

Memo To: All UH-Downtown/PS Holders

UH-Downtown/PS 10.A.06

Issue No. 2

From: William Flores, President

Effective date: 05/04/15

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Subject: Faculty Dismissal

## 1. PURPOSE

- 1.1 This document defines and explains the various reasons for dismissal and establishes guidelines to be followed in instances of dismissals for academic cause, moral turpitude, medical reasons, financial exigency, or elimination of degree programs or departments for reasons not mandated by financial exigency.
- 1.2 The specific guidelines outlined in this policy do not deny the faculty member's right to file a specific grievance as guaranteed by PS 10.A.02 Faculty Grievance Procedures.

## 2. DEFINITIONS

- 2.1 Dismissal is defined by UH System policy as "severance from employment for cause." The System policy specifies, "Dismissal shall not be used to restrain faculty members in their exercise of academic freedom." Cause is a general term and covers such specific reasons for dismissal as academic cause, moral turpitude, medical reasons, financial exigency, and elimination of degree programs or departments for reasons not mandated by financial exigency.
- 2.2 Academic cause is defined as substantial and manifest neglect of professional or academic responsibilities.
- 2.3 Moral turpitude is defined as an act or behavior that would cause general condemnation of the person involved. The concept includes conviction of a major illegal act and/or proof that the person's conduct would offend the standards of the American academic community as a whole.
- 2.4 Medical reasons are defined as major health afflictions that prevent a faculty member from fulfilling the terms of his employment and are anticipated to continue over an extended period of time.
- 2.5 Financial exigency is defined as a bona fide financial crisis which threatens the continued existence of the institution as a whole and which cannot be alleviated by any means other than by dismissals.
- 2.6 Elimination of degree programs or departments for reasons not mandated by financial exigency is defined as discontinuance of programs for sound educational reasons which will allow the institution to serve its students more efficiently or to meet its mission more effectively.

### 3. POLICY

#### 3.1 Guidelines for Dismissal Proceedings for Academic Cause

- 3.1.1 Before dismissal proceedings for academic cause may be instituted against a tenured faculty member, two-thirds of the tenured members of the person's department, exclusive of the chairperson, must agree that the person has exhibited substantial and manifest neglect of professional or academic responsibilities.
- 3.1.2 When two-thirds of the tenured faculty members of the person's department have agreed that the person has exhibited substantial and manifest neglect of professional or academic responsibilities, a meeting with the chairperson, the division dean, and the tenured members of the department must be held. If two-thirds of the tenured faculty and either the dean or chairperson agrees that dismissal proceedings should be considered, the dean must inform the vice president for academic affairs; if not, the matter proceeds no further.
- 3.1.3 The vice president for academic affairs must notify all parties if he/she intends to recommend to the president that dismissal take place; if not, the matter proceeds no further.
- 3.1.4 When notified by the vice president for academic affairs that a dismissal recommendation is being made, the faculty member being recommended for dismissal may file a grievance as outlined in PS 10.A.02. The results of the grievance hearing should be addressed to the president with notification to all parties as provided in PS10.A.02.
- 3.1.5 If the president recommends dismissal to the UH System Chancellor, he/she must notify all involved parties. All documentation and recommendations from the department level upward must also be forwarded to the chancellor.

#### 3.2 Guidelines for Dismissal Because of Moral Turpitude

- 3.2.1 When the president is made aware of an act or behavior of a faculty member defined as moral turpitude, the president may, after consultation with the UH System Chancellor and Legal Counsel, remove that faculty member from the college environment.
- 3.2.2 The faculty member has the right to a grievance hearing as outlined in PS 10.A.02.

- 3.2.3 If a faculty member is dismissed for moral turpitude, severance salary will not be paid.

### 3.3 Guidelines for Dismissal Because of Medical Reasons

- 3.3.1 Dismissal of a faculty member for medical reasons will be based on clear medical evidence that the faculty member will be unable to resume his/her duties after he/she has exhausted accrued sick leave, vacation time, and approved extended sick leave.
- 3.3.2 Extended sick leave with or without pay may be authorized by the president. Leave with pay, including sick leave, vacation time, and extended sick leave must not exceed 135 working days.
- 3.3.3 The decision to dismiss for medical reasons may be made only after consultation with the faculty member or his/her designated representative.
- 3.3.4 Following notification of dismissal for medical reasons, the faculty member or his/her designated representative may file a grievance with the University of Houston – Downtown (UHD) grievance committee and hearings may be held as provided for in PS 10.A.02.

