Discipline and Termination For Cause of Professional Faculty Member’s Appointment

1. Policy Statement

1.1. Oregon State University (“University”) adopts this university policy to govern discipline and/or termination for cause of a professional faculty appointment. It is solely within the University’s discretion to determine the need for and to enact such discipline or terminations.

1.2. The University may issue discipline, up to and including termination, against a professional faculty member for “cause,” which is defined as: unsatisfactory performance, misconduct, and/or violations of law or policy.

1.3. In general, the University seeks to follow a progressive discipline process, which will usually include the administration of a series of increasingly informal and formal communications and interventions to correct a specific issue or a pattern of issues. The underlying principle of progressive discipline is to provide a reasonable opportunity for the employee to correct performance issues, with the University using the least formal action necessary.

1.4. There may be times when the University determines that isolated instances of unsatisfactory performance, misconduct and/or violations of law or policy, depending on their severity and nature, warrant the issuance of immediate severe discipline, up to and including termination of appointment, without the administration of typical progressive discipline. Therefore, there is no mandatory sequence or requirement of specific disciplinary measures prior to termination for cause.

1.4.1. Progressive discipline may include, but is not limited to, the following actions:

   a. Verbal Coaching: A conversation initiated by the supervisor that identifies issues, allows the professional faculty member to be heard, and builds a plan for resolution.
b. Performance Improvement Plan: A measure initiated by the supervisor, that frequently includes a conversation, that provides documentation of the main performance issues, development of an action plan for improvement, and a timeline for expected improvement.

c. Written Reprimand: A written notice provided to the professional faculty member detailing the basis of the discipline, what actions are needed to remedy the concerns, and the supervisor’s expectations for the professional faculty member’s performance and/or behavior in the future. A written reprimand may also require an employee to take certain actions.

d. Suspension Without Pay: A full release from duties without pay for a period of time. When on suspension, an employee will generally have limited or no access to University-owned or managed property or accounts.

e. Termination for Cause: The separation of an employee from University employment for reasons of unsatisfactory performance, misconduct and/or violations of law or policy.

1.5. The University may place an employee on an administrative leave with pay while awaiting the final determination of a fact-finding process and/or an investigation.

1.6. Terminations not-for-cause are addressed under university policy 05-100.

1.7. To the extent that this University policy conflicts with any provisions in other university standards or policies, the provisions of this policy 05-101 supersede those other provisions.

1.8. The University maintains sole discretion to terminate a Professional Faculty Appointment at any time, with or without cause.

2. Reason for Policy

2.1. In general, the University seeks to utilize a progressive discipline model aimed at correcting unsatisfactory performance, misconduct, and/or violations of law or policy, or other concerns.

2.2. This policy provides clarity as to how and in what circumstances a professional faculty member may be disciplined and/or their appointment terminated for cause.

3. Scope & Audience

3.1. This policy supersedes other applicable University policies.

3.2. This policy applies to all professional faculty, except those positions that have an employment agreement with alternate termination provisions (such as athletic coaches).

4. Definitions
4.1. Professional faculty: An employee holding an administrative professional title without an assigned academic rank and categorized as professional faculty by the University. Employees who have an underlying tenure appointment and whose administrative position serves at the pleasure of the President, the Provost or a Dean are not included within this definition for the purposes of this policy.

4.2. Paid administrative leave: An employing unit, in consultation with Employee and Labor Relations, may choose to place a professional faculty member on leave from their work assignments while awaiting the final determination of a fact-finding process and/or an investigation. The employee will remain in paid status and this measure is not a disciplinary action.

5. Responsibilities & Procedures

5.1. Responsibilities

5.1.1. The Office of Faculty Affairs is responsible for enactment and advising on this policy.
5.1.2. The supervisor must consult with Employee and Labor Relations to obtain assistance in the review of the situation and the determination of the appropriate level of discipline, authorized decision maker and appropriate process.
5.1.3. Based on the alleged deficiencies or misconduct, Employee and Labor Relations will determine whether a fact-finding process is needed, and may refer such matter for fact-finding or investigation to other University offices as relevant.

5.2. Procedures

5.2.1. University supervisors seeking to issue discipline to or terminate the appointment of a professional faculty member for unsatisfactory performance, misconduct, and/or violations of law or policy must first contact the Associate Vice Provost for Faculty Affairs and Assistant Vice President for University Human Resources, Employee & Labor Relations (AVP-FA/UHR-ELR) or designees who have been delegated by the Vice Provost for Faculty Affairs (VPFA) to oversee these procedures, for guidance.
   a. The AVP-FA/UHR-ELR will determine whether fact-finding is needed (or may refer that decision to other University offices as relevant based on the nature of the issues).
   b. The AVP-FA/UHR-ELR will consult with others as appropriate (e.g., Vice Provost for Faculty Affairs, Chief Human Resources Officer, the Office of General Counsel).
   c. The VPFA or designee will be notified regarding all requests to terminate a professional faculty member for cause.
   d. The issuance of discipline more severe than a written reprimand must be authorized by the appropriate dean, vice provost, or vice president (or the Provost or President if the employee reports to the Provost or President).
   e. If the requested discipline is authorized, an Employee and Labor Relations Senior Officer will assist the professional faculty and the supervisor in the disciplinary process.
   f. If the requested discipline is not authorized, the supervisor and Employee and Labor Relations will further consult.
5.2.2 Prior to imposing any discipline involving the loss of pay or benefits or terminating an appointment, the University will provide the professional faculty member with written notice of the allegations and relevant information and provide at least seven (7) calendar days for the professional faculty member to respond to the contents of the notice. Details related to where to send a response will be included in the written notice provided. If a response is submitted, the decision maker, as specified above, will review the response prior to reaching a decision.

5.2.3 The decision-maker will issue the decision in writing to the professional faculty member.

5.2.4 The University will provide at least 30 calendar days written notice of terminations for cause, although professional faculty may be placed on paid administrative leave pending the effective date of the termination.

5.3. Appeal

5.3.1 An appeal right exists for professional faculty members who believe they were aggrieved by the procedural application of this policy or assert a claim of discrimination or retaliation. Any such grievance will follow the process outlined in University Policy 576–050 (Faculty Grievance Procedure).

5.4. Forms & Tools

5.4. None.

6. Frequently Asked Questions

7. Related Information

7.1. University Policy: 576–050 Faculty Grievance Procedure

7.2. University Policy: 580 – 021 Conditions of Service

8. History

8.1. Last review date: September 28, 2021

9. Website

9.1. University Policy 05-101 *Discipline and Termination For Cause of Professional Faculty Member’s Appointment*: [http://policy.oregonstate.edu/UPSM/05-101_termination_for_cause_professional_faculty](http://policy.oregonstate.edu/UPSM/05-101_termination_for_cause_professional_faculty)

10. Contacts

10.1. Associate Vice Provost for Faculty Affairs and Assistant Vice President for University Human Resources, Employee and Labor Relations and HR Strategic Partnership