150-0 **Policy**

a. This policy provides the standards and procedures for instituting corrective action or dismissal of non-Senate academic appointees. Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, dereliction of duty, or violation of University policy. Corrective action is intended to give the non-Senate academic appointee an opportunity to improve and/or correct conduct or performance.

b. Non-Senate academic appointees are expected to maintain a standard of academic responsibility which requires service consistent with the objectives of the University. Non-Senate faculty appointees are also subject to the standards set forth in the Faculty Code of Conduct (APM - 015).

150-6 **Responsibility**

a. It is the responsibility of each Chancellor to establish and issue guidelines and procedures for instituting corrective action and dismissal of non-Senate academic appointees.

b. Corrective action or dismissal may be instituted and implemented by the department chair, unit head, supervisor, or other appropriate administrative authority in accordance with campus procedures. Campus procedures shall outline appropriate consultation requirements for corrective action and dismissal.

150-14 **Eligibility**

a. This policy applies to all academic appointees of the University who are not members of the Academic Senate except as provided in APM - 150-14-b and -c. For non-Senate academic appointees covered by a Memorandum of Understanding (MOU), this policy applies only to the extent provided for in the MOU.

b. APM - 150 does not apply to Postdoctoral Students (see APM - 390).

c. Student academic appointees not covered by an MOU are subject to this policy to the extent that corrective action or dismissal are based solely upon their employment relationship with the University.

d. For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion and dismissal for unsatisfactory work performance shall involve the regular peer review process. Such a peer review shall be advisory to the administrator authorized to institute the demotion or dismissal action.

150-30 **Types of Corrective Action and Dismissal**

a. Corrective action is a written warning, written censure, suspension without pay, reduction in salary, or demotion for good cause, including but not limited to misconduct, unsatisfactory work performance, dereliction of duty, or violation of University policy.

(1) A written warning is a communication that informs the appointee of the nature of the misconduct or deficiency, the method of correction, and the probable consequence of continued misconduct or deficiency. A written warning is to be distinguished from an informal spoken warning. An informal spoken warning or a letter outlining performance expectations is not an official corrective action.

(2) A written censure is a formal written expression of institutional rebuke which contains a description of the censured conduct. A written censure must be delivered to the recipient and a copy must be maintained in a designated file or files, or for the period of time specified in the writing.

(3) A suspension is debarment without pay from appointment responsibilities for a stated period of time. Unless otherwise noted, the terms of a suspension will include loss of normal employee privileges such as access to University property and parking and library privileges.

(4) A reduction in salary is a reduction to a lower salary without a change in rank or step. The amount and duration of the reduced salary shall be specified.

(5) A demotion is a reduction to a lower rank or step with a corresponding reduction in salary.

b. Dismissal is the termination of an appointment for good cause initiated by the University prior to the ending date of appointment. Good cause includes but is not limited to misconduct, continued unsatisfactory work performance,

dereliction of duty, or serious violation of University policy. In the case of dismissal of a non-Senate faculty member, refer to Section 103.9 of the Standing Orders of The Regents (S.O. 103.9.) and APM - 150-40.

150-32 **Procedures for Corrective Action and Dismissal**

a. **Informal Resolution**

Prior to instituting corrective action or dismissal, efforts to resolve the issue(s) informally should be attempted where appropriate.

b. **Investigatory Leave**

An appointee may be placed on immediate investigatory leave with pay, without prior written notice, for the purpose of reviewing or investigating conduct which in the judgment of the Chancellor requires removing the appointee from University premises. While on such leave, the appointee's return to University premises without written permission may create independent grounds for dismissal. Such investigatory leave must be documented in writing after it is instituted.

c. **Written Notice of Intent**

(1) The University shall provide a written Notice of Intent to the appointee prior to initiating the actions of written censure, suspension without pay, reduction in salary, demotion, or dismissal. The Notice shall state: (a) the intended action, including reasons for the action and the proposed effective date; (b) the basis of the charges, including copies of pertinent materials supporting the charges; (c) the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written Notice of Intent; and (d) the name of the person to whom the appointee should respond. No Notice of Intent is required for a written warning.

(2) Prior to instituting the dismissal of a non-Senate faculty member, the appointee should be apprised of the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate pursuant to S.O. 103.9.

d. **Response to Written Notice of Intent**

The appointee who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the administration.

e. **Written Notice of Action**

If the University determines to institute the corrective action or dismissal following the review of a timely response, if any, from the appointee, and within thirty (30) calendar days of the date of issuance of the written Notice of Intent, the University shall issue a written Notice of Action to the appointee of the corrective action or dismissal to be taken and its effective date. The Notice of Action also shall notify the appointee of the right to grieve the action under APM - 140. The Notice of Action may not include an action more severe than that described in the Notice of Intent. A copy of the Notice of Action also shall be placed in the employee's personnel file(s).

f. **Representation**

Appointees may represent themselves or may be represented by another person at any stage of the corrective action or dismissal process.

g. **Extension of Time**

Upon written request and prior to the expiration of any time limit stated in this policy, the Chancellor may grant extensions, as appropriate.

150-40 **Procedures for Dismissal of a Non-Senate Faculty Appointee**

S.O. 103.9 provides that termination of the appointment of any member of the faculty before the expiration of his or her appointment shall be only for good cause, after the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate, except as otherwise provided in a MOU for faculty who are not members of the Academic Senate. A non-Senate faculty appointee is entitled to select only one grievance review mechanism, either APM - 140 or an Academic Senate hearing as provided by S.O. 103.9. If a non-Senate faculty appointee elects an Academic Senate hearing, good cause shall

be defined as set forth in APM - 150-0. For a non-Senate faculty appointee with a term appointment if the hearing has not commenced by the ending date of the appointment, the dismissal becomes a non-reappointment effective at the end of the appointment. The appointee has thirty (30) calendar days from the ending date of the appointment to grieve the non-reappointment pursuant to APM - 137 and 140.