

# **UIC** FACULTY AFFAIRS POLICIES, PROCEDURES, AND GUIDELINES

**SECTION:** FPPG 800 – Employee Relations **NUMBER:** 804

**SUBJECT:** Dismissal of Non-Tenured Faculty w/Multi-Year Contract

**APPROVED BY:** Chancellor

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**AUTHORITY:** Provost/Vice Chancellor for Academic Affairs

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**OBJECTIVE:** UIC procedures to implement **Statutes** governing dismissal of non-tenure-eligible academic staff member with a multiple year contract prior to the end of the term.

**POLICY:** Article X. Section 1(a) of the University **Statutes** authorizes each campus Chancellor, with advice and consent of the Senate, to develop implementing procedures for multi-year contract appointments, including procedures for dismissal prior to the end of the contract term. Article IX Section 12 of the **Statutes** states that members of the academic staff with multiple year appointments may be dismissed for cause, and further defines cause as:

1. Failing to perform contractual duties or related activities in a professional manner, whether from incompetence, neglect or willful refusal;
2. Failing to follow all applicable campus or University regulations or policies, and all applicable laws related to the conduct of contractual duties;
3. Acting outside the appropriate exercise of University responsibilities so as to willfully cause or threaten to cause physical harm to, harass or intimidate a visitor or a member of the University community;
4. Willfully or negligently damaging, destroying or misappropriating property owned by the University or any property used in connection with a University function or approved activity; or
5. Being convicted of or pleading guilty to a felony.

**APPLICABILITY:** Academic staff holding multi-year contracts consists of members of the academic staff with the rank or title as defined in Article X, Section 1(a), Paragraphs (6) and (7) of the University **Statutes**.

**PROCEDURE:** The following procedures, based upon the principle of next-level review, are adopted and will be applied by the UIC campus in cases where cause may exist to seek dismissal of an academic staff member prior to the conclusion of his/her multi-year contract term.

(1) Responsibility of the Unit Executive Officer<sup>1</sup>, in consultation with a committee identified by the Senate, to consider whether cause may exist to initiate dismissal proceedings against an academic staff member ("person being charged").

(a) In considering whether cause exists to initiate dismissal proceedings concerning an academic staff member, and before arriving at a determination that such cause exists, the Unit Executive Officer shall consult about the matter with the Senate Executive Committee in closed session.

(b) This consultation and all further deliberations and communications involved in any such proceeding shall be confidential to the extent permitted by law.

(2) Notice to the staff member of the charges and initiation of dismissal proceedings. When the Unit Executive Officer (UEO) has arrived at the determination that cause exists to initiate such proceedings, the person being charged shall be informed in writing by the UEO of the charges and initiation of dismissal proceedings, of the process to be followed in these proceedings (including the appeal procedure), and of the timelines of the process.

(3) Opportunity for a hearing before an elected committee specified by the Senate.

(a) There shall be a Hearing Committee for Academic Staff Dismissal (henceforth "Hearing Committee" or "Committee") to which such charges shall be referred, that shall hold hearings, inquiries and deliberations relating to the cases in which they are brought, and that shall be empowered and charged as specified below with respect to the disposition of these cases. It shall consist of three (3) academic staff or administrative employees, appointed by the UEO, in consultation with the chair of the Senate.

(b) No member of the Hearing Committee shall have close professional or personal relationships with the person being charged, nor be a colleague of the person being charged (in the same department or other smallest administrative unit), or have previously acted on another committee by which the case has previously been considered, or for other reasons rendering their involvement in the hearing of the case inappropriate.

(c) The Hearing Committee shall be charged by the UEO with respect to any case brought by the UEO. Its charge shall include a timeline for its report. It shall conduct its proceedings as expeditiously as is feasible and consistent with due diligence. It is intended that all of its proceedings shall be confidential, and shall be held in confidence by all who take part in them.

(d) For each case it hears, the UEO will appoint a chair to convene the Committee. The Chair shall select one of its members for each case it hears, to make a confidential written summary of what transpires in its sessions. Such summaries shall be regularly reviewed and approved by the Committee, retained, and turned over to the

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<sup>1</sup> Within a College organized by departments, the Unit Executive Officer is the department head or chair. In a College not organized by departments or in an Institute, the Dean or Director serves as Unit Executive Officer.

UEO at the conclusion of the Committee's deliberations on each case it is charged to consider.

(e) The Committee will explain in writing the process to be followed in the consideration of the case. It shall not be bound by technical rules of evidence, but all findings, conclusions and recommendations of the Committee shall be supported by and be in accord with substantial evidence. The Committee shall give the person being charged the opportunity to appear before it prior to its final deliberations to respond to the charges, address evidence supporting dismissal, and present further evidence relevant to the charges to the Committee. It shall also give the UEO the same opportunity. On all such occasions the person being charged may be accompanied by and consult with an advisor, as may the UEO, subject to ground rules and decisions of the chair. The final deliberations of the Committee shall be held in closed session, with all and only members of the Committee as constituted for the hearing of the case being present.

(f) The Hearing Committee shall conclude its consideration of a case by voting on whether dismissal is to be recommended, based on majority vote of the committee. The committee shall prepare and submit a report to the UEO containing findings, conclusions and recommendations concerning whether this is cause for dismissal.

(i) If the Hearing Committee recommends against dismissal, that recommendation shall be deemed final and shall terminate that proceeding; and the person charged, the UEO, and all who have been involved in the proceeding shall be so informed.

(ii) If the Hearing Committee recommends dismissal, the UEO shall proceed to consider and determine whether dismissal is warranted, giving due consideration to the report of the Hearing Committee, and consulting with the Hearing Committee as may be appropriate and needful. The UEO will notify the person charged of his/her decision (by registered mail if possible), with copies to the Executive Officer at the next administrative level,<sup>2</sup> and to the Hearing Committee, together with a statement of the reasons for them, and notification of the appeal process available.

(4) The opportunity for the academic staff member to file an appeal within 20 business days following the UEO's decision to impose dismissal. An academic staff member upon whom dismissal has been imposed may file an appeal with the Executive Officer at the next administrative level<sup>3</sup> within 20 business days following the UEO's decision to impose it. This appeal must be in writing, and must set out the grounds on which the appeal is being made. The appeal may involve either substantive or procedural objections or both.

(5) The decision on the appeal is final.

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<sup>2</sup> In a College organized by departments, the next administrative level is that of the Dean. In a College not organized by departments or in an Institute, the next administrative level is that of the Provost.

<sup>3</sup> In a College organized by departments, the appeal will be to the Dean. In a College not organized by departments or in an Institute, the appeal will be to the Provost or an individual designated by the Provost.

(a) The Executive Officer at the next administrative level<sup>4</sup> shall make a determination on the appeal, informing the academic staff member, the Provost and the Hearing Committee in writing. The appeal process shall be concluded as expeditiously as possible, and in any event in no more than 21 business days from the date of the filing of the appeal.

(b) The decision on appeal shall be final, and shall be reported in writing to the person being charged, the person's UEO and Dean (where applicable) the Provost, and campus legal counsel, and shall also be reported to the Hearing Committee, and any other committee that has been consulted. These reports shall be made and held in confidence.

## REFERENCES

University of Illinois [Statutes](#), Article IX, Section 12 and Article X, Section 1a (5-7)

Multi-Year Contracts for Non-Tenured Faculty policy #FPP-102

Special Written Agreement to Accept Terms of Multi-Year Contract form #1000-D

Notice of Non-reappointment Requirements policy #FPP-804

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<sup>4</sup> I.E., the Dean, the Provost, or another Provost's Designee, as the case may be.