

**ARTICLE 13**  
**TERMINATION OF SERVICE OF FACULTY**  
**AND DISCIPLINE OF FACULTY FOR JUST CAUSE**

A. Termination of service of a tenured faculty member or of an appointment of a tenure-track faculty member before the end of its specified term may be made only for retirement, just cause, or retrenchment.

B. Discipline/Dismissal of Tenured and Tenure-Track Faculty for Just Cause

1. As used in this Agreement, “dismissal” shall refer to the discharge of a tenured or tenure-track faculty member for just cause. Dismissals of tenured or tenure-track faculty for financial, programmatic or other administrative considerations are covered by Article 14 and are not covered by the following “Just Cause” provisions of this Agreement.

2. As used in this Agreement, “discipline” shall include, but is not limited to: written letter of reprimand; ineligibility for sabbaticals and professional development funds; and, suspensions without pay of varying lengths. Discipline shall not include oral reprimands or oral counseling, so long as no written record is kept in the faculty member’s official personnel file, nor shall it include performance evaluations; such matters are not grievable under this Agreement. When appropriate and justified, Temple may also require, as part of a disciplinary action, restitution, appropriate training or counseling, adjustment in assignments and responsibilities, or other remedial action.

3. As used in this Agreement, “just cause” means dereliction of duties, professional incompetence, grave misconduct or academic dishonesty or continued patterns of misconduct in cases of dismissal. For imposition of discipline other than dismissal, “just cause” may also include, but is not limited to, willful, repeated or serious violations of university policies, insubordination<sup>1</sup>, or other serious breaches of professional conduct, regardless of whether such conduct amounts to dereliction of duties, professional incompetence, grave misconduct or academic dishonesty.

4. It is understood that in any case involving discipline or dismissal under this Article, Temple bears the burden of proving just cause for such action, and shall provide the faculty member with the evidence relied upon to support imposition of discipline at the earliest possible step in the discipline.

5. A faculty member may ask for, and shall have the right to have, a TAUP representative present whenever the faculty member is asked to participate in an investigatory interview which they reasonably believe may result in disciplinary action or dismissal.

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<sup>1</sup> See Side Letter 10 for clarification of definition of insubordination.

6. All references to “days” in this Article shall mean “working days”.

7. The following procedures, which may be initiated by faculty, Department Chairpersons, Deans, the Provost or other designated university officers, or the President, shall govern cases seeking dismissal or a suspension without pay of a tenured faculty member for more than forty-five (45) days for just cause:

a. One or more personal conferences between the faculty member and appropriate administrative officers will occur for the purposes of fact-finding and discussing informal resolution. The faculty member may elect to have a TAUP representative present at these conferences. If an informal resolution is reached, the Dean or their designee will provide the faculty member with a memo detailing the discussion and agreed upon resolution. The faculty member may also provide a response to the Dean’s memo for clarification or if the faculty member disagrees with the resolution as stated in the memo. Such memos and replies will not normally be placed in the official personnel file.

b. If the matter is not resolved within fifteen (15) days, the Dean will notify the faculty member that the matter is being referred to a Faculty Responsibility Committee (FRC), or the Faculty Senate Personnel Committee (FSPC), in lieu of an FRC, for a brief investigation. When the FSPC investigates in lieu of the FRC, the FSPC has the same obligations and timelines. This notification will include the nature of the allegations being investigated. Upon receipt of the notification, the faculty member may forward a written statement or response to the allegations to the FRC. The FRC shall be constituted and function in accordance with the College’s By-Laws and shall conclude its work within fifteen (15) days of its creation by issuing a written report to the Dean with a copy to the President and faculty member. If additional time is needed, the FRC may request an extension.

c. Following the receipt of the report from the FRC (or the FSPC) or should the FRC or FSPC fail to issue a report within the fifteen (15) days, the Dean may refer the matter to the President who may, in the President’s discretion, either directly proceed with the initiation of formal disciplinary/dismissal proceedings enumerated in steps “d” – “g” below or appoint an independent investigating officer who is not currently an employee of the university to conduct a preliminary hearing and issue a report stating whether the charges against the faculty member are reasonably supported.

d. When the investigating officer issues a report pursuant to step “c” above, the President shall review the report and recommendation and supporting evidence, and initiate any such additional investigation as they deem appropriate. If the President determines that the preliminary evidence reasonably supports the charges of “just cause”, the President may initiate formal disciplinary/dismissal proceedings by formulation of a written statement of the charges and supporting evidence, even if the recommendation of the investigating officer is favorable to the faculty member. In the absence of extenuating circumstances, the President should complete their review and investigation, if any, and formulate their written statement within thirty (30) days of receipt of the report of the Faculty Senate Personnel Committee or investigating officer.

e. If the President initiates formal disciplinary/dismissal proceedings, the President shall provide the faculty member and the Faculty Senate Personnel Committee with a

copy of the written statement, and also inform the faculty member that, if the faculty member requests, the faculty member shall be entitled to a hearing as set forth in sections “f” and “g” below. The President shall also advise the faculty member that failure to dispute the charges in accordance with Section 7.f.iv. below shall indicate acceptance of dismissal/discipline in the President’s discretion.

f. Pre-hearing procedures shall be as follows:

(i) Within ten (10) days of receipt of the President’s written statement of charges, the faculty member shall provide a written response to the President as to whether they dispute the charges and request a hearing. If a hearing is requested, the Faculty Senate Personnel Committee shall select a hearing committee composed of five (5) persons. The hearing committee shall select its own chairperson.

