

CHAPTER 4. DISCIPLINARY ACTION, SUSPENSION, TERMINATION, RESIGNATION, AND RETIREMENT

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1 **CHAPTER 4. DISCIPLINARY ACTION, SUSPENSION, TERMINATION, 2 RESIGNATION, AND RETIREMENT**

5 **4.1 Overview**

7 This chapter summarizes the policies and processes to be followed in disciplinary cases involving faculty
8 as well as those governing the termination of faculty members. Every faculty member is entitled to fair
9 and consistent decision-making procedures as a protection against violations of academic freedom or
10 arbitrary adverse decisions. Tenured faculty may be dismissed only under provisions set out in this
11 Handbook.

13 The term “appointment” refers to the initial contract issued to all faculty. The terms “reappointment” and
14 “non-reappointment” apply to full-time non-tenure line faculty (see Chapter 2). The terms “renewal” and
15 “nonrenewal” apply to non-tenured tenure-line faculty.

17 Reviews and decisions for appointment, reappointment, renewal, promotion, and tenure are separate
18 actions. Appointment does not guarantee reappointment or renewal, nor does appointment at any rank
19 confer tenure, except where specifically provided in the contract. Promotion at any time from any rank to
20 any other rank does not confer tenure.

22 **4.2 Nonrenewal of Non-Tenured Tenure Line Faculty**

24 When deciding whether to renew the contract of a non-tenured tenure-line faculty member the university
25 follows two general principles:

- 27 1. To select, given available resources, faculty members who will best contribute to its distinctive
28 goals and academic mission. Consequently, the university has the authority and discretion, within
29 the limits of academic freedom, to determine which non-tenured tenure-line faculty members will
30 be retained.
- 32 2. To have no reasonable doubt as to the faculty member’s qualifications for tenure before it reaches
33 a favorable decision on the renewal that results in tenure. The quality of academic programs and
34 therefore the good of the university require careful selectivity in renewal based on the individual
35 faculty member’s qualifications and the needs of the university. Anything that undermines the
36 selective process erodes tenure and quality.

38 Non-tenured tenure-line faculty members are subject to an annual probationary review (see Chapter 3).

39 Renewal decisions are made in conjunction with the annual probationary review. Although there is no
40 guarantee of renewal, non-tenured tenure line faculty are entitled to consideration for renewal.

41 Nonrenewal decisions must be based on criteria as described in this Faculty Handbook, and selected from
42 those listed below:

- 1 1. Teaching and learning;
- 2 2. Scholarship, research, or other creative activities;
- 3 3. Service;
- 4 4. Professional advancement, such as the completion of a terminal degree or certificate. This
5 criterion is especially applicable when there is a particular interest or a previous understanding
6 with the faculty member regarding this advancement;
- 7 5. Responsible participation in university processes and activities that are generally considered
8 faculty responsibilities;
- 9 6. Change in academic program, such as:
 - 10 • termination or reduction in size of the academic program to which a faculty member is
11 assigned;
 - 12 • change in an area of specialization or in emphasis in a program;
- 13 7. Financial conditions of the university as a whole or in any particular part, requiring reduction in
14 the size of the faculty;
- 15 8. Professional and ethical conduct.

17 Nonrenewal may rest on a single criterion or a combination of several criteria, reflecting the faculty
18 member's role in the academic unit and the needs of the university. The rationale for the renewal decision
19 must be explained and supported with evidence and with reference to the appropriate criteria.

21 The dean and the faculty of the local academic unit must follow the procedures specified in Chapter 3 in
22 making renewal recommendations. Every faculty member in an academic unit is entitled to be judged
23 according to consistent criteria and documentation. Conflicts of interest must be avoided in all faculty
24 evaluations. Any judgment based on a faculty member's ideological and political positions is a violation
25 of academic freedom.

27 As detailed in Chapter 3, the local academic unit normally makes a recommendation on annual renewal
28 and nonrenewal. If the dean does not concur in the recommendation of a local academic unit, the dean
29 shares their recommendation with the local academic unit. The local academic unit may appeal the dean's
30 recommendation to the provost. In such cases, the dean and the local academic unit must provide the
31 provost with written reasons for their respective positions. The provost makes the final decision and
32 reports it to the candidate. A faculty member who is not renewed may file an appeal. (See Chapter 5).

34 The non-tenured tenure-line faculty member is entitled to:

- 36 a) an opportunity to submit materials supporting renewal. The non-tenured tenure-line faculty
37 member will be notified at least 28 calendar days before the local academic unit's review. The
38 candidate must submit supporting materials to the local academic unit officer at least 14 calendar
39 days prior to the local academic unit review;
- 41 b) written notification of the decision on renewal. The notification must include the reasons for the
42 decision. A notification to renew should include an assessment of the faculty member's
43 qualifications, noting those conditions which should be fulfilled for future renewal or tenure. A

1 notification of nonrenewal must include the reasons for the decision, the faculty member's appeal
2 rights, and the procedures for such appeals as described in Chapter 5.

3
4 The university follows the AAUP guidelines for notice of renewal. Notice of nonrenewal, or of intention
5 not to recommend renewal, should be given in writing in accordance with the following standards and the
6 calendar specified in Chapter 3.

7
8 1. On or before March 1 of the first academic year of service, if the appointment expires at the end
9 of that year; or, if a one year appointment terminates during an academic year, at least three (3)
10 months in advance of its termination.
11 2. On or before December 15 of the second academic year of service, if the appointment expires at
12 the end of that year; or, if an initial two year appointment terminates during an academic year, at
13 least six (6) months in advance of its termination.
14 3. At least twelve (12) months before the expiration of an appointment after two (2) or more years in
15 the institution. Notices of reappointments and contract renewal are based on the university's
16 annual budget cycle.

