

# APSU Faculty Discipline and Performance Improvement Policy

**Policy #: 0:000 (to be assigned)**

## Application of Policy

This policy applies to all full-time instructors, full-time tenured or tenure-track faculty, directors, coordinators, chairs, and deans.

## Statement of Purpose

The purpose of this policy is to

- (a) facilitate a productive and harmonious working environment;
- (b) protect faculty from the subjective and arbitrary application of disciplinary sanctions; and
- (c) assure the ultimate and enduring success of Austin Peay State University (APSU) through adherence to the core values of the university.

The university will apply appropriate progressive disciplinary measures (based on individual situations) to faculty members whose behavior fails to meet these expectations through neglect of, or failure to perform, their responsibilities by imposing a variety of sanctions in a manner that assists the faculty member to remediate their behavior.

This policy applies to all levels of disciplinary matters as part of an appropriate progressive discipline framework. Recommendations for termination must occur in accordance with relevant state law and applicable APSU policy.

Faculty members shall perform the following duties including, but not limited to:

- (a) Maintain and exhibit competence and professionalism in their capacity as faculty
- (b) Exercise professional and personal integrity and behavior
- (c) Engage in fair professional practices in the exercise of their duties in and outside of the classroom
- (d) Faithfully execute their responsibilities in Areas 1, 2, and 3 as outlined in the Tenure Policy (1:025) and the P & G document
- (e) Carry out their responsibilities as expected and outlined in the faculty member's contract
- (f) Follow the ethical principles of the academic profession as expressed in the AAUP Statement of Professional Ethics and the APSU Code of Ethical Conduct
- (g) Adhere to federal and state laws and the rules and policies adopted by the APSU Board of Trustees and the university
- (h) Follow the Faculty Responsibilities section in the most updated Faculty Handbook Definitions

## **Progressive Discipline**

“Progressive Discipline” is the process of imposing sanctions in a gradual manner that corresponds to the nature, seriousness, and impact of the behavior on the university. However, a faculty member’s sanction or recommended corrective action plan may immediately escalate to a higher-level dependent on the severity of the misconduct. Faculty should not expect a linear application of sanctions in all situations and circumstances.

## **Sanctions**

“Sanctions” refers to corrective 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 a higher-level penalty.

## **Misconduct**

“Misconduct” is a violation of standards of conduct, behavior, attendance, and job performance consistent with the requirements of the position.

## **Procedures and Responsibilities**

The department chair or dean shall be responsible for completing a diligent and fair investigation of any allegation of misconduct. Following established policies, the chair shall be the first point of contact in the investigation of the misconduct. The chair may consult with the dean of the college to determine the nature of the misconduct. This remediation approach is meant to solve problems and improve performance for lower-stakes offenses and is not meant to punish the faculty member.

In applying this policy, the chair and/or dean shall investigate the faculty member’s misconduct to explore whether there are opportunities for professional development workshops, continuing educational opportunities, sensitivity training, or matters that should be referred to other entities, such as the Office of Disability Services, the Employee Assistance Program, or others.

**Note:** Offenses related to discrimination and/or harassment made against faculty members must be referred to the Office of Human Resources or the Office of Equity, Access, and Inclusion, as applicable. Allegations of discrimination, illegal conduct, or harassment will be resolved by other appropriate university policies that may rest outside of this policy.

The following general procedures must be followed when a faculty member fails to achieve and maintain standards of conduct, behavior, attendance, and job performance consistent with the requirements of the position. Progressive discipline levels are described below.

### **LEVEL 1 Misconduct**

#### **Informal Discussion**

Chairs are strongly encouraged to resolve most lower-level misconduct via an in-person discussion. In cases of minor misconduct or performance issues, the chair should discuss the misconduct and/or performance problems with the faculty member and develop solutions. If the problem persists, or the nature of the problem warrants more stringent action, the department chair or dean may impose a higher level of sanction as described below. The individual parties are encouraged to maintain notes of the interaction.

