

Key: Text in bold and underline is new language proposed by the University.

Text in strike is contract language deleted by the University.

APPENDIX H  
SIDEBAR AGREEMENT  
FACULTY SUSPENSIONS ~~WITHOUT PAY AND~~ AT LESS THAN FULL PAY

**A. Faculty, Teaching Assistant and Graduate Assistant Suspension without Pay**

- 1. Faculty members, teaching assistants and graduate assistants may be suspended without pay for just cause in increments of one work week for a period of up to six work weeks. Just cause shall include, but is not limited to, failure to perform duties, failure to follow directives, policies, procedures or other codifications, misconduct, and/or conduct unbecoming a member of the faculty or a teaching assistant or graduate assistant.**
- 2. When the University believes that suspension without pay of a faculty member, teaching assistant or graduate assistant for six work weeks or less may be warranted, the following shall apply<sup>1</sup>.**
  - a. The faculty member, teaching assistant or graduate assistant shall be given a written notice setting forth the reasons why a suspension without pay for the time identified in the notice is being considered, including any policies alleged to have been violated (if applicable) and the time and place of a meeting with the dean or head of unit to give the faculty member, who may be represented by the AAUP-AFT at such meeting, an opportunity to state why the suspension at less than full pay is not warranted. The meeting shall be held within two (2) working days of receipt of the written notice. The written notice also shall be provided to the AAUP-AFT.**
  - b. If the faculty member, teaching assistant or graduate assistant avails themselves of the opportunity to be heard, the faculty member, teaching assistant or graduate assistant will be permitted to respond to the reasons set forth in 2.a. and to make any other statement regarding the appropriateness of the suspension without pay at the meeting with the dean or head of unit.**
  - c. After the dean or head of unit meets with the faculty member, teaching assistant or graduate assistant and considers their response and statements, the faculty member, teaching assistant or graduate assistant**

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<sup>1</sup> **The University may appoint a designee in the role of the Dean, Head of Unit, Vice President for University Libraries and University Librarian and/or Chancellor in matters where the Dean, Head of Unit, Chancellor and/or Vice President for University Libraries and University Librarian is unable to fulfill that function, including but not limited to situations when there is a direct or indirect conflict, or an absence from the University.**

**shall be informed in writing by the dean or head of unit whether the suspension without pay is being imposed, specifying the length of the suspension, up to a maximum of six work weeks.**

- d. **Within two (2) working days of receipt of the decision of the dean or head of unit, the faculty member, teaching assistant or graduate assistant may appeal this decision to the appropriate chancellor. The chancellor shall render a decision on the appeal within two (2) working days.**

- 3. In a case where the University reasonably believes that the faculty member, teaching assistant or graduate assistant poses an immediate and serious threat such that the imposition of a suspension should not be delayed, a suspension with pay may be imposed immediately. Thereafter, the University shall follow the provisions set forth above in Section A.2 to impose a suspension without pay for a period of up to six work weeks.**

#### **B. Faculty Suspension at Less than Full Pay**

1. A faculty member of the negotiations unit may be suspended at less than full pay for a period **exceeding six work weeks and of** up to one semester, or an equivalent period **of six months**. By no later than the termination of the semester, the faculty member shall be reinstated unless a proceeding is instituted in conformity with University Policy 60.5.1.
2. When the University believes that suspension of a faculty member at less than full pay may be warranted, the following shall apply<sup>2</sup>.
  - a. The faculty member shall be given a written notice setting forth the reasons why a suspension at less than full pay is being considered, including any policies alleged to have been violated (if applicable) and the time and place of a meeting with the dean **or head of unit** to give the faculty member, who may be represented by the AAUP-AFT, an opportunity to state why the suspension at less than full pay is not warranted. The meeting shall be held within 14 working days of receipt of the written notice. When such notice is given, separate notice shall be provided to the AAUP-AFT.
  - b. If the faculty member avails him/herself of the opportunity to be heard, the faculty member will be permitted to respond to the reasons set forth in 2.a. and to make any other statement regarding the appropriateness of the suspension.
  - c. After the dean **or head of unit** meets with the faculty member, and/or before a final determination of wrongdoing or penalty is made, the dean **or head of unit** shall form a committee of not less than three department chairs and/or members of an Appointments and Promotions Committee (if there are no chairs or an

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<sup>2</sup> The University may appoint a designee in the role of the Dean, **Head of Unit, Vice President for University Libraries and University Librarian** and/or Chancellor in matters where the Dean, **Head of Unit, Vice President for University Libraries and University Librarian** and/or Chancellor is unable to fulfill that function, including but not limited to situations when there is a direct or indirect conflict, or an absence from the University.

insufficient number of chairs available). The members of the committee shall be selected at random by the dean **or head of unit** from among the eligible faculty members from the decanal unit and/or from other units on the dean's **or head of unit's** campus if there are an insufficient number within the decanal unit. The faculty member and the dean **or head of unit** each shall have one peremptory challenge, which shall be exercised within 48 hours of committee selection and prior to notification of committee members.

- d. The dean **or head of unit** shall consult with the committee concerning the alleged wrongdoing and any proposed penalty of suspension at less than full pay. The dean **or head of unit** shall make available to the committee the notice to the faculty member setting forth why a suspension at less than full pay is being considered, any written responses from the faculty member, and any documents provided by the faculty member to the dean **or head of unit**. In addition, the dean **or head of unit** shall make available to the committee documents upon which the dean **or head of unit** relies to support a suspension at less than full pay, subject to appropriate redaction and to the extent such documents are not otherwise barred from disclosure by statute, regulation, or common law.
  - e. Upon request of the faculty member, and following the committee's consideration of the information identified in section d above, the committee shall hear a short oral presentation by the faculty member or his/her AAUP-AFT representative. If the faculty member provides the committee with written documentation during the meeting, a copy shall be provided to the ~~d~~Dean **or head of unit**. The committee shall provide the dean **or head of unit** with non-binding advice regarding the alleged wrongdoing and the proposed penalties.
  - f. Within 14 working days of the committee meeting, the faculty member shall be informed in writing by the dean **or head of unit** whether the suspension at less than full pay, or some lesser penalty, is being imposed and whether the committee agreed with the action taken by the dean **or head of unit**.
  - g. Within five working days of receipt of the ~~dean's~~ decision **of the dean or head of unit**, the faculty member may appeal this decision to the appropriate chancellor. The chancellor shall render a decision on the appeal within seven working days. No penalties may be implemented until either the deadline for appeal has passed with no appeal filed or the chancellor has rendered a decision on the appeal.
3. In a case where the University reasonably believes that the faculty member poses an immediate and serious threat such that the imposition of a suspension should not be delayed, a suspension with pay may be imposed immediately. Thereafter, the University shall follow the provisions set forth above in Section **B.2** to impose a suspension at less than full pay for a period of up to one semester.

**4.C.** The imposition of discipline under the Appendix H Process **set forth above in Sections A and B** may be grieved as a Category One grievance under Article 9.