17
18 Notification by these dates shall constitute sufficient notification for not offering another contract even
19 though appeal and subsequent review might mean that the final decision is rendered less than a year
20 before the end of the final contract.

21
22 A non-tenured tenure-line faculty member informed that their contract is not to be renewed may appeal
23 the decision not to renew. See Chapter 5, Appeals and Grievances.

24
25 **4.3 Tenured Faculty**

26
27 Tenure creates the presumption of continuing employment. Tenured faculty may be dismissed only under
28 provisions set out in this handbook. Tenured faculty are not renewed annually.

29
30 **4.4 Disciplinary Actions Including Dismissal or Suspension for Misconduct**

31
32 **4.4.1 Misconduct**

33
34 The university's response to allegations of faculty misconduct may vary according to the nature of the
35 misconduct, its seriousness, its impact on the university's reputation or the well-being of other members
36 of the university community, and any prior record of misconduct by the faculty member. Disciplinary
37 sanctions may apply to any full-time faculty member, including, but not limited to, all tenure-line faculty.
38 Faculty members who hold administrative appointments are subject to these provisions with respect to
39 their role as faculty members.

40
41 Misconduct includes violations of university policies, including the Faculty Handbook and anti-
42 discrimination and anti-harassment policies; violations of academic or scholarly integrity; or a pattern or
43 practice of failing to meet university contractual obligations.

1 Disciplinary proceedings are reserved for situations that warrant the imposition of a major or a minor
2 sanction. Inadequate performance in teaching, scholarship/research/creative activities, or service that does
3 not rise to the level of misconduct must be dealt with during the standard processes for faculty review
4 and/or reappointment/renewal.

5
6 All procedures are to be carried out as expeditiously as is reasonably possible. All time guidelines in this
7 section refer only to calendar or business days within regular academic terms — Fall, Winter, and Spring
8 quarters or Fall and Spring semesters— and are to be construed as recommended maximums.

9
10 **4.4.2 Categories of Disciplinary Sanctions:**

11
12 • **Minor sanctions:** sanctions short of suspension or dismissal
13 • **Major sanctions:** suspension or dismissal

14
15 **4.4.3 Initiation of Disciplinary Actions in All Disciplinary Cases Involving Faculty:**

16
17 1. The dean initiates an investigation of alleged faculty misconduct, except in situations where
18 initiation of disciplinary action is based on OIDE findings, in which case the dean will work in
19 consultation with OIDE.
20 2. The dean should attempt to resolve the issue through an informal process resulting in both parties
21 agreeing with the outcome.
22 3. If informal resolution fails, the dean will present the faculty member with a statement of charges.
23 The faculty member will be provided an opportunity to submit a rebuttal within two weeks of the
24 presentation of the statement of charges. If the faculty member perceives that the dean has a
25 conflict of interest, the faculty member may simultaneously request in writing that the dean
26 appoint a designee. The dean may deny the request with written reasons.
27 4. After the statement of charges is presented, either party may invite a DePaul colleague to act as
28 an advisor. The advisor may attend but not participate in any meeting related to the case. Within
29 four weeks of the presentation of the charges, the dean or the designee will conduct a detailed
30 review of the charges and the rebuttal, if any, and prepare a report.
31 5. The faculty member may examine the report and any evidence referenced in the report and will
32 be given two weeks to provide a final statement before a decision is reached.
33 6. In all cases, the burden of proof is with the dean and a recommendation for sanctions must be
34 supported by a preponderance of evidence.
35 7. The dean shall make a decision within eight weeks of the presentation of the charges. This
36 decision may be one of the following: (1) to dismiss the case; (2) to impose a minor sanction; or
37 (3) to refer the case to the provost for major sanctions.

38
39 The dean shall file with the office of the provost the statement of charges, the faculty member's rebuttal,
40 the report, the final statement by the faculty member and the dean's own written decision. The office of
41 the provost shall maintain this information.

42

43

44

1 **In cases involving minor sanctions:**

2 The dean makes the decision on the sanctions to be imposed. The faculty member may grieve the decision
3 according to the grievance procedures of Chapter 5. To the extent possible, the dean and the provost will
4 not release any information about the sanctions.

5 **In cases involving major sanctions:**

6 If the dean's written decision includes a recommendation for major sanctions, the provost (or designee)
7 will conduct a detailed review of the charges and any evidence provided by the parties at the college
8 level. The provost (or designee) may interview the parties or consult additional experts and request
9 additional evidence from the parties.

10 The provost will make a decision within ten weeks of the presentation of the statement of the charges.

11 The provost's decision will be one of the following:

- 16 1. dismiss the case; or
- 17 2. issue a minor sanction; or
- 18 3. **(in the case of term faculty only)** impose a major sanction without a formal hearing (in this case,
19 the term faculty member has the right to appeal to the Faculty Committee on Appeals according
20 to procedures in Chapter 5); or
- 21 4. **(in the case of tenure-line of faculty)** refer the case for a formal faculty hearing with a
22 recommendation for a major sanction (see below for detailed procedure).

