

**National–Louis University Policy for Termination of Tenured Faculty for Cause
FP: 115**

Approved:	Faculty Senate	Date: September 15, 2004
Approved:	Senior Administration	Date: September 23, 2004
Approved:	Board of Trustees	Date: October 27, 2004

EFFECTIVE DATE: November 24, 2004

The University supports tenure and academic freedom. However, it may become necessary to terminate a tenured faculty member for adequate and just cause; that is any action that a reasonable employer, acting in good faith, would regard as a sufficient basis or reason for such termination.

A tenured faculty member may be terminated for serious violations of law, unprofessional behavior or grave misconduct regarding standards of conduct for members of a University faculty. Termination for adequate and just cause will occur only after due process has been assiduously followed. This process should be conducted in a confidential manner that protects the public reputation of the faculty member who is being considered for termination.

Grounds for beginning a termination procedure of a tenured faculty member may include, but are not limited to:

serious violations of law

- conviction by a court of law of a felony and/or a crime involving moral turpitude
- harassment

unprofessional behavior

- falsification of research and/or credentials
- incompetence
- negligence

grave misconduct

- deliberate and persistent breach of faculty duties as defined in the NLU Faculty Contract
- insubordination

and lastly, physical or mental disability that negatively affects job performance

Procedure

Complaint

An aggrieved party submits a written grievance to one or more of the following Investigative Bodies: the Dean, Human Resources, and/or The General Counsel for offenses described as terminable within this policy.

The Investigative Body, (meaning the Dean, Human Resources and/or The General Counsel) consults with the aggrieved party and the involved faculty member to determine the seriousness of the problem, evidence for, and documentation of its truth and to determine whether the issue can be successfully resolved at this level.

Suspension by the President

If a harm to the faculty member involved or any other person can result from his or her continuance, or if the faculty member involved is so physically or mentally impaired that adequate performance of duties is deemed impossible, the president may at his or her discretion place the faculty member on paid administrative leave, pending the outcome of the investigation of the charges brought against the faculty member. During such administrative leave the faculty member shall be paid his/her regular salary.

Investigative Panel

If evidence is sufficient and considered serious, the Investigative Body will forward the complaint to an Investigative Panel, consisting of the Provost, a human resource officer and the Faculty Senate Chair.

This Investigative Panel will notify, by certified mail, the accused faculty member of the complaint and pending investigation.

The Investigative Panel will convene within 5 working days of the receipt of the complaint to determine the merits of the grievance. The Investigative Panel does this by:

- fact information gathering regarding the grievance.
- conducting interviews of all parties, as necessary.
- adjudicating its opinion based on the evidence and documentation presented.

The Investigative Panel shall determine, within 30 calendar days, whether the faculty member has, or has not, engaged in conduct that rises to a level of adequate and just cause. However, if the Investigative Panel does not find adequate and just cause for termination, the Investigative Panel shall issue a no cause finding and the complaint shall be dismissed.

If sufficient cause is determined, the Investigative Panel shall recommend termination and move the complaint to the Faculty Review Committee.

The Investigative Panel will notify the faculty member involved in writing, of its recommendation and all relevant evidence it used to render that recommendation.

Faculty Review Committee

The Faculty Review Committee will examine the content of the grievance and the process followed by the Investigative Panel to evaluate the merits of the grievance (due process).

The Faculty Review Committee will consist of two tenured faculty members from each college of the University: NCE, CMB and CAS, and one full-time faculty member from the University Library. Within 20 calendar days, but no later than 30 calendar days after the Investigative Panel issues its recommendations, the Provost and Senate Chair will select these 7 members at random from all full-time tenured faculty members and the university library and solicit their willingness to serve on this committee.

Within 3 days of selection of the Faculty Review Committee, the faculty member involved will have the right to request dismissal of a maximum of two of those faculty members selected. The dismissed faculty will be immediately replaced in a process similar to that by which the original committee was chosen.

The Faculty Review Committee will convene within 5 working days of receipt of their charge by the Investigative Panel. Their work will consist of:

- fact and information gathering regarding the grievance.

- conducting interviews of all parties involved, as necessary.
- adjudicating its opinion based on the evidence, testimony and documentation presented.

The Provost, Senate-Chair, the aggrieved party, the accused faculty member and representatives of the accused faculty member may be present at all meetings of the Faculty Review Committee except for the final deliberations that lead to a recommendation. An official transcript of all committee meetings will be maintained and available to all parties to the dispute.

Within a reasonable amount of time (no longer than 30 calendar days), this body will determine whether the faculty member has or has not engaged in conduct that rises to a level of adequate and just cause for termination.

If adequate and just cause is found, the Faculty Review Committee will recommend termination. This recommendation, along with the recommendation of the Investigative Panel, will be forwarded to the president.

Should the Faculty Review Committee conclude there is not adequate and just cause for termination, that recommendation, along with the Investigative Panel's recommendation, will be forwarded to the president.

The accused faculty member will be notified in writing of the Faculty Review Committee's recommendation.

The accused faculty member has the right to appeal an adverse recommendation of the Faculty Review Committee to the President

President

The President will review the recommendations of both the Investigative Panel and the Faculty Review Committee to ensure that due process has been afforded by the Investigative Panel.

The President will either concur or dissent with the recommendations rendered by the Faculty Review Committee, and Investigative Panel and any appeal presented by the accused faculty member.

If the President agrees with the recommendations of the Faculty Review Committee and Investigative Panel, the recommendation for termination will be forwarded to the Board of Trustees for final action.

If the President disagrees with the recommendations of the Faculty Review Committee and Investigative Panel, a Faculty Appeal Review Committee will be called by the President, with all rights and responsibilities of the first committee.

Faculty Appeal Review Committee

The Faculty Appeal Review Committee will examine the content of the grievance and the process followed by the Investigative Panel and the Faculty Review Committee in order to evaluate the merits of the grievance (due process) and the dissent expressed by the president.

The Faculty Appeal Review Committee will consist of 3 members chosen at random by the Provost and Senate Chair from the Promotion and Tenure Appeals Committees of the three colleges and University Library. No member of the Faculty Review Committee can serve on the Faculty Appeal Review Committee.

The Faculty Appeal Review Committee will convene within 5 working days of receipt of their charge. Their work will consist of:

- gathering information regarding the grievance.
- conducting interviews of all parties, as necessary.
- adjudicating evidence and documentation.

Within 30 calendar days the Faculty Appeal Review Committee will determine whether the faculty member has or has not engaged in conduct that rises to a level of adequate and just cause for termination.

If sufficient cause is determined, the Faculty Appeal Review Committee will recommend termination. This recommendation, along with the recommendations of the Investigative Panel and Faculty Review Committee, will be returned to the president.

If the Faculty Appeal Review Committee recommends there is insufficient evidence for termination, that recommendation, along with the Faculty Review Committee and Investigative Panel recommendations, will be returned to the president.

The accused faculty member will be notified in writing.

All recommendations will then be forwarded to the Board of Trustees for final action. The Board will return a final decision to the president, who in turn, will notify the accused faculty member of the final resolution.