

Procedure 12.01.99.D0.01 Dismissal for Cause

Approved August 3, 2026
Next Scheduled Review: August 3, 2031



Procedure Summary

This procedure is established to provide guidelines, as called for in section 8 of System Policy 12.01 *Academic Freedom, Responsibility and Tenure* regarding dismissal of faculty for cause to address issues related to performance or misconduct.

Procedures and Responsibilities

1. ELIGIBILITY

- 1.1 These dismissal procedures apply only to a faculty member who has tenure, a non-tenured tenure track faculty member, or a fixed-term professional track faculty member under System Policy 12.07 whose term appointment has not expired at the time of the dismissal.
- 1.2 Good cause for dismissal: As described in section 6 of local rule *12.01.01.D1 Institutional Rules for Implementing Tenure and Promotion* and section 5 of local rule *12.07.99.D1 Institutional Rules for Professional-Track Faculty*, faculty members may be dismissed in cases of financial exigency or when warranted by educational considerations. Per sections 4 and 8 of System Policy *12.01 Academic Freedom, Responsibility and Tenure*, good cause for dismissal of a faculty member also effectively includes any act or behavioral pattern exhibited by the faculty member that puts the successful and ethical functioning of any part or member of the university in jeopardy, including (but not limited to) professional incompetence, failure to successfully complete the requirements of a professional development plan established as part of a post-tenure review, moral turpitude, criminal conviction, falsification of academic records or credentials, violation of university or System policy, and a finding of sexual harassment or other serious misconduct.

2. INITIATION OF THE DISMISSAL PROCESS

- 2.1 When a supervisor has identified faculty performance and/or misconduct issues, prior to initiating the dismissal process a bona fide effort must be made to achieve a satisfactory resolution of the issues through preliminary inquiry, discussion, or confidential mediation.
- 2.2 Should these efforts fail to achieve a satisfactory resolution, the faculty member's supervisor should discuss the matter with the appropriate college dean. If in agreement that dismissal may be warranted, the dean will discuss the matter with the provost and the president of the university. If the provost and president agree that a dismissal may be warranted, they will determine whether to initiate a dismissal for cause (with reassignment or suspension with pay during the pendency of dismissal proceedings), suspension without pay pending dismissal, or summary dismissal. The dean will issue written notification to

the faculty member that dismissal proceedings are being initiated and what determination was made regarding reassignment, suspension, or summary dismissal. This notification must include the specific grounds for initiating the dismissal process, an explanation of the evidence, and an opportunity to respond to an administrator who is designated by the university president.

3. SUMMARY DISMISSAL OR SUSPENSION WITHOUT PAY PENDING DISMISSAL

3.1 Faculty notified of the intent for summary dismissal or suspension without pay pending dismissal who wish to be reassigned or suspended with pay pending during the dismissal proceedings, must provide a response to the administrator designated by the university president within 5 business days of receiving written notification of the initiation of dismissal proceedings.

3.2 The designated administrator will have 5 business days after hearing the faculty member's response to determine whether or not to proceed with a summary dismissal or suspension without pay pending dismissal.

3.2.1 If the designated administrator determines that summary dismissal or suspension without pay pending dismissal is appropriate, this will be communicated to the faculty and dismissal proceedings will continue.

3.2.2 If the designated administrator determines that neither summary dismissal nor suspension without pay pending dismissal are appropriate, then the dismissal proceedings will continue but the faculty will either be reassigned or suspended with pay during the pendency of dismissal proceedings, as determined by the designated administrator.

3.3 A faculty member who is summarily dismissed or suspended without pay pending dismissal also has an opportunity for a post-termination evidentiary hearing appealing the dismissal in accordance with the procedures outlined in Section 5 below.

3.4 A tenured faculty member may only be subject to summary dismissal or suspension without pay pending dismissal if the stated cause for dismissal is a finding of serious misconduct that has been substantiated by an investigation conducted in accordance with system policy. Serious misconduct includes, but is not limited to, sexual harassment, scientific misconduct, fraud, and violence or threat of violence in the workplace. A non-tenured faculty member whose term appointment has not expired may be subject to summary dismissal or suspension without pay pending dismissal for good cause.

4. REASSIGNMENT OR SUSPENSION WITH PAY PENDING DISMISSAL

A faculty member may be reassigned or suspended with pay during the pendency of dismissal proceedings; however, suspension with pay is justified only if the welfare of the faculty member or that of students, colleagues or other institutional employees is threatened by continuance, or if the continued presence of the faculty member would be materially and substantially disruptive of the regular operations of the system academic institution. A suspension with pay should be with appropriate provisions for useful duties, including appropriate access to classrooms, laboratories, libraries, and other facilities.