23 **4.4.4 Formal Hearing in Cases Involving Major Sanctions Against Tenure-Line Faculty**

24 **4.4.4.1 Initiation of a formal hearing**

- 28 1. The provost will notify the faculty member of the intent to refer the case for a formal faculty
29 hearing with a recommendation for a major sanction. The faculty member may waive the right to
30 the hearing and choose to have the case decided by the provost. In that case, the provost's
31 decision will be final and may not be appealed or grieved further. Otherwise, the provost will
32 initiate a request for a formal Hearing Committee and appoint a designee to serve as complainant
33 ("university representative") in the disciplinary proceeding. If a conflict of interest is perceived,
34 the faculty member may request, with justification, a different university representative which can
35 be denied by the provost with written reasons.
- 36 2. The university representative must file a detailed statement of charges with the Faculty Council
37 President, a copy of which will simultaneously be provided to the faculty member.
- 38 3. The faculty member will have four weeks to submit a written response to the charges once they
39 have been filed with Faculty Council.
- 40 4. The university representative will forward the following information to the Hearing Committee:
41 (a) the statement of charges; (b) the response; (c) a list of individuals who may have pertinent
42 information about the case; (d) and the records of any earlier investigations or decisions.
- 43 5. The burden of proof rests with the university. The charges against the faculty member must be
44 established by a preponderance of evidence.

1 **4.4.4.2 Rules and procedures for the Hearing Committee**

2

3 1. The Hearing Committee will be comprised of three tenured faculty members selected in the
4 following manner: Faculty Council shall identify a panel of nine tenured faculty members not
5 affiliated with the college or school of the faculty member. Faculty Council, in conjunction with
6 both parties will develop a process for interviewing the nine selected faculty members. In
7 alternating fashion, with the university going first, each party excludes three members from the
8 panel. The remaining members of the panel constitute the Hearing Committee. The committee
9 shall select its own chair.

10 2. The Hearing Committee shall not disclose the evidentiary record, including deliberations and
11 findings, except to those with a legitimate need to know.

12 3. The Hearing Committee may attempt an informal resolution of the case before proceeding to a
13 formal hearing. If it cannot resolve the matter informally, then it will schedule a formal hearing.

14 4. The university will assume all costs directly incurred by the Hearing Committee.

15 5. The Hearing Committee will conduct a prehearing meeting with the faculty member and the
16 university representative to clarify the issues, stipulate facts, finalize the list of individuals who
17 may have information relevant to the hearing, provide for the exchange of documentary or other
18 information, and identify other appropriate objectives to make the hearing fair, effective, and
19 expeditious. The committee will provide both parties with a written record of its decisions.

20 6. The chair of the Hearing Committee will notify all concerned parties of the time and location of
21 the hearing. Notice of the hearing must be in writing and made at least two weeks prior to the
22 hearing. Time extension or rescheduling requests by the faculty member or the university
23 representative may be granted by the chair for good reason.

24 7. At any time before the start of the hearing, the faculty member may choose not to participate in
25 person but may choose to submit a written response to the specific charges. In the event the
26 faculty member does not participate in person they may still deny the charges or assert that the
27 charges do not support a finding for a major sanction.

28 8. The hearing will proceed in the absence of either the faculty member or the university
29 representative who fails to appear at the hearing after receiving notification. Only circumstances
30 that are beyond a party's control and that prevent a party's attendance at the hearing will
31 constitute good reason to reschedule the hearing. The Hearing Committee will make the
32 determination as to whether there is good reason for the absence.

33 9. The Hearing Committee (on its own or at the request of either party) may invite persons from
34 inside or outside the university to give testimony relevant to the matter. University personnel will
35 make every effort to cooperate with the committee in securing witnesses and making evidence
36 available. The parties shall have the right to cross-examine all witnesses.

37 10. The faculty member may receive the assistance of counsel of their choosing and at their cost. If
38 the faculty member employs an attorney for the hearing, and the decision is not for a major
39 sanction, the University will reimburse the faculty member for at least one-half of the reasonable
40 legal expenses, the precise proportion to be decided by the Hearing Committee, depending on the
41 degree to which the University case had merit.

42 11. All hearings are closed to the public. The Hearing Committee, at its sole discretion, may remove
43 participants in the hearing who disrupt the process.

1 12. The hearing will be transcribed. At the conclusion of the hearing, the parties shall have
2 unrestricted access to the full evidentiary record and a copy of the complete transcript. The parties
3 will be given a reasonable period of time, specified by the committee, to examine this record.
4 After examining the record, the faculty member and the university may file closing statements,
5 copies of which will be provided by the chair to the other parties.

6 13. Subsequent to filing the closing statements, the Hearing Committee will deliberate in a closed
7 session.

8 14. The findings of the Hearing Committee may be only one of the following: (1) adequate cause for
9 dismissal, (2) adequate cause for suspension, (3) adequate cause for a minor sanction, or (4)
10 adequate cause has not been established for major or minor sanctions. If the finding is for a
11 sanction other than dismissal, the Hearing Committee shall include in its report recommendations
12 for appropriate sanctions.

13 15. The findings and the decision of the Hearing Committee on appropriate sanctions must be
14 supported by a majority vote and be specified in a written report. The chair of the Hearing
15 Committee will submit the report to the provost and the faculty member.

16 16. The provost (or president if the provost has a conflict of interest) may either accept the decision
17 of the Hearing Committee or resubmit this decision to the committee with specific objections. In
18 the latter case, the committee will then reconsider only points to which the provost has objections,
19 receiving new evidence if necessary. After its reconsideration, the Hearing Committee will
20 deliver its final decision to the provost (or president if the provost has a conflict).