(ii) The hearing committee chairperson shall notify the faculty member in writing of the date, time, place and procedure for the hearing, and a list of proposed committee members and shall provide the faculty member with reasonable time, but in no event more than twenty (20) days, to prepare their defense. The faculty member shall have five (5) days to challenge any proposed member for cause, which means actual or reasonable perceived bias or conflict of interest with respect to the faculty member or the matters at issue. The President or other designated university officer shall rule on any such challenges, and their decision shall be final. If the President or other designated university officer sustains any challenges, the Faculty Senate Personnel Committee shall name substitute committee members, and the same challenge process shall be followed until five committee members are selected.

(iii) The faculty member may be represented by legal counsel of their own choosing at their own expense, or by another faculty member, in connection with the hearing. The faculty member shall also be entitled to have a TAUP representative present at the hearing.

(iv) No fewer than ten (10) days before the date set for the hearing, the faculty member shall respond in writing to the charges in the President’s written statement, and the faculty member and the university shall provide to each other through the committee chairperson a list of witnesses and documents they propose to introduce at the hearing, and a succinct summary of any testimony expected to be offered by such witnesses. The lists may be supplemented thereafter as necessary or desirable in the exercise of due diligence, provided that reasonable opportunity is given to the opposing party to respond, as determined by the committee chairperson.

g. Hearing procedures shall be as follows:

(i) Consideration of the written charges and the faculty member’s response.

(ii) Testimony of witnesses, if appropriate, and examination of documents and other pertinent evidence.

(iii) Each party, or the legal counsel or other representative of each party, shall be permitted to participate actively in the hearing proceedings, including a reasonable opportunity to confront and cross-examine witnesses.

(iv) The faculty member is permitted, but not required, to testify at the hearing. If the faculty member declines to testify or otherwise participate in the hearing, the committee should proceed on the basis of obtainable evidence.

(v) The hearing committee may, at its discretion, establish other rules or procedures for the conduct of the hearing consistent with paragraphs (i) through (iv) above.

(vi) Except in extenuating circumstances, the hearing should commence no more than sixty (60) days after the President provides the faculty member with a written statement of the charges.

(vii) Except in extenuating circumstances, the hearing should be concluded within fifteen (15) days after its commencement.

(viii) Following the hearing and its own deliberations, the hearing committee shall, within thirty (30) days, submit its written recommendation and reasons therefore to the President and the faculty member. If the hearing committee recommends against discipline/dismissal, the President may within thirty (30) days (except in extenuating circumstances) still discipline/dismiss the faculty member, but the faculty member may then utilize the grievance (2nd step) and arbitration provisions of this Agreement. If the President imposes discipline more severe than that recommended by the hearing committee, the faculty member may then utilize the grievance (2nd step) and arbitration provisions of this Agreement. If the President accepts and imposes the discipline/dismissal recommended by the hearing committee, the President's decision is final and the faculty member may not utilize the grievance (2nd step) and arbitration provisions of this Agreement, except to challenge the procedural regularity of the hearing.

C. In any case in which the university is seeking to impose as discipline anything other than dismissal, demotion in rank, or suspension without pay for greater than forty-five days (45), the following procedures shall be used:

1. One or more personal conferences between the faculty member and appropriate administrative officers will occur for the purposes of fact-finding and discussing informal resolution. The faculty member may elect to have a TAUP representative present at these conferences. If an informal resolution is reached, the Dean or their designee will provide the faculty member with a memo detailing the discussion and agreed upon resolution. The faculty member may also provide a response to the Dean's memo for clarification or if they disagree with the resolution as stated in the memo. Such memos will not normally be placed in the official personnel file.

2. If the matter is not resolved, the Dean or designated university officer shall provide written notification to the faculty member that disciplinary action other than dismissal, demotion in rank or a suspension without pay for more than forty-five (45) days is being contemplated. Such statement shall include a summary of the basis for the

contemplated action, and, when such basis includes allegations of violations of Temple policy or procedure, a reference to any such policy or procedure.

3. The faculty member shall be provided with an opportunity to formally respond to the allegations made by the Dean or designated university officer. Except in extenuating circumstances, such a response must be made within five (5) days of receipt of the notification.

4. Within seven (7) days following the receipt of the formal response, the Dean or designated university officer shall notify the faculty member by letter of the final action taken, with a copy to the TAUP representative and/or attorney, if any, who accompanied the faculty member to the meeting.

5. Upon receipt of the letter indicating the university's final decision, the faculty member may exercise their rights under the grievance (Step 2) and arbitration sections of this Agreement.

