

# CLAREMONT GRADUATE UNIVERSITY

## POLICY ON FACULTY DISCIPLINE

Claremont Graduate University (CGU) demands high standards of professional conduct from its faculty to maintain the integrity of its teaching and research, and to safeguard academic freedom.

### Policy

An individual or group of individuals who are students, faculty, administrators or staff members at Claremont Graduate University may bring to the Provost a written allegation that a CGU faculty member has violated established policies or behavioral standards of the University. Such an allegation must be signed; it may not be anonymous.

Disciplinary procedures are invoked in response to a written allegation, when the Provost formally charges a faculty member in writing with misconduct that is serious enough to consider a sanction ranging from reprimand to dismissal from the University. Such misconduct includes but is not limited to the following: dishonest or unethical behavior in the faculty member's own teaching or research; preventing or obstructing teaching or research or any other lawful function of the University; harassment; and the neglect of University-related duties and responsibilities.

A faculty member so charged under these procedures may be subject to sanctions including but not limited to the following: a letter of reprimand (public or private); monitoring of the faculty member's teaching, supervision of students or related activities concerning the violation; suspension from the University for a specified period of time; reduction in rank or pay; dismissal from the University.

Under extraordinary circumstances, when the President feels that there is a clear and present danger to the faculty member, students, faculty or the University, the faculty member may be placed on an administrative leave for up to six months pending the outcome of the FDC proceedings. Suspension under these circumstances may be with or without pay and benefits, pending the outcome of the FDC proceedings. Approval of the Board of Trustees is required for the President to suspend a faculty member without pay and benefits.

The Provost shall make a good faith effort to meet with the faculty member in confidence to provide him or her with the written allegation, and to give the faculty member an opportunity to reply in writing. The Provost and the faculty member are encouraged to make every effort to resolve the issues informally.

If satisfactory resolution is not reached between the Provost and the faculty member, or if the faculty member wishes to contest the written allegation, the Provost shall notify the chairperson of the Faculty Executive Committee (FEC) that a Faculty Disciplinary Committee (FDC) is to be appointed. If an allegation, which is the subject of an FDC proceeding, is the subject matter of litigation – either by action of the faculty member or someone else – then the President has the

right to postpone University action on all or part of the allegation until such time the litigation has been resolved.

If the President determines that a conflict of interest prevents the Provost from either attempting a resolution or invoking a charge, the President shall appoint another member of the CGU senior administration to act in place of the Provost.

Allegations made in good faith will not be the basis for discipline against a complainant, and efforts will be made by the Provost or the Provost's designee to assure that no retaliatory actions occur over the good faith reporting of alleged misconduct. An allegation of misconduct that is found to be false and maliciously motivated, may itself become the basis of a disciplinary action.

### **Initiation of Charge**

A disciplinary charge will initiate with the Provost and be referred to the FDC. These matters concern alleged misconduct by a faculty member that are serious violations of established CGU policy or standards. Alleged violations of federal, state, or local laws for which reporting is mandated and those that are also violations of established CGU policy or standards shall be reported to the appropriate authorities. The University shall then consider what action is most appropriate in light of the alleged violation.

In particular, adequate cause for dismissal from the University is considered in the following circumstances:

1. A faculty member exhibits a persistent pattern of under-performance that is so substandard when compared to the normal activities of the faculty that it qualifies as a clear dereliction of duty.
2. A faculty member commits an act or acts that violate established CGU policies or standards and are so egregious that they cannot be tolerated even infrequently among college faculty. This includes, but is not limited to, acts of gross assault, gross physical violence, rape, embezzlement, extortion, dealing of illegal drugs, wanton destruction of property, gross professional or ethical misconduct including plagiarism and academic fraud, and gross moral turpitude.

### **Composition of Faculty Disciplinary Committee**

After meeting with the Provost, the chairperson of the FEC has sole responsibility for appointing five tenured CGU faculty members to the FDC. The FDC is not a standing committee; the chairperson of the FEC appoints an FDC for each case. The choice of members shall be made on the basis of their fair-mindedness and the high regard in which they are held in the academic community. No FDC member shall be directly involved in the matter being considered, nor have a conflict of interest with this matter. The FDC shall appoint a chairperson from among its members.

If anyone raises a dispute over whether an appointed member has a conflict, or is appropriate to serve on the FDC, the matter is to be submitted to and decided by the Faculty Grievance

Committee. A good faith effort shall be made for the Faculty Grievance Committee to respond within five working days. The FDC proceedings shall be suspended during this period.

### **Faculty Disciplinary Committee Procedures**

If the Provost and the faculty member are unsuccessful in attempting to resolve the matter informally, the Provost, following whatever investigation he or she deems appropriate, may bring charges on behalf of the University against the faculty member.

