

3.7 Dismissal, Suspension, or Other Sanctions

[Promulgated by the Administration as Policy or Procedure; revised 22 July 2008]

3.7.1 Dismissal or Suspension

Dismissal or suspension by the means outlined herein is an extreme measure, undertaken only for the protection of the Institute and its members.

Charges against regular faculty members (tenured or on tenure track) which could lead to dismissal or suspension with or without pay shall be based upon the following stated criteria and processed in accordance with the procedures outlined in Section 3.7.2.

3.7.1.1 Criteria

Dismissal or suspension with or without pay for a stated period shall be restricted to cases of: [a] substantial and manifest neglect of duty; or, [b] demonstrated incompetence or dishonesty in teaching or research; or, [c] personal misconduct which substantially impairs the individual's fulfillment of his/her responsibilities to Stevens.

3.7.1.2 Charges and the Professional Practices Committee

Charges shall be in writing and shall be directed to the Chief Academic Officer for transmittal to the Professional Practices Committee, with copies to the individual charged and to the President. Hearings shall not be public, nor shall public announcements of the proceedings or their results be made,. In all cases, such proceedings shall be conducted consistent with due process and the procedures outlined in Section 3.7.2.

3.7.2 Process

1. The Professional Practices Committee shall be constituted as set forth in Section 4.5.1.
2. Nothing in the procedures detailed below is to be interpreted as barring attempts to settle the case through informal discussions. If a settlement is reached with the mutual consent of the faculty member involved, the Chief Academic Officer, and the Professional Practices Committee, the formal proceedings shall terminate immediately.
3. Upon receipt of a charge described in Section 3.7.1 against a member of the faculty, the Professional Practices Committee shall convene within twenty working days. It shall conduct a thorough hearing on the merits of the charge. The Committee shall conduct the hearing pursuant to rules it establishes, grant adjournments, and make other rulings as required. In conducting the hearing, the Professional Practices Committee shall act as a body. The Professional Practices Committee shall send written notice of the time and place of the hearing to the faculty member involved, to the individual bringing the charge, and to the Chief Academic Officer and the President.
4. At a hearing conducted by the Professional Practices Committee:
 - The faculty member against whom the charge has been brought shall have a right to testify in his/her own behalf.

- He/She may be accompanied by a personal representative of his/her own choosing from within the Stevens community. The personal representative shall have the right to testify at the request of the faculty member involved. The Institute may also be represented by any representative of its own choosing from within the Stevens Community.
- The individual bringing the charge shall testify at the hearing if he/she asks to testify or is requested to testify by the Professional Practices Committee. The Committee shall so request if asked by the faculty member against whom the charge has been brought, but may so request even if not asked by the faculty member involved.
- The faculty member against whom the charge has been brought shall have the right to be present at the testimony of, and cross-examination of, the individual bringing the charge and any other witness.
- The members of the Professional Practices Committee have the right to question any individual testifying before the Committee.
- The entire proceedings before the Professional Practices Committee shall be recorded by a certified steno-typist. In addition, a tape recording shall be made to enable the Committee to certify the accuracy of the stenographic record.
- The hearing committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- The Committee will make findings and recommendations on whether the charges brought and the proposed sanction are justified within the terms of Section 3.7.1. The Committee will make every effort to conduct its hearing expeditiously and complete its deliberations within a period of eight weeks. If there are extenuating circumstances, the committee shall inform the Chief Academic Officer of the reasons for the delay and seek extension.

5. After the hearing, and based only on evidence presented at the hearing, the Professional Practices Committee shall decide whether to recommend:

- Sustaining the charge [or any of the charges if there are more than one]; or,
- Dismissing the charge.

6. The Professional Practices Committee recommendations, with the reasons there for, shall be transmitted to the Chief Academic Officer in writing.

7. Taking full cognizance of the recommendations of the Professional Practices Committee, the Chief Academic Officer will: Notify the individual and the President in writing that the charges are dismissed and no further action will be taken; or,

Notify the individual and the President in writing that the original charges are sustained and his/her recommendation regarding dismissal, suspension, or other sanctions. The President must then review the Chief Academic Officer's recommendation and notify the individual of his decision to accept the recommendation or to impose a different penalty.

8. The individual shall have the right to appeal the President's decision to an Appeals Board. The Appeals Board shall be constituted as follows:

- The Appeals Board shall consist of five tenured faculty members; two tenured faculty members or administrators who hold academic rank with tenure appointed by the Chief Academic Officer; two tenured faculty members appointed by the Faculty Council; and a fifth member chosen by the four. In the event that the four members are unable to agree, by majority vote, on the fifth member, the Chief Academic Officer in consultation with the Faculty Council shall designate the fifth member.
- Members of the Appeals Board shall not be parties to the case heretofore. Appeals must be made to the Appeals Board within ten working days following notification by the President.

9. If in the light of the recommendations of the Professional Practices Committee, the Chief Academic Officer's recommendation, and the Appeals Board decision, the President finds that dismissal, suspension with or without pay, or any lesser sanction is warranted, he/she shall present those recommendations and decisions to the Board of Trustees. The Board of Trustees shall then determine the disposition of the case. The faculty member involved, the group or the individual bringing the charges, the Chief Academic Officer, the Appeals Board, and the Professional Practices Committee shall all be notified in writing of the final decision of the Board of Trustees.