D. Dismissal/Discipline of Nontenure-Track Faculty for Just Cause

1. Just cause is defined in section B.3 above.

2. One or more personal conferences between the faculty member and appropriate administrative officers will occur for the purposes of fact-finding and discussing informal resolution. The faculty member may elect to have a TAUP representative present at these conferences. If an informal resolution is reached, the Dean or their designee will provide the faculty member with a memo detailing the discussion and agreed upon resolution. The faculty member may also provide a response to the Dean's memo for clarification or if they disagree with the resolution as stated in this memo. Such memos and replies will not normally be placed in the official personnel file.

3. If this fails to resolve the matter, there shall be a three-faculty member committee from the school or college, chosen by the Dean, for fact finding. They shall have ten (10) days in which to make their report. When the report is issued, the faculty member shall have five (5) days in which to respond to it. If no report is issued in 10 days and/or the faculty member does not respond within 5 days, the Dean may proceed with discipline. Such memos will not normally be placed in the official personnel file.

4. If this fails to resolve the matter, the faculty member may be dismissed/disciplined by Temple after consultation with the Department Chairperson.

5. A faculty member so dismissed/disciplined may utilize the grievance (Second Step) and arbitration provision of this Agreement.

E. Dismissal/Discipline of Adjunct Faculty for Just Cause.

1. Adjunct faculty will not be disciplined or terminated without just cause.

2. Just cause is defined in Section B.3.

3. In cases involving discipline and dismissal, Temple bears the burden of proof.

4. One or more personal conferences between the faculty member and appropriate administrative officers will occur for the purposes of fact-finding and discussing informal resolution. The faculty member may elect to have a TAUP representative present at these conferences. If an informal resolution is reached, the Dean or their designee will provide the faculty member with a memo detailing the discussion and agreed-upon resolution. The faculty member may also provide a response to the Dean's memo for clarification. Such memos and replies will not normally be placed in the personnel file.

5. If this fails to resolve the matter, the adjunct faculty member may be dismissed/disciplined by Temple.

6. An adjunct faculty member dismissed/disciplined in a manner that results in loss of pay as promised in their current appointment may utilize the grievance (Second Step) provision of this Agreement.

7. An adjunct faculty member dismissed with no loss of pay may place a brief statement in their personnel file.<sup>2</sup>

F. Expedited Procedure and Suspension Pending Resolution

1. Pending resolution of the procedures for discipline/dismissal, if a faculty member has been charged with violent criminal activity, fraud or theft from the university, or been arrested for a major felony, or poses an imminent risk of harm to the safety of the faculty members or others, or disruption of university programs and/or operations, they may be suspended with or without pay by the Provost.

a. In such cases described above in Section C the university may also utilize an expedited process or, if the discipline involves suspension without pay, an expedited process may be elected by the faculty member.

b. One or more personal conferences between the faculty member and appropriate administrative officers will occur for the purposes of fact-finding and discussing resolution.

c. If the matter is not resolved within five (5) days the Dean will notify the faculty member that the matter is being referred to the President. This notification will include the nature of the allegations being investigated. Upon receipt of the notification, the faculty member may forward a written statement or response to the allegations to the President. The

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<sup>2</sup> For grievances unrelated to this article involving interpretation of this collective bargaining agreement, please refer to Article 8, Grievance Procedure.

President may refer the matter to the FSPC for a brief investigation and report. If a report is not issued within 15 days of referral to the FSPC, the President shall review the information and supporting evidence, and initiate any such additional investigation as the President deems appropriate. If the President determines that the preliminary evidence reasonably supports the charges, the President may initiate formal disciplinary/dismissal proceedings by formulation of a written statement of the charges and supporting evidence.

d. If the President initiates formal disciplinary/dismissal proceedings, the President shall provide the faculty member with a copy of their written statement and also inform the faculty member that, if the faculty member requests, they shall be entitled to a hearing as set forth in Sections B.7.f. and g above. The President shall also advise the faculty member that failure to dispute the charges in accordance with Section B.7.f. and g shall indicate acceptance of dismissal/discipline in the President's discretion. If at the end of the investigation, it is determined that no discipline is warranted, or that a lesser penalty than suspension without pay is appropriate, the faculty member shall be made whole.

#### G. Mediation

1. In any case in which discipline is being contemplated at any level, the parties may elect by mutual agreement to utilize mediation in an attempt to reach resolution at any point in the process prior to a final determination being made. The process of mediation shall not exceed 30 days from the agreement to utilize mediation.

#### H. Amendments to Discipline

1. Upon discovery of additional information, the university may, through notification to the faculty member, amend the level of discipline initially contemplated and communicated. In such cases, the university may proceed without duplicating steps already performed. No such amendments may be made once the Faculty Senate Personnel Committee has selected a hearing committee, as in B.7.f above or once the three faculty member committee has been chosen, as in D.3 above.

#### I. Informal TAUP/Management Meetings

1. TAUP may at any time during a disciplinary process request an informal meeting with the university to discuss the case and relevant information.

#### J. Notification

1. In accordance with section 606 of the Public Employee Relations Act, when formal disciplinary charges have been filed against a faculty member and, without TAUP's involvement, the faculty member and the university reach a written agreement to resolve the charges, then TAUP will immediately receive a copy of that agreement.