE

University Statutes and Senate Procedures
(Action; Revised Second Reading)

SP.94.02 Proposed Statutory Changes Re: Terms of Employment Amendment to Article IX

BACKGROUND

A slightly different version of this statutory revision was approved by the Urbana-Champaign Senate on April 21, 1997 <<http://www.uiuc.edu/providers/senate/sp9402.html>>. Since the Senate Committee on University Statutes and Senate Procedures (USSP) believes the changes from that version to this one are not substantive, this proposal is being presented as a revised Second Reading.

Principal changes include:

- Migrating the proposed language to Article IX of the *Statutes* instead of Article X
- Adding flexibility to and streamlining the appeals process
- Retaining only suspension with or without salary as a possible sanction
- Classifying these sanctions as “severe” to distinguish them from lesser sanctions which may be imposed administratively

RECOMMENDATIONS

The Senate Committee on University Statutes and Senate Procedures recommends approval of the following modifications to the *University Statutes*.

PROPOSED AMENDMENTS TO THE *UNIVERSITY STATUTES*,

Article IX, New Section 6:

- 1 Section 6 SEVERE SANCTIONS OTHER THAN DISMISSAL FOR CAUSE
2
3 (a) Severe sanctions other than dismissal for cause may be imposed on a member of the
4 faculty, as defined in Article IX, Section 4a of the *Statutes*, provided that procedures on a
5 campus adopted by the campus chancellor in consultation with that campus senate are
6 followed. In all cases, the chancellor or the chancellor’s designee shall exercise the duties
7 assigned to the president for faculty who are members of campus units, and in all cases
8 the process to be followed will be that of the campus on which the unit resides.
9
10 (b) Campus procedures shall include, at a minimum, 1) a determination by the provost, in
11 consultation with a committee identified by the senate, that cause exists to initiate
12 proceedings that may result in the imposition of serious sanctions, 2) notice to the faculty
13 member of the charges and initiation of the sanction proceedings, 3) opportunity for a

14 hearing before an elected committee specified by the senate, 4) provision that if the elected
15 committee recommends that charges be dropped and the provost concurs, the case shall
16 be considered closed, 5) the opportunity for the faculty member to file an appeal with the
17 chancellor within 20 days following the provost's decision to impose sanctions, 6) an appeal
18 process encompassing both substantive and procedural objections, and 7) a process
19 wherein the chancellor's decision on the merits of an appeal is final. These campus
20 procedures are the exclusive process for determining whether sanctions less than
21 dismissal may be imposed, and neither intermediate actions nor the final decision under
22 these processes are subject to review under existing grievance policies.

23

24 (c) The campus procedures will be initiated only after discussions are held between the
25 faculty member and appropriate administrative officers looking toward a mutual settlement.
26 The initiation or pendency of proceedings under this Section 6 shall not be deemed to
27 prevent or delay the University or any other person from pursuing any other remedy
28 available to such person against the faculty member for conduct allegedly violating
29 subsection (d) below.

30

31 (d) Adequate due cause for severe sanctions other than dismissal shall be restricted to
32 actions clearly related to University activities and shall be limited to the following: (1)
33 engaging in professional misconduct in the performance of University duties or academic
34 activities, (2) neglecting or refusing to perform reasonable assigned academic duties, (3)
35 violating Senate-approved Campus or University regulations or policies related to conduct
36 of academic duties, (4) acting outside the appropriate exercise of University responsibilities
37 so as willfully to physically harm, threaten physical harm to, harass or intimidate a visitor or
38 a member of the University community with the effect of interfering with that person's
39 performance of University duties or academic activities, (5) willfully damaging, destroying or
40 misappropriating property owned by the University or any property used in connection with
41 a University function or approved activity, or (6) conviction in a court of law for a felony that
42 is clearly related to the performance of University duties or academic activities. Findings of
43 fact made in prior proceedings under policies established by the President with the advice
44 of the Senates and University Senates Conference under procedures described in Article
45 XIII, Section 8 of the *Statutes* shall be presumed to have been established subject to
46 rebuttal on grounds *inter alia* of the thoroughness and fairness of the proceeding giving rise
47 to them.

48

49 (e) When misconduct is determined to have occurred, a severe sanction other than
50 dismissal consists of suspension with or without salary (full or partial) for a period not to
51 exceed one-half of the individual's normal appointment period. During the suspension
52 period, health and retirement benefits shall be maintained.

53

54 Renumber remaining sections.

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STATUTES AND SENATE PROCEDURES

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