

Memo Explaining Chapter 8 of New Faculty Handbook

Proposed changes to disciplinary and dismissal policy in the faculty handbook - New Chapter 8

The Handbook Committee has been reviewing the **disciplinary and dismissal policies** in the handbook over the past several years. Our committee has spent a great deal of time working on the language and procedures. Attached is the draft chapter and the memo below highlights key changes and additions to the new language.

This material is extremely important and affects all faculty. Please read/review carefully. Please contact Jana Lipman (SLA), Dennis Kehoe (SLA), Patty Kissinger (Public Health), Hugh Long (Public Health), Morris Kalka (SSE), Sam Landry (Medicine), or Harish Sujana (Business) with any concerns, questions, suggested revisions. **Please send all comments by: October 28, 2019.**

Once we have received faculty input, we will present the revised chapter to the University Senate. We anticipate a first reading in November or December, 2019, and a Senate vote as month after.

There are three major changes:

First, there are new procedures for disciplinary measures other than termination. Currently, there are only formal procedures for dismissal hearings.

The result is that administrators and faculty have few tools to correct any faculty misconduct or failure to fulfill their responsibilities that might fall short of termination. In addition, it means that administrators often use informal mechanisms, independently of faculty oversight, leading more to individual decisions and that are outside a shared governance structure. The proposed changes ADD new disciplinary procedures for behaviors that do not meet the bar of initiating the procedure to terminate tenure or employment. The goal is for there to be more formal mechanisms to regulate faculty conduct, more consistent policies, and for faculty members to participate in these hearings/decisions in a shared governance structure.

The proposed revised handbook adds language and possibilities for discipline other than dismissal, including written warnings, written censure, and suspension without pay.

Second, these procedures are for all tenured, tenure-track, professors of practice (all ranks), research track (all ranks), and clinical faculty (all ranks). This is important because our current handbook does not take into consideration the multiple titles/ranks of faculty, and it only addresses the termination of tenure.

In order to discipline or terminate a Professor of Practice, research faculty or clinical faculty for cause during a contract term, the procedures outlined in the new chapter 8 apply. This is separate and distinct from non-renewal of contract.

Third, the most substantive change is in 8.5.2.E. In our current handbook, all faculty members and the representatives of the University have the right to cross-examine witnesses. In the new

procedures, all parties have the opportunity to address the hearing committee and submit questions in writing to the committee chair. The chair of FTFR will have discretion over which questions to pose. A record of all questions will be retained in order to ensure that the chair cannot ignore pertinent questions. This change has been made to make the process less litigious. In addition, in cases of sexual harassment/abuse and or other sensitive areas, it means that individuals bringing accusations against fellow faculty members do not face direct interrogations by the accused.

In addition, there are many changes in the body of the chapter. Here are key highlights:

- The Preamble to Chapter Eight, Faculty Code of Conduct, is entirely new. In addition, there will be a preamble to the entire handbook, providing Tulane's Statement on Academic Freedom, Tenure, and Responsibilities.
- Section 8.1.1 --- This is also new.
- Section 8.1.2+ – This is new. This material is largely from the AAUP, and it outlines key principles related to teaching and academic freedom.
- 8.2.1 – This outlines substantively new language for disciplinary procedures other than termination. This is all new material.
- 8.3.2 – This provides for faculty-driven concerns to be directed to school-based, elected grievance or executive committees to review misconduct and evaluate whether disciplinary actions, other than dismissal, should move forward.
- 8.4 Adequate cause for dismissal – These have changed to include violations of the University's Conflict of Interest Policy, violations of its Equal Opportunity and anti-Discrimination policy. There are three ways that dismissal hearings can be triggered: if the Senate Equal Opportunity/Anti-Discrimination Committee recommends dismissal, if a school-based Grievance committee recommends dismissal for research misconduct, or if a misconduct case arises for other reasons and follows the steps outlined in 8.5.1.
- Preliminary Inquiry – this is much more detailed than the current language in the handbook.
- 8.5.2 Hearing procedures – The most substantive change is in 8.5.2.E. In our current handbook, all faculty members and the representatives of the University of the right to confront and cross-examine witnesses. In the new procedures, all parties have the opportunity to address the hearing committee and submit questions in writing to the committee chair. The chair of FTFR will have discretion over which questions to pose. A record of all questions will be retained in order to ensure that the chair cannot ignore pertinent questions. This change has been made to make the process less litigious. In addition, in cases of sexual harassment/abuse and or other sensitive areas, it means that individuals bringing faculty accusations against fellow faculty members do not face direct interrogations by the accused.
- In dismissal hearings, that started as Equal Opportunity charges, the chair of the Senate EO Grievance Committee will present evidence to FTFR. This again protects individuals bringing these cases forward from having to be directly questioned a second or third time.
- In other respects, the procedures here largely mirror our current dismissal proceedings.

- In addition, the final Appeal to the Board mirrors our current dismissal procedures.
- 8.8 Administrative Leave – this is a new section. It allows the Provost to temporarily separate a faculty during the dismissal process if he/she believes there would be immediate harm to faculty members or others.