

NUMBER: 1450
TITLE: Faculty Sanctions
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I. General

A sanction may be imposed on a faculty member to document, correct, and/or take disciplinary action for behavior that violates the standards of faculty conduct as articulated in the Teaching and Research Faculty Handbook, other university policies, and applicable local, state, and federal laws. A sanction may not be imposed upon a faculty member unless the faculty member has been notified in writing of the charges upon which the sanction is based and has been provided with an opportunity to respond to those charges.

Under no circumstances shall the imposition of sanctions or the threat of the imposition of sanctions be used to restrain a faculty member's exercise of academic freedom or exercise of any of the rights guaranteed by the Constitution of Virginia or by the Constitution of the United States.

All notifications required under this policy shall be presumed delivered upon an email sent to the faculty member's ODU email address.

II. Definitions

A. A Major Sanction is an action that negatively affects the faculty member's property interest including but not limited to salary and rank. Examples may include but are not limited to actions that involve the dismissal, suspension without pay, reduction in salary, loss of salary increases, or reduction in rank of a faculty member.

B. A Minor Sanction includes all other disciplinary actions imposed on a faculty member and placed in the personnel file including letters of reprimand.

III. Minor Sanction

A. Authority

A minor sanction may be imposed upon a faculty member by a department chair, a dean, the provost and vice president for academic affairs, or the president.

B. Procedure

1. Before a minor sanction may be imposed upon a faculty member, the faculty member must be notified in writing of the charges for which a sanction might be

imposed. Charges should be related to violations of university policies or rules, or laws. The university policies should be specified in any charges leveled. The faculty member then must be provided with an opportunity to meet with and to present a statement in defense or in mitigation of the charges to the individual with the authority to impose the sanction. That opportunity shall be provided no less than ten (10) and no more than thirty (30) days following the faculty member's receipt of notification of charges.

2. Before a department chair or a dean exercises the authority to impose a minor sanction upon a faculty member, the decision to impose the sanction and the reasons therefore must be reviewed and approved by the immediate administrative supervisor of the individual imposing the sanction.
 3. Within sixty (60) days of the date of the faculty member's receipt of notice of charges, the faculty member shall be notified as to whether a minor sanction has been imposed and acknowledge receipt of the notice of imposition of the sanction. If a minor sanction has been imposed, the notice shall include a statement of the reasons for the sanction, the faculty member's right to respond in writing, and refer to the information in the Faculty Sanctions policy. Any sanction imposed and the reasons therefore shall be notified in the faculty member's permanent personnel file but if no sanction is imposed, there shall be no notation or reference to the charges in the file.
 4. The faculty member may respond in writing to the imposition of a minor sanction but must do so within thirty (30) days following the faculty member's receipt of notice of the sanction. The faculty member's written response to the charges will be included in the faculty member's permanent personnel file unless the faculty member requests otherwise.
 5. All documents related to an imposed sanction must be retained in a secure location at the college level for five years.
- C. A faculty member who desires a review of the minor sanction imposed may file a grievance against the administrative official imposing the sanction in accordance with the Faculty Grievance Policy.

IV. Dismissal and Other Major Sanctions

A. Authority

Only the Board of Visitors has the authority to dismiss a faculty member and only the Board of Visitors or the president has the authority to impose upon a faculty member a major sanction short of dismissal, i.e., reduction in current salary level or rank or suspension from service for a stated period with or without pay. "Dismissal" as used in this policy means the termination of a tenured faculty member or the termination of a nontenured faculty member prior to the end of a term appointment to which the faculty member would otherwise be entitled under the policies of the university but does not

the effective date of the dismissal which may be any time following the date of notice.

The Board may decide instead to impose a major sanction, other than dismissal, to impose a minor sanction, to dismiss the charges or to withhold final decision and to remand the matter to the Faculty Grievance Committee for further proceedings in accordance with the Board's directions. The Board shall provide written notice of its decision to the president and to the faculty member.

3. After its consideration of an appeal of a presidential decision to impose a major sanction other than dismissal upon a faculty member, the Board may decide to sustain the president's decision, to reduce the sanction (see D.1. above for relevant procedures), to dismiss the charges, or to withhold final decision and to remand the matter to the Faculty Grievance Committee for further proceedings in accordance with the Board's directions. The Board shall provide written notice of its decision to the faculty member and to the president.

If the matter is remanded to the Faculty Grievance Committee, the committee shall conduct additional proceedings in accordance with the Board's directions. Following the conclusion of such proceedings, the committee shall transmit its report to the Board and shall furnish copies of its report to the president and to the faculty member. After receipt of the committee's report, the Board shall make its final decision and shall provide written notice of its decision to the president and to the faculty member.

4. In every case, the decision of the Board is final.

E. Limitations Upon the Imposition of More than One Sanction

The imposition upon a faculty member of a minor or major sanction shall preclude the imposition upon that faculty member of another sanction based upon the same incident. Previous sanctions imposed on a faculty member may be taken into account when considering new sanctions based on a different incident or a repeat of sanctioned behavior.

F. Suspension Prior to the Completion of Proceedings

Prior to the completion of proceedings under this policy, a faculty member may be suspended by the president or assigned other duties in lieu of suspension if serious harm to the faculty member or to others is threatened by the faculty member's continued performance of regular duties. Salary shall continue during suspension. Suspension