

Policies of the UNT Dallas College of Law	Chapter 07
07.211 Faculty Discipline and Termination	Faculty Affairs

Policy Statement. The ultimate and enduring success of the UNT Dallas College of Law depends on the quality and effectiveness of its faculty. Therefore, faculty members have a responsibility to maintain and exhibit competence and professionalism in their teaching, scholarship, service, and public engagement; exercise professional and personal integrity and behavior; follow the ethical principles of the academic profession; and adhere to federal and state laws and the rules and policies adopted by the UNT System Board of Regents and the College of Law. The College of Law will respond progressively to faculty members whose behavior fails to meet these expectations through neglect of or failure to perform their responsibilities, including behavior off-campus that adversely affects the interests or reputation of the College of Law, by imposing sanctions in a manner that assists the faculty member to understand the impact of his or her behavior, and when appropriate, protects the College of Law’s ability to carry out its mission by terminating employment.

Application of Policy. This policy applies to all faculty.

Definitions.

1. **Progressive Discipline.** “Progressive Discipline” means the process of imposing sanctions in a gradual manner that corresponds to the nature, seriousness and impact of the behavior on the College of Law.

2. **Sanctions.** “Sanctions” means corrective and/or rehabilitative measures imposed on a faculty member for disciplinary purposes. Sanctions may range from mild to severe and from informal to formal. However, the imposition of any sanction must be regarded as a serious disciplinary step, and even a first offense may warrant the most extreme penalty, including loss of tenure.

Procedures and Responsibilities.

The following procedures must be followed when a faculty member is alleged to have engaged in misconduct, including employment offenses other than discrimination or harassment.

Allegations of discrimination and harassment will be resolved in accordance with the UNT System nondiscrimination policy.

Procedures.

The procedures listed below are to be followed in sequence:

1. The associate dean shall be responsible for reviewing allegations of misconduct, including employment offenses other than discrimination and harassment, made against faculty members in the College of Law and for determining whether an investigation should be conducted. At this stage, the associate dean has the discretion to decide whether to discuss the allegation with the faculty member as part of the review of the allegation. If the associate dean determines that the allegation lacks merit, no further action is needed. If the associate dean determines that the behavior occurred but warrants only oral counseling, the associate dean will meet with the faculty member. No record shall be made of the oral counseling.
2. If after reviewing the allegation, the associate dean believes misconduct may have occurred and that the conduct would warrant a sanction greater than oral counseling, he or she will inform the dean. This notification should describe the allegation, identify the rules or policies he or she believes may have been violated, and include any supporting evidence.
3. The associate dean and dean shall consult with the Office of General Counsel to discuss all facts related to the allegation and the rules, policies, and laws that may have been violated.
4. The associate dean shall meet and also formally notify the faculty member in writing of the allegations and of the report to the dean. This notice must identify any rules, policies or laws that may have been violated; provide any evidence obtained by the associate dean; and inform the faculty member of the possible sanctions and of his or her right to respond to allegations.
5. The faculty member may respond to the allegations both orally and in writing. The response should include any evidence or information the faculty member wants the associate dean to consider in determining whether a violation occurred. Any response normally should be made within 10 working days from the date the notice is received. The associate dean shall meet with the faculty member if requested.
6. The associate dean shall review the faculty member's response, if any, and any information gathered during the investigation in determining whether the faculty member committed misconduct. If the associate dean believes additional information is

necessary, he or she may continue the investigation before making a determination. The faculty member must be given any additional information gathered and an opportunity to respond to this information.