21

22 **4.4.5 *Appealing the Decision of the Hearing Committee in Cases Involving Major Sanctions***
23 ***Against a Tenure-Line Faculty Member***

24

25 In cases involving major sanctions against tenure-line faculty either party (the provost/president on behalf
26 of the university or the faculty member) has the right to appeal a decision by the Hearing Committee to an
27 Appeals Board.

28

29 Grounds for appeal could be one or more of the following:

- 30 1. Procedural violations that compromised the ability of a party to present arguments or evidence or
31 to do so in a timely manner; procedural violations that compromised the committee's
32 consideration of the evidence and arguments presented;
- 33 2. Failure of the committee to apply appropriate standards under which the charges were brought
34 and under which the charges should have been considered; failure of the committee to consider
35 relevant evidence actually presented;
- 36 3. Arbitrary decisions of the committee that could not reasonably follow under the standards applied
37 and given the evidence presented.

38 Makeup of the Appeals Board:

- 40 1. Two deans (excluding the dean involved in the case) selected by the Council of Deans.
- 41 2. Two faculty members (without a conflict of interest in the case) selected by the Faculty Council
42 from among the twelve members of the Faculty Committee on Appeals.
- 43 3. One additional member selected jointly by the president of the university and the president of
44 Faculty Council.

1 2 The Appeals Board may take one of the following actions:

3 1. Accept the decision of the Hearing Committee; or

4 2. Send back the matter to the Hearing Committee with specific recommendations for additional

5 actions or changes. This action should be taken if the Appeals Board believes that the decision

6 was influenced by the procedural or standards violations, but those violations can be remedied by

7 the Hearing Committee. In this case the Hearing Committee shall take appropriate action taking

8 into account the Appeals Board's recommendations and issue a revised report with a final

9 decision; or

10 3. Reject the Hearing Committee's decision and conduct a new hearing. This action may only be

11 taken if the Appeals Board can demonstrate that no reasonable decision-maker could have arrived

12 at the conclusion of the Hearing Committee based on the facts presented, or the procedural

13 violations were so egregious that they compromised the integrity of the process. Should the

14 Appeals Board initiate such a rehearing, it must issue a written opinion with its findings regarding

15 the deficiencies in the Hearing Committee decision before commencing its rehearing. In

16 conducting a rehearing the Appeals Board will follow the same operating procedures required of

17 the Hearing Committee.

18 In all three cases, there is no further appeal from this decision within the university.

19 **4.5 Emergency Suspension**

20 In an emergency where potentially serious harm must be prevented and immediate action must be taken

21 before initiating the disciplinary procedures set out in this chapter, the provost may suspend a faculty

22 member. The provost shall inform the faculty member in writing of the terms of the suspension. Within a

23 reasonable timeframe of issuing the written notice, the provost shall either lift the suspension or initiate

24 the formal disciplinary procedures. The suspension will not continue beyond the time required to remove

25 the actual or potential harm, ordinarily not beyond the academic year.

26 A faculty member may grieve a suspension under this section only if the dean declines to initiate formal

27 disciplinary procedures. See Chapter 5 Appeals and Grievances.

28 The faculty member suspended from active service to the university will receive full compensation during

29 the suspension until the time of justifiable dismissal for misconduct.

30 **4.6 Termination Due to Financial Exigency**

31 ***4.6.1 Financial Exigency***

32 Termination of an appointment with tenure may occur due to financial exigency of the university.

33 Financial exigency is a financial crisis that fundamentally compromises the academic integrity of the

34 institution as a whole. The crisis usually results from substantial and recurring financial deficits that

35 cannot be offset by prudent use of the university's reserves.

1 Prior to declaring exigency, the university president, provost, and executive vice president will retrench
2 operations in all areas before taking steps that could lead to the termination of tenured faculty. These
3 retrenchments will be made up to the point where there would be a danger of seriously jeopardizing the
4 academic quality or the essential operations of the university.

5
6 With the exception of the work of the identified committees, all of the steps specified below in
7 Subsections 4.6.2 thru 4.6.7 (inclusive) must be initiated, conducted, and completed within the regular
8 academic year calendar – from the opening date of regular day and evening Autumn quarter classes to the
9 date of the last final exam in Spring quarter. Any steps that remain uncompleted at the close of business
10 on the date of the last final exam in Spring quarter shall be suspended until the following autumn quarter
11 commences.

12
13 **4.6.2 Provost Statement**

14
15 The provost shall issue a formal statement to the president of the Faculty Council and the president of the
16 Staff Council, indicating and providing documentary support of the existence of financial exigency. The
17 statement will address the following points:

18
19 1. Evidence of financial exigency and the need for serious retrenchments involving the termination
20 of tenured faculty;
21 2. Evidence in support of assumptions underlying projections of future revenues and costs;
22 3. Dollar amount and distribution of the retrenchments that have been made or can be made in all
23 parts of the university without terminating tenured faculty appointments, including possible
24 administrative salary reductions; and
25 4. Dollar amount of decrease in expenditures to be realized in colleges that will result in the
26 termination of tenured faculty appointment(s).

27
28 **4.6.3 Financial Exigency Committee**

29
30 The statement by the provost shall be reviewed by a Financial Exigency Committee to determine whether
31 there is sufficient evidence to declare financial exigency. The committee shall consist of four tenured
32 faculty members (none of whom hold administrative appointments at the level of Associate Dean or
33 above), one staff member, one student, one representative of the Board of Trustees, the executive vice
34 president and the provost (ex officio). The committee will select one of its members to act as chair.
35 Faculty Council will appoint the faculty members; Staff Council will select the staff member; Student
36 Government Association will select the student member; and the Board of Trustees will select its
37 representative. Members of the committee may be chosen from any area of the university. The executive
38 vice president shall convene the committee within two weeks upon receipt of the statement from the
39 provost.

