

Commission on Faculty Affairs

RESOLUTION TO REVISE FACULTY HANDBOOK SECTION ON SANCTIONS

CFA 2025-26G

Resolution Proposal Form Sent to University Council Cabinet	November 3, 2025
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Approval by Senate	Date
Faculty Senate Comment	Date
Staff Senate Comment	Date
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Undergraduate Student Senate Comment	Date
First Reading, University Council	Date
Approved, University Council	Date
Approved, President	Date
Approved, Board of Visitors	Date
Effective Date	Upon Approval or Date

WHEREAS, the current *Faculty Handbook* language on severe sanction and dismissal for cause lacks sufficient clarity and consistency; and

WHEREAS, the absence of a minor-sanction provision limits the University's ability to use proportional, progressive disciplinary measures; and

WHEREAS, codifying minor sanctions will promote consistency by replacing ad hoc administrative practices with clear, institution-wide procedures; and

WHEREAS, faculty participation through appropriate committees at each stage of progressive discipline is essential to ensuring due process and shared governance;

NOW, THEREFORE, BE IT RESOLVED that the Faculty Handbook, section 3.10, be revised as shown below with changes noted in **red**.

CHAPTER THREE: TENURE-TRACK AND TENURED FACULTY

3.10 Imposition of a Minor or Severe Sanction, or Dismissal for Cause*

*Note: The procedures specified follow closely, but differ in occasional detail from, the "1976 Institutional Regulations on Academic Freedom and Tenure" approved by Committee A of the American Association of University Professors (AAUP).

3.10.1 Adequate Cause

Adequate cause for imposition of a severe sanction or dismissal is related, directly, and substantially, to the fitness of faculty members in their professional capacity as teachers, and scholars, and university citizens. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights.

Adequate cause for a minor sanction includes: failure to meet established professional responsibilities; neglect of duties; inappropriate or discourteous conduct toward colleagues, students, or staff; disregard of institutional policies or reasonable directives; or ongoing –unprofessional behavior or other actions inconsistent with the standards of professional conduct expected of members of the faculty.

Adequate cause for a severe sanction or dismissal for cause includes: violation of professional ethics (see chapter two of this handbook "Professional Responsibilities and Conduct"); incompetence as determined through post-tenure review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; criminal convictions for acts of conduct occurring on or off the job that are plainly related to job performance or are of such a nature that to continue the employee in the assigned position would constitute negligence in regard to the university's duties to the public, to students, or to other state employees or ; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol); or an extensive and sustained record of minor sanctions, imposed over time and allowing opportunity for correction, that collectively demonstrate a significant and willful failure to meet professional obligations, standards, or assigned responsibilities. or an extensive record of repeated minor sanctions that in sum constitute a significant and willful failure to meet professional obligations or assigned responsibilities.

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-tenure review) or by the relevant administrator (for example, the department head, chair, or school director, compliance officer, internal auditor, or Virginia Tech Police). Generally, these investigations result in a report of findings; some reports also include

recommendations for sanctions. The report is directed to the relevant administrator for action; it is also shared with the faculty member.

Imposition of a ~~severe~~ sanction or initiation of dismissal for cause proceedings, if warranted, follows the procedures set forth below.

3.10.2 Imposition of a Minor Sanction

Definition and examples: A minor sanction generally involves a loss of privileges or penalty to a faculty member such as, but not limited to, a written reprimand or counseling memo inserted into the faculty member's personnel file, ~~no or a below average merit increase, reassignment of duties, or removal of graduate student supervisory privileges. A minor sanction and personnel actions such as these may constitute a valid issue for grievance under procedures defined in this Faculty Handbook.~~

Process for imposing a minor sanction: The conduct of a faculty member, although not constituting adequate cause for imposition of a severe sanction or dismissal, may be sufficiently serious to justify imposition of a minor sanction. Imposition of a minor sanction follows these steps:

Step one. A discussion typically between the faculty member and the administrator wanting to impose the sanction (typically, their department head, chair, or school director), and the dean looking toward a mutual settlement. If a mutual settlement is found, this ends the matter.