5. HEARING

5.1 A faculty member who is summarily dismissed or suspended without pay pending dismissal after the process described in section 3 or a faculty member who receives a notice of dismissal with reassignment or suspension with pay may submit a notice of appeal to the university president or designee within ten (10) business days of receipt of the notice of dismissal. A hearing will be conducted to address the appeal; the purpose of this hearing is to determine whether the faculty member should be removed from their position. The president or designee must notify the appropriate hearing committee within five (5) business days of the date the appeal has been filed and provide information to the faculty member as to the procedural rights that the faculty member will have in the hearing. This includes the right to challenge the membership of the hearing committee by petition to the president.

5.1.1 If an appeal includes an allegation(s) that the decision was based on discrimination, the CEO or designee promptly reports the allegation(s) to the designated office in accordance with System Regulation *08.01.01 Civil Rights Compliance*. Any allegation(s) of discrimination will be exclusively adjudicated in accordance with the procedures outlined in System Regulation 08.01.01. However, the appeal hearing process in this section is not stayed pending conclusion of the investigation, decision, and appeal processes outlined in System Regulation 08.01.01.

5.2 The hearing committee will be appointed by the president and must include at least one faculty member from the college wherein the appellant has an academic appointment and at least one faculty member from an outside college. The committee may contain staff representatives, but the majority of members must have full-time faculty appointments, with preference given to tenured faculty with the rank of professor.

5.3 The hearing committee will set a time for the hearing that will allow the faculty member a period of 30 days during which to prepare a defense to the charges made and will notify the faculty member in writing of the time and place for the hearing. Notwithstanding this 30-day period, the hearing should take place within 60 calendar days of the date of the appeal request but may be extended by up to 10 business days by the chair of the hearing committee for good cause. The notification of the scheduled hearing given to the faculty member will include the names of the witnesses against the faculty member and the nature of the testimony of each. The hearing will be closed unless the affected faculty member requests that it be open.

5.4 The burden of proof is on the university to establish, by a preponderance of the evidence, the existence of good cause for dismissal and/or suspension without pay pending dismissal.

5.5 Witnesses in addition to those listed on the written notification given to the faculty member may be added to the list later for good cause. The faculty member has the right to confront all adverse witnesses. Where unusual and urgent reasons move the hearing committee to withhold this right, or where the witness cannot appear, the identity of any witness and any statement made should nevertheless be disclosed to the faculty member. Subject to these safeguards, statements from witnesses may, when necessary, be taken outside the hearing and reported to it. Both the faculty member and the university have the right to be represented by an advisor, to call witnesses, to question all witnesses who testify orally, to have a full stenographic record or electronic recording of the proceedings, and to be

provided with access to the record of the proceedings with the right to copy such records. The hearing committee should allow oral arguments and written briefs by the president of the university or designated representative and by the faculty member or designated representative.

- 5.6 The hearing committee must formulate explicit findings with respect to each of the grounds for removal presented and must recommend whether, in its judgment, there is good cause for dismissal. In cases concerning an untenured faculty member whose term of appointment has not expired, committee deliberations and findings must be limited to whether the university's decision to dismiss was legal and did not violate either System policies or the academic freedoms of the faculty member. The committee's recommendation must be given in writing to the president no later than 10 business days after the hearing is completed. If the president proceeds with the dismissal, they must forward all documentation related to the dismissal and hearing proceedings to the chancellor, who has a maximum of 20 business days to review the materials and to make the final decision regarding the dismissal, and/or suspension without pay pending dismissal, or to return the materials to the president for a follow-up hearing if additional information that was not available to the president or the hearing committee during their reviews is identified. Any follow-up hearing must occur within 10 business days of receipt of the materials returned from the chancellor, must be subject to the guidelines already described in this section, and must adhere to the recommendation and review process described earlier in this paragraph. The effective date of any dismissal will be determined by the chancellor. This decision is final.

Related Statutes, Policies, or Requirements

System Regulation [*08.01.01 Civil Rights Compliance*](#)

System Policy [*12.01 Academic Freedom, Responsibility and Tenure*](#)

System Regulation [*12.01.01 Institutional Rules for Implementing Tenure*](#)

University Rule [*12.01.01.D1 Institutional Rules for Implementing Tenure and Promotion*](#)

University Rule *12.07.99.D1 Institutional Rules for Professional-Track Faculty*

Contact Office

Office of the Provost and Vice President of Academic & Student Affairs
254-519-5447