40
41 Within two weeks of request, the university shall provide the Financial Exigency Committee with all
42 university data necessary to evaluate the provost's statement. This data must include (1) records of current
43 and past operations and financial position, and (2) projections of future operations and financial position.
44 When necessary, the committee may also invite faculty, staff, or other knowledgeable persons to provide

1 information. The committee shall keep a formal record of its deliberations and votes within 30 days of
2 receipt of the requested financial information, the committee will evaluate the financial data, and vote on
3 whether a condition of financial exigency exists that requires the termination of tenured faculty. The
4 committee will issue a report. If the committee finds that financial exigency exists, its report on financial
5 reductions shall consider the university's complete set of financial statements, not simply revenues and
6 costs. The committee shall carefully consider whether and how the university's real estate and other
7 assets might be sold, refinanced or otherwise reallocated.

8
9 If the committee concludes that such financial exigency exists, the report must include the amount of
10 reduction needed (1) in the areas of academic affairs that are not part of the schools and colleges, and (2)
11 in the colleges and schools. If the committee concludes that no such financial exigency exists, the report
12 must include a rationale for this conclusion.

13
14 The report of this committee will be sent to the Faculty Council, Staff Council, and the Student
15 Government Association for review and comment. All comments are due to the Financial Exigency
16 Committee within 30 days of receipt. The Financial Exigency Committee will send its report and any
17 comments from the councils and SGA to the university president for final decision.

18
19 **4.6.4 *Retrenchment Committee***

20
21 In the event that the president of the university concludes that financial exigency exists, the provost will
22 prepare a proposal indicating the specific methods for dealing with the financial exigency, including (1)
23 the amount of the financial reductions outside of the schools and colleges, (2) the amount of financial
24 reductions within each school and college, (3) the nature and timing of the retrenchments, and (4) the
25 effects of these retrenchments on specific academic programs.

26
27 This proposal will be submitted to a Retrenchment Committee consisting of three tenured faculty
28 members (none of whom hold administrative appointments at the level of Associate Dean or above)
29 appointed directly by the Faculty Council, one college dean chosen by the Dean's Council, and the
30 provost. The committee will select one of its members to act as chair. The three tenured faculty members
31 must be chosen from different colleges within the university. Members of the committee must understand
32 and agree that they do not represent their academic units. They must take into account the seriousness of
33 the situation and make decisions based on the best long-term interests of the university.

34
35 The provost shall also submit the proposal to the dean of each affected school or college who, after
36 consulting with their faculty, may present a written recommendation to the Retrenchment Committee as
37 to how the required reduction could be achieved.

38
39 Before the Retrenchment Committee reaches any decision, it must provide the affected faculty and staff
40 the recommendations and the opportunity to respond in writing to the provost's and deans'
41 recommendations. The Retrenchment Committee will also convene a meeting open to all tenured faculty,
42 at which it will consult the faculty and respond to their concerns. The provost's recommendation, as well
43 as any dean's recommendation, must be made available to the tenured faculty no less than two weeks
44 before the open meeting.

1
2 To achieve the specified amount of financial reduction, the Retrenchment Committee will make a final
3 decision that states:

4

5 1. The dollar amount of reduction required of each school or college, other than by termination of
6 full-time faculty;
7 2. The dollar amount of reduction in each college through the termination of full-time faculty; and
8 3. A list of academic units financially capable of absorbing faculty transfers/affiliation from other
9 units including an estimate of the number of tenured positions that could be accommodated in
10 each.

11

12 The Retrenchment Committee shall send its final decision to the provost, the deans of affected colleges
13 and schools, the president of Faculty Council, the president of Staff Council, and the president of the
14 Student Government Association.

15

16 **4.6.5 Termination Committee(s)**

17

18 Based on the decision of the Retrenchment Committee, Faculty Council shall constitute a Termination
19 Committee for each college that must terminate faculty due to the retrenchment. Each Termination
20 Committee shall consist of three tenured faculty members appointed directly by Faculty Council; the
21 members shall be drawn from outside the affected college and shall not be affiliated with the programs or
22 departments in which retrenchments have been mandated. Faculty members who hold administrative
23 appointments at the level of associate dean or above are ineligible to serve. The Committee shall select
24 one of its own members as chair.

25

26 The chair of each Termination Committee shall call for the dean of the affected college to consult with
27 local academic unit officers and then submit to the Termination Committee a proposal specifying which
28 faculty will be terminated. If a college is to be phased out or if colleges are to be merged, the provost shall
29 submit the proposal after consultation with the local academic unit officers and relevant deans.

30

31 Faculty from affected units will be given the opportunity to submit written statements, including CVs and
32 other relevant materials that discuss their qualifications and the rationale for their retention.

33

34 The dean or provost, in making proposals for termination, and the Termination Committee, in evaluating
35 the proposals, are to decide according to the following criteria and in this order of priority:

36

37 1. Program viability: faculty required for a viable academic program may be retained if the program
38 itself is not to be phased out. Quality of faculty performance may be considered in evaluating
39 whether a faculty member is required for a viable academic program. In extraordinary
40 circumstances, where a serious distortion of the academic program would otherwise result, one or
41 more non-tenured faculty members may be retained. Materials submitted by the affected faculty
42 member(s) must be considered by the Termination Committee along with other relevant material.
43 2. Tenure: tenured faculty are to be retained over non-tenured faculty; and

1 3. Seniority: more senior faculty are to be retained over less senior faculty. Seniority is defined first
2 by rank and second by years in rank.