Step two. If a mutual settlement is not found, the administrator wanting to impose a sanction contacts ~~An inquiry by the standing committee of the college specifically charged with evaluating minor sanctions within 10 university business days from the conclusion of step one. The administrator provides evidence to the committee documenting the reasons sanctions are being sought. Within 30 university business days from receiving evidence, the committee having concern for personnel matters. The committee evaluates the evidence and makes a recommendation to the administrator who referred the matter to the committee, typically the department head, chair, or school director, or to the dean. If the committee determines a sanction is not warranted, this ends the matter.~~

Step three. If the committee determines there is adequate cause for imposing a minor sanction, they committee provides a report of findings ~~refers the matter to the administrator who referred~~ charged the matter to them, which may include a proposed sanction. ~~; the report may~~ shall include sanction recommendations for the appropriate sanction. ~~refers the matter to the administrator who charged the committee for determination of the minor sanction.~~

Step four. The administrator decides on the appropriate sanction, taking into consideration the recommendation(s) of the committee, and determines ~~informs~~ the

faculty member of the administrator's recommended minor sanction in writing in consultation with, and with the written approval of, the refers the matter to the administrator who charged the committee for determination of the minor sanction. Prior to implementation of the sanction, the faculty member will be afforded a due process period of not less than 5 university business days to review the proposed sanction and to respond to the administrator as to why it should not be imposed. If the administrator proceeds with a sanction and the sanction is fully consonant with the recommendation(s) of the college committee, then this ends the matter.

Step fourfive. If the administrator proceeds with a sanction and the sanction is fully consonant with the recommendation(s) of the college committee, then this ends the matter. If the sanction is more severe than that recommended by the committee, then the faculty member may appeal to the administrator's supervisor in writing within 5 university business days. next level supervisor The decision of the next level supervisor is final.

A minor sanction and personnel actions such as these may constitute a valid issue for grievance under procedures defined in this Faculty Handbook.

An overview of this process is provided in the table below.

Step one	<u>Discussion between faculty member and the administrator wanting to impose the sanction (typically their department head, chair, or school director), or dean.</u> <u>If no mutual settlement reached, move to step two.</u>
Step two	<u>If mutual settlement not found, administrator wanting to impose a sanction contacts standing committee of the college specifically charged with evaluating minor sanctions within 10 university business days from conclusion of step one.</u> <u>Inquiry by standing college committee.</u> <u>Within 30 university business days from receiving evidence, the committee evaluates and makes recommendation to administrator who referred the matter to the committee or to the dean.</u> <u>If committee determines sanction is not warranted, matter closed.</u> <u>If committee determines sanction is warranted, move to step three.</u>
Step three	<u>Committee refers matter to administrator from step one, which includes a proposed sanction.</u>

<u>Step four</u>	<p><u>Administrator decides on the appropriate sanction and informs faculty member of the recommended minor sanction in writing.</u> <u>Faculty member has 5 university business days to review proposed sanction and respond to administrator.</u></p> <p><u>If administrator proceeds with sanction that is fully consonant with recommendation(s) of the college committee, matter closed.</u></p>
<u>Step five</u>	<p><u>If the sanction is more severe than the committee recommendation, faculty member may appeal to administrator's supervisor in writing within 5 university business days.</u></p> <p><u>The decision of next level supervisor is final.</u></p>

3.10.32 Imposition of a Severe Sanction

Definition and examples: A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, ~~imposed for unacceptable conduct and/or a serious breach of university policy.~~

Routine personnel actions such as a recommendation for no ~~or a below average~~ merit increase, conversion from a calendar year to an academic year appointment, reassignment, or removal of an administrative stipend do not constitute "severe sanctions" within the meaning of this policy. A ~~personnel action such as these~~severe sanction may be a valid issue for grievance under procedures defined in this Faculty Handbook.

Process for imposing a severe sanction: The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows ~~these steps same procedures:~~

Step one. Discussions between the faculty member, the administrator wanting to impose the sanction (typically their department head, chair, or school director), dean, department head, chair, or school director, dean, and/or provost, looking toward a mutual settlement.
If a mutual settlement is found, this ends the matter.