## **LEVEL 2 Misconduct**

### **Departmental Written Warning**

The department chair shall provide the faculty member with a *written warning* that their conduct does not meet acceptable standards. The chair shall send an email containing the *written warning* letter as an attachment along with a meeting request to discuss the warning. The faculty member is required to acknowledge receipt of the email and the warning. This *written warning* should be specific and should include a description of a recommended performance improvement plan.

A meeting between the faculty member and the chair shall take place within seven (7) business days from the issue date on the *written warning*. At this meeting, the performance improvement plan that the faculty member is required to follow will be discussed, developed, and mutually agreed upon.

The faculty member shall be permitted to prepare a written rebuttal to the allegations contained in the *written warning*, including any evidence or information the faculty member wants the chair to add to the record. The written rebuttal shall be provided to the chair within seven (7) business days from receipt of the *written warning*. A copy of the *written warning* and any additional documentation shall be kept in the chair's files.

All *written warnings* shall expire one year after the issue date as long as an additional situation similar to the original misconduct has not arisen. The faculty member shall be provided with a copy of such documentation as well. This second-level *written warning* shall not be included in a faculty member's RTP e-dossier and will not be considered part of the RTP process.

In the *written warning*, the chair should clearly state that future incidents or failure to improve job performance, conduct, or attendance may result in a higher level of discipline, such as an official written reprimand or other sanctions.

## **LEVEL 3 Misconduct**

### **Official Written Reprimand**

The chair and the dean shall consult on the need for an *official written reprimand*. If the chair and dean concur on the need for an *official written reprimand*, the chair and/or the dean shall provide this reprimand noting that the faculty member's performance or conduct has violated acceptable standards.

The faculty member shall be permitted to prepare a written rebuttal to the allegations contained in the *official written reprimand*, including any evidence or information the faculty member wants the chair and/or dean to add to the record which shall be received within seven (7) business days of the *official written reprimand*. The *official written reprimand* and any written responses shall be placed in the faculty member's official personnel file maintained in the university's Office of Human Resources.

This *official written reprimand* should be specific and should include a description of a corrective improvement plan that the faculty member should follow. This meeting between the faculty member and the chair and/or dean shall take place within seven (7) business days from the issue date on the *official written reprimand*.

An *official written reprimand* will remain in place for one calendar year, or for a length of time as specified in the corrective improvement plan. At the end of that period, the chair, dean, and provost will meet with the faculty member to determine if improvement or

resolution of the misconduct has occurred. If so, the *official written reprimand* will expire.

If the chair and the dean believe that the *official written reprimand* is not sufficient to rectify the faculty member's misconduct, or if the misconduct is more severe, the disciplinary process will rise to a higher-level sanction as defined below.

**Note:** Level-3 misconduct information may be included in the faculty member's RTP e-dossier. The instructions within the section titled "*Documents Not Ordinarily Part of Content and Order Requirements*" in the P & G document must be followed to introduce such materials. Level-3 information may also be included in the Annual Faculty Evaluation.

## **LEVEL 4 Misconduct**

### **Higher-level Sanction**

If the behavior extends beyond the level of the official written reprimand, the chair, the dean, and the provost shall discuss all facts related to the allegation and the rules, policies, procedures, and laws that may have been violated.

If the provost determines further action is necessary, the provost shall inform The Office of Human Resources and the Office of Legal Affairs before taking any further action. The president's office shall be notified that the issue has been referred to the Office of Legal Affairs. The chair, the dean, a Human Resources representative, a representative from the Office of Legal Affairs, and the provost 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 still in effect, to determine the appropriate sanction(s).

If chairs and/or deans engage in behavior that meets criteria for Levels 1-3 misconduct, the provost shall determine their corrective actions. If chairs and/or deans engage in behavior that meets criteria for Level-4 sanctions, they may be subject to being released from their professional administrative responsibilities. The provost shall determine the appropriate sanctions.