3
4 In evaluating the proposals and the application of the above criteria, the Termination Committee will
5 comply with the university's equal employment opportunity policies and procedures.

6
7 The Termination Committee(s) will submit their recommendations to the provost, the deans of the
8 affected units, the department chairs or program heads, and the president of the Faculty Council.

9
10 The provost makes the final determination on termination. Only in rare instances and for compelling
11 reasons will the provost overturn a recommendation made by the Termination Committee. If the provost's
12 decision differs from the recommendation, the provost must prepare a written explanation and provide it
13 to the deans of the affected units, the department chairs or program heads, and the president of the Faculty
14 Council.

15
16 **4.6.6 University Obligations upon Termination of Tenured Faculty**

17
18 1. If a tenured faculty member designated for termination believes they are qualified to be
19 transferred, they must identify at least one local academic unit or college which was identified by
20 the retrenchment committee as capable of absorbing faculty transfers. The affected faculty
21 member will have the opportunity to submit a written statement regarding their fitness to serve as
22 a tenured faculty member in each of the identified units. The faculty member is entitled to attach
23 to their written statement any relevant documents or materials. The faculty member may describe
24 any additional training that might be appropriate. The faculty member has the right to access all
25 relevant available information within the university to assist in identifying the units in which they
26 would be qualified to serve and to assist in preparing the written statement.

27
28 If the faculty member designated for termination requests a transfer, the local academic unit
29 officer of each of the identified units

30 a) Must call a meeting of all the eligible faculty of that unit to vote on the transfer of the faculty
31 member to that unit,
32 b) Must circulate, prior to that meeting, to all such eligible faculty, on a confidential basis, the
33 faculty member's written statement,
34 c) Must provide an opportunity for the faculty member to make an oral presentation to the
35 eligible faculty of the unit and to answer questions,
36 d) Must hold a vote of eligible faculty when a quorum is present. A majority vote of the eligible
37 tenured faculty in attendance is necessary and sufficient to accept the faculty member.

38
39 Should more than one unit accept the faculty member, the faculty member must select one. Upon
40 the faculty member's selection of a unit for transfer, the provost will take necessary steps to
41 effectuate the transfer.

42
43 2. Should no unit accept the faculty member, then the terminated faculty member shall be entitled to
44 no less than twelve months' notice of termination or a payment equal to the faculty member's

1 contract salary and benefits for an equal length of time. A faculty member who has been tenured
2 at the university for fifteen years or more of continuous tenured service shall be entitled to a
3 minimum of twenty-four months' notice of termination or a payment equal to the faculty
4 member's contract salary and benefits for an equal length of time.

5

6 3. The university is obligated not to approve new full-time faculty hires in a terminated faculty
7 member's areas of expertise (defined as courses that the faculty member has either previously
8 taught or is qualified and willing to teach) within a three-year period unless the terminated faculty
9 member has been offered reinstatement with reasonable time in which to accept or decline.
10 Within this three-year period after retrenchment and termination, no more than three additional
11 quarter-length or two semester-length course sections per year may be offered by adjunct or term
12 faculty within the terminated faculty member's areas of expertise. In instances where the
13 University finds compelling need to offer more than three additional quarter-length or two
14 semester-length course sections per year in a terminated faculty member's areas of expertise
15 through the use of adjunct or term faculty, the provost will bring a proposal to Faculty Council for
16 its approval.

17

18 4. The university is obligated not to approve additional full-time faculty positions outside of
19 terminated faculty members' areas of expertise, including in other academic programs or units of
20 the university over a three-year period except in extraordinary circumstances where such faculty
21 appointments are needed to sustain growth or maintain academic programs. In such instances, the
22 provost will bring a proposal to Faculty Council for its review. Only in rare instances and for
23 compelling reasons will the provost overturn the recommendations of Faculty Council.

25 **4.6.7 *Appeal of Termination***

26

27 A tenured faculty member notified of termination because of financial exigency has a right to appeal to a
28 faculty committee regarding the selection of the area and type of retrenchment and selection of specific
29 faculty appointments to be terminated. See Chapter 5.

30

31 **4.7 Termination of Tenured Faculty Due to Discontinuance or Substantial Reduction of
32 an Academic Unit or Program**

33

34 The university may discontinue or substantially reduce an academic unit or program. Such decisions must
35 be based on educational concerns and the institution's overall educational mission. If a proposal for
36 discontinuance or substantial reduction involves curricular change but not termination of tenured faculty,
37 it shall be vetted according to Faculty Council's regular policies and procedures. If the proposal does
38 involve termination of tenured faculty, then the following steps must be followed instead.

39

40 All of the specified steps must take place during the normal academic year.

1 **4.7.1 Step 1**

2 The dean of the college responsible for the academic unit in question or the provost shall submit a formal
3 proposal (“the Proposal”) to the Faculty Council. The dean or provost shall also share the Proposal with
4 the faculty of the unit(s) affected by the proposed changes.