7. If the associate dean determines that misconduct occurred, he or she will consider the nature of the behavior and its impact on the University, and the faculty member's employment history, including any past disciplinary actions, in determining the appropriate sanction, if any. The associate dean will forward to the dean the faculty member's written response, a summary of any verbal response, and his or her determination regarding the allegations and a recommendation as to the sanction that should be imposed, if any. The recommendation of the associate dean normally will be given within 10 working days after receipt of the faculty member's response.
8. Upon receipt of the associate dean's report, the dean may elect to meet with the faculty member to discuss the allegations, possible sanctions, and to further evaluate the matter. If the dean decides that the associate dean's determination of misconduct should be accepted, then the dean shall consult with the Office of General Counsel before notifying the faculty member and the associate dean of any sanction(s) to be imposed.
9. Although not required, the dean is encouraged to provide the faculty member with an explanation as to the basis for the conclusion that misconduct occurred and the rationale for the sanction. Notification normally is given within 15 working days after receipt of recommendation from the associate dean.
10. The faculty member shall be given 10 working days from *the documented* receipt of notification of the sanction to respond orally and/or in writing to the dean before any sanction(s) becomes effective. The dean shall meet with the faculty member if requested. If the dean, after receiving any response from the faculty member, imposes a sanction that includes suspension, the faculty member must be given 10 calendar days from the date he or she is notified of the sanction to submit an appeal in accordance with the faculty grievance policy. The appeal must be in writing.
11. If the dean believes termination is warranted, he or she shall:
 - i. Inform the faculty member, in writing, of the recommendation for termination including the reason(s) for termination; the recommendation of the associate dean, if any; evidence supporting the recommendation for termination; the rules, policies, or laws that were violated; and, his or her procedural rights under College of Law policy, including the right to request a formal hearing before a faculty appeals committee;
 - ii. Review the recommendations of the associate dean and conduct an informal,

advisory inquiry into the reasons for termination to determine whether to initiate formal termination proceedings;

- iii. Give the faculty member an opportunity to respond orally and/or in writing to the recommendations, including presenting any additional information the faculty member would like the dean to consider;
- iv. Review the faculty member's response and employment history, including any previous disciplinary actions, and notify the faculty member if he or she continues to believe termination is warranted. This notice shall:
 - a. Set out the reason(s) for termination;
 - b. Identify the rules, policies or laws that the faculty member violated;
 - c. Provide evidence supporting the recommendation;
 - d. Inform a tenured faculty member that termination will result in revocation of tenure if approved by the UNT System Board of Regents;
 - e. Inform the faculty member of his or her procedural rights under the College of Law grievance policy, including the right to appeal the recommendation for termination to the UNT Dallas Faculty Appeals Committee and the deadline for submitting an appeal.
- v. Forward the recommendation for termination and revocation of tenure, if applicable, to the President of UNT Dallas.

When an associate dean is alleged to have committed misconduct, the dean will be responsible for investigating the allegations and making the appropriate recommendation.

When a dean is alleged to have committed misconduct, the Chancellor will be responsible for investigating the allegations and making the appropriate recommendation.

Depending upon the severity of the alleged misconduct, the Dean may place a faculty member on leave with pay pending completion of an investigation, effective immediately upon written approval and notice to the faculty member. Leave shall be with pay, with no reduction of accrued leave.

Types of Sanctions.

One or more types of sanction may be imposed as necessary to address the nature and

seriousness of the misconduct. Sanctions include, but are not limited to those listed below. These sanctions do not appear in hierarchical order.

1. Oral or written reprimand.
2. Restitution.
3. Placement of the faculty member under direct supervision of the associate dean or dean for a specified period of time, with a written plan for remediation.
4. Loss of summer teaching employment for those on less than twelve month contracts.
5. Loss of perquisites or of privileges of rank for a stated period, not to exceed two years.
6. Loss of merit or other raises for a period not to exceed one year.
7. Reduction in salary for a period of one year. The reduction will take place with the next academic year.
8. Reduction in rank with loss of salary not to exceed the prevailing promotional increment. This sanction does not abrogate tenure.
9. Suspension with or without pay.
10. Reduction in contract period.
11. Termination. Termination of a tenured faculty member will result in loss of tenure if termination is approved by the UNT System Board of Regents.

Appeal of Recommended Sanctions.

Faculty members may appeal certain sanctions according to the procedures set forth in this policy and the Faculty Grievance Policy.

Record Retention.

Unless otherwise required by law or College of Law policy, records shall be retained according to the UNT System Records Retention Schedule.

References and Cross-references.

Regents Rule 06.200
Regents Rule 06.1200

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Effective: 08/25/2014

Revised: