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STATEMENT ON FACULTY DISCIPLINE

In order to maintain the integrity of its teaching and learning, and to preserve academic freedom, NewU demands high standards of professional conduct from its faculty. In the case of a serious violation of these standards, a faculty member may face disciplinary charges under the following procedures.

These disciplinary procedures are invoked when the Chief Academic Officer decides to formally charge a faculty member with professional misconduct that is serious enough to warrant a sanction ranging from censure (a public statement) to dismissal from the University. The Statement on Academic Freedom applies.

The Chief Academic Officer may charge a faculty member with professional misconduct only for actions taken in association with the faculty member's academic duties and responsibilities. Such misconduct includes but is not limited to the following: dishonest or unethical behavior in the faculty member's own teaching; preventing or obstructing teaching or any other lawful function of the University; sexual harassment; and the neglect of University-related duties and responsibilities.

A faculty member charged under these procedures may be subject to sanctions including but not limited to the following: a letter of reprimand; a temporary reduction in pay; suspension from the University without pay for a specified period; dismissal from the University.

Initiating the Process

Charges will be brought on behalf of the University by the Chief Academic Officer, following whatever factual investigation the Chief Academic Officer deems appropriate. If a conflict of interest prevents the Chief Academic Officer from being involved, the President will act in the Chief Academic Officer's place. When charges are to be brought against a faculty member, he or she must be notified of the charges, and given an opportunity to reply. If the matter cannot be settled by agreement (which would require the President's approval), and if the faculty member charged wishes to contest the charges, the Chief Academic Officer shall prepare a written statement of the charges and of the proposed sanction, which will be given to the faculty member and the Ethics and Compliance Committee. Even after the written statement has been forwarded to the Committee—and at any time in the proceedings—the Chief Academic Officer and the faculty member (with the approval of the President) may seek to resolve the matter by agreement. Throughout the proceedings, all those involved should keep in mind that the procedures here are those of a University and not a court of law, and therefore should seek to avoid an excessively legalistic approach.

The Ethics and Compliance Committee

If a member of the Ethics and Compliance Committee recuses himself or herself, the Committee may, but need not, replace such member(s) with an alternate. Once the Committee membership is set for purposes of considering a case, the members should continue with the case until its conclusion even if their terms have ended; if a member must withdraw during the process, he or she need not be replaced. For purposes of this Statement, "Ethics and Compliance Committee" shall refer to this group: that is, the Committee sitting at the time the charges are filed, less any recusals and withdrawals, plus any alternates assigned.

Framing the Issues

Promptly, within such time as the Ethics and Compliance Committee determines, the faculty member must file with the Committee a statement setting forth the defenses proposed, any factual allegations that are specifically disputed, and any additional factual matters to which the faculty member will draw attention. The University ordinarily has ten days to reply to this statement.

The statements of both parties should be specific enough to enable the Ethics and Compliance Committee to make a determination about what issues of historical fact (if any) are relevant to the charges and are in dispute. Either party may include in its statement an argument that certain facts under discussion are irrelevant to the disposition of the case or are not properly classified as issues of historical fact. The Committee may appoint its own Fact-Finder.

[End]