**Note:** Level-4 misconduct information may be included in the faculty member's RTP e-dossier. The instructions within the section titled "*Documents Not Ordinarily Part of Content and Order Requirements*" in the P & G document must be followed to introduce such materials. Level-4 information may also be included in the Annual Faculty Evaluation.

# Faculty Members' Rights

## Rebuttals

The faculty member may submit a written rebuttal to any Level-2 or Level-3 misconduct disciplinary action.

## Appeals Process

The faculty shall have access to the appeals process via the Discipline Policy Appeals Committee in any cases of Level-4 sanctions for misconduct. The faculty member shall be given seven (7) business days from receipt of notification of the sanction to appeal the sanction(s).

## Discipline Policy Appeals Committee

Composition of the Discipline Policy Appeals Committee (standing committee)

- a. One faculty member from each college and the library shall be represented on this committee. The Faculty Senate shall be responsible for selecting the faculty members to serve on the Discipline Policy Appeals Committee.
- b. No individuals who serve on this appeals committee should have any real or perceived conflicts of interest with the faculty member under sanction.
- c. The provost shall appoint one dean and one chair to serve on this committee.
- d. Neither the chair nor the dean who is appointed shall represent the college of the faculty member under sanction. In such cases, an alternate dean or chair shall be appointed by the provost on a case-by-case basis.
- e. The presiding officer of the Discipline Policy Appeals Committee shall be selected by a vote of the members of this committee. The presiding officer of this committee cannot be from the same college as the faculty member who is under sanction. In these cases, the committee will elect another individual to serve as the presiding officer to avoid any real or perceived conflicts of interest.
- f. The faculty member receiving the sanction will present their case to the Discipline Policy Appeals Committee (via documents attached through email and/or a personal appearance before the appeals committee).
- g. The Discipline Policy Appeals Committee will review the provost's proposed sanction(s) and present its findings.
- h. Each member of the Discipline Policy Appeals Committee shall vote on the sanction(s) to be imposed for a Level-4 misconduct. If the voting member belongs to the same department as the faculty member receiving sanctions, that individual should recuse themselves. *Abstain votes are not permitted* within the Discipline Policy Appeals Committee process to maintain consistency with the faculty RTP process.
- i. The provost will meet with the faculty member and notify them in writing of final sanctions. Sanctions begin immediately.

## Examples of Level 4 Sanctions

One or more types of sanctions may be imposed as necessary to address the nature and seriousness of the misconduct. Sanctions will remain in place for one calendar year. At the end of that period, the chair, dean, and provost will meet with the faculty member to determine if improvement or resolution of the misconduct has occurred. If so, sanctions will end. If remediation is not satisfactory, additional sanctions or continuation of a sanction will be determined by the chair, dean, and provost as appropriate.

Sanctions may include, but are not limited to, the following:

- Reduction in additional duties (program director, administrative duties or appointments, etc.) with an associated reduction in compensation
- Loss of reassigned time
- Loss of eligibility for merit pay
- Loss of privileges to interact with the community as a representative of APSU (community activities requiring an absence from teaching or other Area 1 or Area 3 responsibilities)
- Loss of Summer and Wintermester teaching employment for those on less than twelve-month contracts
- Loss of financial support for travel and professional development
- Loss of teaching upper-level/graduate courses in the faculty members' specialty area
- Suspensions with or without pay. However, prior to the imposition of suspension without pay, the faculty member shall be provided the opportunity for a hearing before the Discipline Policy Appeals Committee at which time the faculty member may call witnesses, cross-examine accusers, and be represented by an attorney.

Links to be included here:

[Tenure Policy 1:025](#)

[Termination for Adequate Cause Policy 2:043](#)

[Tenure P and G document \[latest version is dated May 7, 2021\]](#)

[AAUP Statement of Professional Ethics](#)