### 3.4 Guidelines for Dismissal Because of Financial Exigency

- 3.4.1 If the administration anticipates that a major financial crisis is imminent, it will so inform the entire faculty and will ask each department to elect one tenured faculty member to serve on a special committee to work with the administration in an attempt to resolve the crisis.
- 3.4.2 This committee will participate in the discussions leading to a determination of whether a bona fide financial crisis exists which will require dismissal of faculty to alleviate. Any disagreement with the committee concerning the existence or extent of the exigency will be noted by the administration.
- 3.4.3 If it is determined that such a crisis does exist, the administration will develop a plan to alleviate the crisis in consultation with the special committee.
- 3.4.4 The special committee in conjunction with the appropriate administrative officers will also assist the administration in its attempts, wherever possible, to relocate the affected faculty members in other appropriate positions at

UHD.

- 3.4.5 If a faculty member is dismissed for reasons of financial exigency, he/she may request a grievance hearing. The hearing body shall consider questions raised concerning any disagreement between the special committee and the administration concerning the existence and extent of a financial exigency.
  - 3.4.6 All grievances filed over matters relating to financial exigency will be handled in the manner outlined in PS 10.A.02.
  - 3.4.7 The position of a faculty member dismissed for reasons of financial exigency may not be filled within three years unless reinstatement is offered to the dismissed faculty member.
- 3.5 Guidelines for Dismissal because of the Elimination of Degree Programs or Departments for Reasons Not Mandated by Financial Exigency
- 3.5.1 The decision to eliminate degree programs or departments which will require dismissal of faculty will be taken only for bona fide educational considerations and not for reasons of temporary changes in enrollment. These decisions must be based on long-range judgments designed to strengthen the institution.
  - 3.5.2 When the administration decides to consider the possible elimination of degree programs or departments which will require faculty dismissals, the administration will ask each department to elect one tenured faculty member to serve on a special committee to assist in this decision-making process.
  - 3.5.3 This special committee in conjunction with the appropriate academic officers will make recommendations on the advisability of eliminating the degree programs or departments and in cases where dismissals are warranted will assist the administration in its attempt to relocate the affected faculty members in other appropriate positions at UHD.
  - 3.5.4 If it is not possible to relocate the affected faculty members within the institution and dismissal notices are given, the faculty member may request a grievance hearing as outlined in PS 10.A.02.
  - 3.5.5 Degree programs or departments eliminated may not be reinstated for at least three years unless reinstatement is offered to all faculty affected by the

termination.

### 3.6 Notice or Severance Salary

- 3.6.1 In cases of notice of dismissal because of financial exigency, a minimum of 12 months' notice of termination must be given to tenured faculty members. Notification of probationary faculty members will follow the same timetable for notice established by non-reappointment.
- 3.6.2 In cases of notice of dismissal because of elimination of programs, tenured faculty will be given a minimum of 18 months notice. Notification of probationary faculty will follow the same timetable for notice established by non-reappointment.
- 3.6.3 In cases of notice of dismissal for academic cause, except as noted in 2.8, proper notice will be given to the faculty members using the same timetable for notice established by non-reappointment.
- 3.6.4 In lieu of notice, the faculty member and the administration may agree to a financial settlement.

### 3.7 Dismissal Because of Extraordinary Circumstances

- 3.7.1 If the president decides that the continued employment of a faculty member represents a clear threat to the educational standards of UHD, to students, or to the faculty member him/herself, or if a faculty member has consistently refused to follow UHD or UH System policies, the president may waive the requirements outlined in 3.1.1, 3.1.2, and 3.1.3, and may implement the guidelines outlined in 3.1.4 and 3.1.5.
- 3.7.2 In such cases the faculty member is suspended with pay pending the final resolution of the issue.

## **6. REVIEW PROCESS**

Responsible Party (Reviewer): Senior Vice President for Academic Affairs and Provost

Review: Every five years, or as necessary

Signed original on file in the Office of Human Resources.

## **7. POLICY HISTORY**

Issue #1: 10/03/1986

Issue #2: 05/04/2015