Step two. If a mutual settlement is not found, the administrator wanting to impose a sanction contacts the Faculty Review Committee within 10 university business days from the conclusion of step one. An inquiry will be made by a hearing panel comprised of five members of the Faculty Senate–Review Committee selected by the Faculty Senate–Review Committee chair. The hearing panel reviews the evidence and determines

whether there is sufficient cause to impose a severe sanction. The hearing panel evaluates the evidence and makes a recommendation to the Provost within 45 university business days from date the Faculty Review Committee was contacted. as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or ad hoc faculty committee conducts an informal inquiry (step two). The requirement for such an informal inquiry is satisfied if the investigation was conducted by another appropriately charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct policies). If the committee hearing panel determines that a sanction is not warranted, this ends the matter.

Step three. If the hearing panel determines there is and, having determined that in its opinion there is adequate cause for imposing a severe sanction, the hearing panel provides a report of findingsrefers the matter to the Provost, which mayshall include a proposed sanctionadministration.

Step four. The Provost decides on the appropriate sanction, taking into consideration the recommendation(s) of the hearing panel, including any proposed sanction, and informs the faculty member of the sanction in writing. Prior to implementation of the sanction, the faculty member will be afforded a due process period of not less than 5 university business days to review the proposed sanction and to respond to the Provost as to why it should not be imposed. If the provost proceeds with a sanction that is fully consonant with the recommendation(s) of the hearing panel, then this ends the matter.

Step five. If the Provost proceeds with a sanction and the sanction is fully consonant with the recommendation(s) of the hearing panel, then this ends the matter. If the sanction is more severe than that recommended by the hearing panel, then the faculty member may appeal to the President in writing within 5 university business days. The President's decision is final.

The decision of the provost is final.

An overview of this process is provided in the table below.

<u>Step one</u>	<u>Discussion between faculty member and the administrator wanting to impose the sanction (typically their department head, chair, or school director), dean, and/or provost.</u> <u>If no mutual settlement reached, move to step two.</u>
<u>Step two</u>	<u>Administrator wanting to impose a sanction contacts the Faculty Review Committee within 10 university business days from the conclusion of step one.</u> <u>Faculty Review Committee selects hearing panel.</u>

Faculty Review Committee hearing panel reviews evidence, makes a recommendation to the provost within 45 university business days from date the Faculty Review Committee was contacted.

If hearing panel determines sanction is not warranted, matter closed.

Step three If hearing panel determines sanction is warranted, matter is referred to the provost, which may include proposed sanction.

Step four Provost decides on the appropriate sanction, taking into consideration the recommendation(s) of the hearing panel, and informs faculty member of sanction in writing.
Faculty member has 5 university business days to review proposed sanction and respond to provost.

If provost proceeds with a sanction that is fully consonant with the recommendation(s) of the hearing panel, then this ends the matter.

Step five If the sanction is more severe than the hearing panel recommendation, the faculty member may appeal to the president in writing within 5 university business days.

The decision of the president is final.

3.10.43 Dismissal for Cause

The following procedures apply to faculty members with tenure or for dismissal of a tenure-track faculty member before the end of their current contract. Dismissal is preceded by:

Step one. Discussions between the faculty member, administrator initiating the dismissal for cause (typically the department head, chair, or school director), dean, and/or provost, looking toward a mutual settlement. (If a mutual settlement is found, this ends the matter).

Step two. If a mutual settlement is not found, the administrator initiating the dismissal for cause will contact the chair of the Faculty Review Committee within 10 university business days from the conclusion of step one. An informal inquiry will be conducted by a standing (or, if necessary, ad hoc) faculty committee having concern for personnel matters a hearing panel comprised of five members of the Faculty Senate Review Committee selected by the Faculty Senate Review Committee chair. This committee attempts to

~~affect effect~~ an adjustment and, failing to do so, determines whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the president's decision whether to proceed.