1. The Provost shall prepare for the FDC a written statement of the charges and the proposed sanctions. A good faith effort shall be made to process this written statement within ten working days after any attempted resolution by the Provost. A copy of the statement will be given to the faculty member and the original will be given to the FDC. At any time during the proceedings of the FDC, the Provost and faculty member may seek to resolve the matter by agreement, with the approval of the President. Once a written allegation has been filed with the FDC by the Provost, a resolution of the charges requires the approval of the President, the Provost, and the faculty member.
2. Within ten working days after receipt of the written charge and proposed sanctions from the Provost, the faculty member has the opportunity to file with the FDC, a written statement of defense, factual disputes with the allegations, and any additional factual matters believed to be relevant.
3. The Provost has five working days in which to respond to the written statement of the faculty member, if one is submitted.
4. A hearing will be scheduled by the FDC no less than 10 and no more than 20 working days after the above noted five-day response period. During this period the Provost may amend the charges or sanctions, provided that the faculty member is informed and allowed ten working days to respond to the FDC in writing.
5. In determining the rules for conducting the hearing, the FDC shall follow the established procedures and practices of the CGU grievance committees.
6. Both the Provost and the faculty member will have access to all documents and records filed with the FDC and have the right to call witnesses. During hearings only the FDC may question witnesses. The Provost and the faculty member may provide the FDC with a suggested list of questions to ask each witness. Within reason, the Provost and the faculty member shall be permitted during the hearing to provide additional questions to be asked of the witnesses by the FDC.

7. If the FDC feels that any additional information would be helpful to it in reaching a decision, it may conduct an independent inquiry, obtain additional information, and call additional witnesses.
8. Hearings of the FDC in which evidence is collected and witnesses are questioned will be open to both the Provost and the faculty member. The Provost and the faculty member are permitted to be accompanied by a friend or advisor who may speak to the FDC. An attorney may not appear with or on behalf of anyone present at the hearing. Throughout the FDC proceedings, all those involved should keep in mind that the procedures are those of a university and not a court of law, and therefore should seek to avoid any excessively legalistic approach.
9. The Provost and the faculty member may attend only the FDC hearing. Meetings of the FDC prior to and subsequent to the hearing are closed.
10. All proceedings of the FDC are confidential to the extent permitted by law. The FDC chairperson is responsible for insuring that a written record is maintained of all FDC meetings, including both meetings in which evidence is presented and those in which FDC deliberations occur. The record is to preserve the content of what transpires and not the individual associated with specific statements. Notes taken by the individual FDC members are for their own use in the confidential deliberations of the FDC.
11. If anyone, including the accused, has a dispute over whether the policies and procedures of the FDC are being followed, this dispute is to be submitted to and decided by the Faculty Grievance Committee. A good faith effort shall be made for the FDC to respond within five working days. The FDC proceedings shall be suspended during this period.

### **The Report of the Faculty Disciplinary Committee**

1. Within five working days after deliberating, the FDC shall submit a written report to the President. The report is to include the FDC's finding regarding the charges and its recommendation regarding any sanctions. The FDC shall provide detailed support and the vote indicated for both the finding (i.e., guilty or not guilty of the charges) and the recommended sanctions. A finding of professional misconduct requires that a majority of the members of the FDC concludes that the faculty member committed professional misconduct as charged. If a majority of the members of the FDC concludes that the faculty member has committed professional misconduct, the FDC will then recommend sanctions to the President that are reasonable, fair and appropriate for the finding. The President, the Provost, and the faculty member will each receive a copy of the FDC report.
2. The President may accept the finding and the sanctions of the FDC or not. If the President does not accept the recommended finding of the FDC, he or she must resubmit the case to the FDC for reconsideration with a statement of questions or objections. The FDC will then reconsider the case in light of such questions or objections, hold (if necessary) further hearings and receive new evidence, and render in writing, either a new decision or state the reasons for reaffirming its original decision. After study of the FDC's reconsidered decision regarding its finding, the President may make a final decision on the finding different from that of the FDC only if the President determines: that the faculty member or the University

was denied a fair hearing; or that the FDC decision regarding the finding was not one which a decision making body in the position of the FDC might reasonably have made. If the President makes a final decision on the finding that is different from that of the FDC, a full explanation of the reasons for that different decision shall be provided in writing to the FDC, the Provost and the faculty member.

3. If the President makes a final decision regarding the sanctions that is different from that of the FDC, a full explanation of the reasons for the different sanctions shall be provided in writing to the FDC, the Provost and the faculty member.
4. In cases in which the recommended sanctions involve reduction in rank, a loss of or reduction in pay, or suspension or dismissal from CGU, the President shall submit his or her recommendation along with the report of the FDC to the Board of Trustees. The President's recommendation in such cases is not effective until and unless it has been approved by the Board of Trustees. The Board is the final arbiter as to whether the President's decision and recommended sanctions are reasonable, fair and appropriate.
5. After the case has been finalized, all materials pertaining to the case shall be kept on file in the Office of the President in accordance with CGU's recommended policy on record retention.

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This policy is effective upon adoption by both the CGU Faculty and the Board of Trustees.

Approved by the FEC, May 5, 2003

Adopted by the CGU Faculty on May 12, 2003.

Adopted by the CGU Board of Trustees May 16, 2003