5 The Proposal should address the following:

6

7 1. The extent and scope of the discontinuance or substantial reduction of the academic unit or
8 program, including the number of faculty to be terminated and the nature of the curricular change,
9 if any;

10 2. Justification and rationale for the proposed reduction or discontinuance of the academic unit or
11 program (including criteria typically used to evaluate the discontinuance or substantial reduction
12 of programs);

13 3. Justification and rationale for the termination of faculty as a result of the discontinuance or
14 substantial reduction of the academic unit or program;

15 4. Explanation of how the discontinuance or substantial reduction of the academic unit or program,
16 including the termination of faculty, aligns with the university’s academic priorities and
17 educational mission;

18 5. Description of how the discontinuance or substantial reduction of the academic unit or program,
19 including the termination of faculty, will affect the academic quality of the institution;

20 6. Description of the specific steps to be taken in restructuring or phasing out the unit and a
21 proposed timeline (e.g., merging with another unit, shrinking or discontinuing a particular
22 program within or across units).

23 **4.7.2 Step 2**

24 Faculty Council shall constitute a Review Committee of five tenured faculty members to evaluate the
25 Proposal and prepare a report and recommendations for the Faculty Council. No member of the Review
26 Committee may be from a unit to be affected by the discontinuance or substantial reduction. The Review
27 Committee shall submit the Proposal and its report to the Faculty Council and to the tenure-line faculty
28 members attached to any unit directly affected by the proposed reductions or eliminations. The tenured
29 faculty members also have a right to submit, individually and/or as a group, a statement to Faculty
30 Council. This statement must be submitted, within twenty calendar days of the receipt of the documents,
31 to Faculty Council.

32 **4.7.3 Step 3**

33 Faculty Council, after receiving the report of the Review Committee and statements from tenured faculty
34 members at the Faculty Council meeting, will vote on the Proposal within two months. All votes on
35 discontinuance or substantial reduction must be conducted by secret ballot. If Faculty Council accepts the
36 Proposal from the dean/provost, it will forward its decision to the university president.

1 If Faculty Council rejects the Proposal, it will provide its reasons and rationale and make specific
2 recommendations for revision to the dean/provost. It may also request a meeting with dean/provost in
3 order to discuss its concerns and make its reservations clear. The dean/provost may then revise the
4 Proposal in light of these recommendations and resubmit the Proposal to Faculty Council for its final
5 vote.

6

7 **4.7.4 Step 4**

8

9 If Faculty Council accepts the Proposal, it will forward its decision to the university president and full-
10 time faculty members of all affected units or programs. The tenure-line faculty members attached to any
11 unit directly affected by the proposed reductions or eliminations have a right to the records used in the
12 deliberation process. The tenured faculty members also have a right to submit, individually or as a group,
13 within twenty calendar days of the Faculty Council decision, a statement to the university president
14 explaining a position contrary to that decision.

15

16 The university president shall not make a decision without considering the statements submitted by the
17 tenured faculty members affected by proposed discontinuance or substantial reduction. The university
18 president shall either accept the Proposal or, under exceptional circumstances, revise the Proposal and
19 resubmit to Faculty Council for a vote within thirty calendar days of notification of the Faculty Council
20 decision.

21

22 Faculty Council will make the final decision on the Proposal.

23

24 **4.7.5 Step 5**

25

26 Should the Proposal be accepted by the university president, Faculty Council, within fifteen calendar
27 days, shall constitute a Termination Committee of three tenured faculty members; the members shall be
28 drawn from outside the affected college and shall not be affiliated with the affected academic units or
29 programs. Faculty members who hold administrative appointments at the level of associate dean or above
30 are ineligible to serve. The Termination Committee shall select one of its own members as chair.

31

32 Within fifteen calendar days of the president's decision, the dean of the affected college, in consultation
33 with local academic unit officers, will submit to the Termination Committee a proposal ("Termination
34 Proposal") specifying which faculty affiliated with the affected program or unit will be terminated. If a
35 college is to be eliminated or if colleges are to be merged, the provost shall consult with the local
36 academic unit officers and relevant deans and then submit the Termination Proposal to the Termination
37 Committee.

38

39 The tenured faculty members from affected units will be given the opportunity to submit written
40 statements, including CVs and other relevant materials that discuss their qualifications and the rationale
41 for their retention to the Termination Committee.

42

43 The dean or provost, in making a Termination Proposal, and the Termination Committee, in evaluating
44 the Termination Proposal, are to decide according to the following criteria and in this order of priority:

1

2 1. Program viability: faculty required for a viable academic program may be retained if the program

3 itself is not to be phased out. Quality of faculty performance may be considered in evaluating

4 whether a faculty member is required for a viable academic program. In extraordinary

5 circumstances, where a serious distortion of the academic program would otherwise result, one or

6 more non-tenured faculty members may be retained. In such circumstances the Termination

7 Committee must explain why a particular faculty member's expertise is no longer needed.

8 Materials submitted by the affected faculty member(s) must be considered by the Termination

9 Committee along with other relevant material.

10 2. Tenure: tenured faculty are to be retained over non-tenured faculty; and

11 3. Seniority: more senior faculty are to be retained over less senior faculty. Seniority is defined first

12 by rank and second by years in rank.

13

14 In evaluating the Termination Proposal and the application of the above criteria, the Termination

15 Committee will comply with the university's equal employment opportunity policies and procedures.

16

17 The Termination Committee, within thirty calendar days of receiving the Termination Proposal, will

18 submit its recommendations to the provost, the deans of the affected units, the department chairs or

19 program heads, and the president of the Faculty Council.

