

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
SECTION 3.9**

3.9 Sanction and Dismissal

3.9.1 Right to Sanction or Dismiss

The University may sanction the misconduct of any member of the faculty. Misconduct consists of behavior inconsistent with commonly accepted norms of academic integrity and professional conduct for members of a university faculty, including norms articulated in this Handbook. Sanctions may consist of dismissal from the faculty, suspension from the faculty without pay, temporary or indefinite reduction in salary, loss of tenure, reduction in rank, public or private censure or reproof, or other appropriate sanctions imposed either individually or in combination.

In addition, the University may dismiss and terminate the tenure of a tenured member of the faculty and may dismiss any other member of the faculty for cause directly and substantially diminishing the fitness of the faculty member in his or her professional capacity as teacher or scholar (hereafter “for cause”).

The threat of or imposition of sanctions for misconduct or dismissal for cause shall not be used for the purpose of restraining faculty members in the exercise of academic freedom or of their legal rights.

3.9.2 Procedures for the Imposition of Sanctions and for Dismissal

3.9.2.1 Sanctions for Misconduct Other than the Sanction of Dismissal

When, in the judgment of the Provost, reason exists to impose upon a faculty member a sanction other than dismissal, the Provost shall first privately discuss with the faculty member the causes justifying sanction.

Absent an agreed settlement of the matter or a decision by the Provost not to proceed, the Provost shall pursue one of the two following alternatives:

1. The Provost notifies the faculty member in writing of the nature of the misconduct and the sanction. The faculty member shall be entitled to prompt reconsideration of the matter by the Faculty Judicial Board; or
2. With the written consent of the faculty member, the Provost may elect to refer the matter directly to the Faculty Judicial Board for action in the first instance.

In either case, the Faculty Judicial Board shall follow the procedures described in 3.10.2.3 to reach a determination of fact and, if appropriate, a recommendation for sanction.

3.9.2.2 Dismissal of Tenured Faculty Member

When, in the judgment of the Provost, reason exists to dismiss and terminate the tenure of a tenured faculty member, either for misconduct or for cause, the Provost shall first discuss the matter privately with the faculty member, giving the reason(s) for the Provost's judgment.

Absent an agreed settlement of the matter or a decision by the Provost not to proceed, the Provost shall pursue one of the two following alternatives:

1. The Provost renders a decision to dismiss and terminate tenure. In such case the Provost shall provide to the faculty member a written notification of the dismissal and termination of tenure. The notification shall specify the reason for dismissal and termination of tenure and shall specify a date on which the dismissal and termination of tenure shall take effect. Except in the case of gross misconduct, the date shall be no earlier than one year from the date the Provost sends the notification to the faculty member. The faculty member shall be entitled to prompt reconsideration of the matter by the Faculty Judicial Board.
2. With the written consent of the faculty member, the Provost may elect to refer the matter directly to the Faculty Judicial Board for action in the first instance. In such case the Provost shall provide to the faculty member a written notification of dismissal and termination of tenure. The notification shall specify the reason for dismissal and termination of tenure and shall specify a date on which the dismissal and termination of tenure shall take effect. Except in the case of gross misconduct, the date shall be no earlier than one year from the date the Provost sends the notification to the faculty member. However, the dismissal and termination of tenure shall take effect only if the Faculty Judicial Board finds reason for dismissal and termination of tenure.

The Faculty Judicial Board shall follow the procedures described in 3.10.2.3. Salary for the period on notice shall be the same as that given in the last preceding letter of appointment. Suspension during the proceedings or during the period on notice is justified only if, in the judgment of the Provost, immediate harm is threatened to the faculty member or to others by the faculty member's continuation in an active capacity. Unless legal considerations forbid, any such suspension shall be with pay.

3.9.2.3 Dismissal of Untenured Faculty Member

When, in the judgment of the Provost, reason exists to dismiss any member of the faculty other than a tenured faculty member for misconduct or for cause, the Provost shall first discuss the matter privately with the faculty member, giving the reason for dismissal.

Absent an agreed settlement of the matter or a decision by the Provost not to proceed, the Provost may dismiss the faculty member with such advance written notification and severance pay as is appropriate to the circumstances of the case, provided, however, that notification shall be given at least thirty days in advance of the effective date of dismissal. The faculty member shall be entitled to prompt reconsideration of the matter by the Faculty Judicial Board.