Step three. The furnishing by the president (in what follows, the president may delegate the provost to serve instead) of a statement of specific charges, in consultation with the department head, chair, or school director, ~~and~~ dean, ~~and p~~Provost. The statement of charges is included in a letter to the faculty member indicating the intention to dismiss, with notification of the right to a formal hearing. The faculty member is given a specified reasonable time limit to request a hearing; that time limit is no less than 10 university business days.

Procedures for conducting a formal hearing, if requested. If a hearing committee is to be established, the president asks the Faculty Senate, through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members are nominated based on their objectivity, competence, and regard. They must have no bias or untoward interest in the case and be available at the anticipated time of the hearing. The faculty member and the president each have a maximum of two challenges from among the nominees without stated cause. The president then names a five-member hearing committee from the remaining names on the nominated slate. The hearing committee elects its chair.

Pending a final decision on the dismissal, the faculty member is suspended only if immediate harm to him or herself or to others is threatened by continuance. If the president believes such suspension is warranted, consultation takes place with the ~~Director of Faculty Reconciliation~~PProvost and the President of the Faculty Senate concerning the propriety, the length, and other conditions of the suspension. Ordinarily, salary continues during such a period of suspension.

The hearing committee may hold joint pre-hearing meetings with both parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair and expeditious.

Notice of hearing of at least 20 university business days is made in writing. The faculty member may waive appearance at the hearing, instead responding to the charges in writing or otherwise denying the charges or asserting that the charges do not support a finding of adequate cause. In such a case, the hearing committee evaluates all available evidence and makes its recommendation based on the evidence in the record.

The committee, in consultation with the president and the faculty member, exercises its judgment as to whether the hearing is public or private. During the proceedings, the faculty member is permitted to have an academic advisor and legal counsel. At the

request of either party or on the initiative of the hearing committee, a representative of an appropriate educational association is permitted to attend the hearing as an observer.

A verbatim record of the hearing is taken.

The burden of proof that adequate cause exists rests with the university.

The hearing committee grants adjournment to enable either party to investigate evidence about which a valid claim of surprise is made. The faculty member is afforded an opportunity to obtain necessary witnesses and documentation or other evidence. The administration cooperates with the hearing committee in securing witnesses and evidence. The faculty member and administration have the right to confront and cross-examine all witnesses. The committee determines the admissibility of statements from unavailable witnesses and, if possible, provides for interrogatories.

The hearing committee is not bound by strict rules of legal evidence and may admit any evidence that is of probative value in determining the issues involved. Every effort is made to obtain the most reliable evidence available.

The findings of fact and the recommendation are based solely on the hearing record. The president and the faculty member are notified of the recommendation in writing and are given a written copy of the recording of the hearing.

If the hearing committee concludes that adequate cause for dismissal has not been established, it so reports to the president. In such a case, the committee may recommend sanctions short of outright dismissal or may recommend no sanctions. If the president rejects the recommendation, the hearing committee and the faculty member are so informed in writing, with reasons, and each is given an opportunity to respond.

Appeal to the Board of Visitors. If the president decides to impose dismissal or other severe sanction, whether that is the recommendation of the hearing committee, the faculty member may request that the full record of the case be submitted to the Board of Visitors (or a duly constituted committee of the board).

The board's review is based on the record of the committee hearing, and it provides opportunity for argument, written or oral or both, by the principals at the hearing or their representatives. If the recommendation of the hearing committee is not sustained, the proceeding returns to the committee with specific objections. The committee then reconsiders, taking into account the stated objections and receiving new evidence if necessary. The board makes a final decision only after studying the committee's reconsideration.

Notice of termination/dismissal. In cases where gross misconduct is decided, termination is usually immediate. The standard for gross misconduct is behavior so egregious that it evokes condemnation by the academic community generally and is so

utterly blameworthy as to make it inappropriate to offer additional notice or severance pay.

The first faculty committee that considers the case determines gross misconduct. In cases not involving gross misconduct: (a) a faculty member with tenure receives up to one year of salary or notice, and (b) a probationary faculty member receives up to three months' salary or notice. These terms of dismissal begin on the date of final notification of dismissal.