20

21 The provost makes the final determination on termination. Only in rare instances and for compelling

22 reasons will the provost overturn a recommendation made by the Termination Committee. If the provost's

23 decision differs from the recommendation, the provost must prepare a written explanation and provide it

24 to the deans of the affected units, the department chairs or program heads, and the president of the Faculty

25 Council.

26

27 **4.7.6 University Obligations upon Termination of Tenured Faculty**

28

29 1. If a tenured faculty member designated for termination believes they are qualified to be

30 transferred, they must identify at least one local academic unit or college. The affected faculty

31 member will have the opportunity to submit a written statement regarding their fitness to serve as

32 a tenured faculty member in each of the identified units. The faculty member is entitled to attach

33 to their written statement any relevant documents or materials. The faculty member may describe

34 any additional training that might be appropriate. The faculty member has the right to access all

35 relevant available information within the university to assist in identifying the units in which they

36 would be qualified to serve and to assist in preparing the written statement. Within thirty calendar

37 days of receipt of the information from the university, the faculty member must submit a request

38 for transfer to each of the identified units.

39

40 If the faculty member designated for termination requests a transfer, the provost must inform the

41 local academic unit officers of each of the identified units. Within forty five calendar days of the

42 provost's notification, the local academic unit officers of the identified units;

43 a) Must call a meeting of all the eligible faculty of that unit to vote on the transfer of the faculty

44 member to that unit;

- 1 b) Must circulate, prior to that meeting, to all such eligible faculty, on a confidential basis, the
2 faculty member's written statement;
- 3 c) Must provide an opportunity for the faculty member to make an oral presentation to the
4 eligible faculty of the unit and to answer questions;
- 5 d) Must hold a vote of eligible faculty when a quorum is present. A majority vote of the eligible
6 tenured faculty in attendance is necessary and sufficient to accept the faculty member.

7
8 Should more than one unit accept the faculty member, the faculty member must select one. Upon
9 the faculty member's selection of a unit for transfer, the provost will take necessary steps to
10 effectuate the transfer.

- 12 2. Should no unit accept the faculty member, the university will make every effort to place the
13 faculty member concerned in another suitable university position for which the person is
14 qualified. If placement in another university position would be facilitated by a reasonable period
15 of training, financial and other support for such training will be proffered.
- 17 3. If no position is available within the institution, with or without retraining, or if the faculty
18 member chooses not to pursue another position within the university, the tenured faculty
19 member's appointment will be terminated. The terminated tenured faculty member shall be
20 entitled to a severance payment equal to twenty-four months' contract salary and benefits.
- 22 4. The university is obligated not to approve new full-time faculty hires in a terminated faculty
23 member's areas of expertise (defined as courses that the faculty member has either previously
24 taught or is qualified and willing to teach in any academic unit) within a three-year period unless
25 the terminated faculty member has been offered reinstatement with reasonable time in which to
26 accept or decline. Within this three-year period, no more than three additional quarter-length or
27 two semester-length course sections per year may be offered by tenured or non-tenured faculty
28 within that faculty member's areas of expertise. In instances where the university finds
29 compelling need to offer more than three additional quarter-length or two semester-length course
30 sections per year in a terminated faculty member's areas of expertise through the use of tenured
31 or non-tenured faculty, the provost will bring a proposal to Faculty Council for its approval.

33 4.7.7 *Appeal of Termination*

35 A tenured faculty member notified of termination because of discontinuance or substantial reduction of an
36 academic unit or program has the right to appeal to a faculty committee regarding the selection of their
37 specific faculty appointment for termination. See Chapter 5.

39 4.8 Termination of Tenured Faculty Due to Medical Leave Exceeding Thirty-Six Months

41 If illness or disability prevents a faculty member from performing their university obligations and duties,
42 the faculty member may request a medical leave under the university's Family and Medical Leave Act
43 policy and the Sick Pay, Short and Long Term Disability policy. All medical leaves are subject to the
44 policies and procedures of the applicable leave and benefit programs, including physician certification of

1 illness or disability and ability to return to work. Information about university leave and benefit programs
2 are described at the Human Resources website.

3
4 A tenured faculty member who goes on approved Long Term Disability leave may resume their
5 university position at any time within thirty-six consecutive months of the first day of Short Term
6 Disability leave if the faculty member is able to fulfill their university obligations and duties, with or
7 without reasonable accommodation. If, after the thirty-six month period, the tenured faculty member
8 remains unable to fulfill their university obligations and duties, with or without a reasonable
9 accommodation, the tenured appointment may be terminated.

10
11 If a faculty member's appointment is terminated under this section and the faculty member thereafter
12 becomes able to return to work and resume the obligations and duties of a tenured faculty member, and
13 the faculty member's former appointment is vacant, they will be returned to the former appointment at the
14 same rank. If the former appointment is no longer available and there is a vacant faculty appointment for
15 which the faculty member is qualified, the university will give the former faculty member's application
16 strong consideration. Such a faculty member, if appointed, shall be appointed at their prior rank and at
17 the salary associated with the vacant faculty appointment.

18
19 A tenured faculty member whose appointment is terminated under this section may appeal the
20 termination. See Chapter 5.

21
22 **4.9 Resignation**

23
24 A faculty member who wishes to resign shall do so by submitting a written notice of resignation to the
25 dean and local academic unit officer with a proposed effective date.

26
27 **4.10 Retirement**

28
29 A faculty member who wishes to retire shall do so by submitting a written notice of retirement to the dean
30 and local academic unit officer with a proposed effective date. DePaul University has no mandatory
31 retirement age for faculty.