

Progressive Discipline

Policy Statement

Marywood University endorses a progressive discipline policy designed to promote resolution in a fair and orderly manner. This policy applies to faculty members with tenure or whose terms of appointment have not yet expired. Its objectives support the collegial relationships at Marywood University and are directed toward continual institutional improvement. The primary goal of the progressive discipline policy is to recognize and resolve satisfactorily personal and professional problems that may be rectified through an informal educational process and to forestall their escalation into formal disciplinary action. However, the policy also covers the process governing serious violations of professional responsibilities that may lead to recommendation for suspension or dismissal.

The policy is intended to provide an effective and flexible means of identifying problem areas, resolving complaints, and preventing repetitive incidents by prompt intervention and assistance. It is designed to accomplish these ends by a series of gradual steps involving strategies such as personal conferences, oral and written warnings, and opportunities for monitored assistance where applicable.

Progressive discipline, however, is not guaranteed in every instance. In certain rare and extreme cases, the President has the authority to initiate procedures for suspension or dismissal of a tenured faculty member without that person first undergoing progressive discipline. However, the faculty member retains the right to keep working until the full procedures are completed as outlined below and in the Faculty Grievance Policy.

DEFINITIONS

Faculty Grievance Committee: a committee elected by the faculty according to procedures outlined in the Faculty Grievance Policy. Their job is to review faculty grievances, including those that may arise in response to disciplinary action, such as suspension and dismissal. For more information about their selection and procedures, see the Faculty Grievance Policy.

Dismissal: The discharge of a faculty member from employment at Marywood University.

Progressive Discipline: a course of action tailored to each individual circumstance designed for the purpose of resolving a problem or issue with a faculty member through a series of gradual steps.

Suspension: The temporary barring of a faculty member from all work related to the University for a specified period of time. Unless in direct violation of the law, any such suspension will be with pay.

PROCEDURES

Progressive Discipline

1. Commencement: Disciplinary action may be initiated by a complaint, oral or written, which alleges violation of institutional policy, practice, procedure or other functions and responsibilities of the faculty member in pursuing his or her customary teaching and institutional role. The complaint, which may reflect an incident or incidents of misconduct or deficiency, may be communicated to the faculty member's immediate supervisor or to the appropriate dean.

2. Meeting with Administrator: The administrator receiving the complaint shall discuss the matter with the faculty member in a confidential conference. If additional information from the faculty member provides a satisfactory explanation, the decision may be to close the matter.

However, if additional light is not shed on the allegation or if the explanation proves unsatisfactory, the administrator will specify corrective action to be taken, and the discussion will constitute an oral warning.

3. Written Warning: If the alleged problem continues or additional complaints are received, the immediate supervisor or dean must notify the Vice President for Academic Affairs (VPAA), who shall conduct a preliminary investigation concerning the merits of the complaint. A written warning to the faculty member may follow where circumstances indicate that the problem is not resolved. The written warning will become a part of the faculty member's personnel file but will be expunged after three years if no other written warnings have occurred.

Should further written warnings follow, the VPAA may confer with the faculty member's immediate supervisor and dean to discuss alternatives. The VPAA will determine the next course of action, which might result in recommending to the President the faculty member's suspension and/or the termination of the faculty member's employment. Procedures are outlined below.

Special Assistance

In those circumstances where it is evident the faculty member is in need of special professional assistance, the VPAA should follow this process:

1. Give written warning of unacceptable behavior.
2. The VPAA may suggest any of the following remedial actions:
 - counseling and/or another type of treatment program, such as Alcoholics Anonymous or Narcotics Anonymous;
 - psychological counseling and/or treatment, including out-patient treatment prescribed by a duly credentialed and qualified professional;
 - peer faculty monitoring to assist in resolving work-related performance problems;
 - a specified number of periodic conferences with the faculty member's dean to assist in resolving administrative or institutional problems.
3. The VPAA should then monitor the situation for a specified amount of time determined on a case by case basis. Where the assistance necessitates in-patient treatment or time away from teaching, that temporary time-off shall be with pay.

During the period of assistance, the faculty member shall be encouraged to communicate regularly with the VPAA, who shall monitor the faculty member's progress to determine when and if the special assistance has achieved its objective. The faculty member may elect to provide

summary statements from treatment providers regarding compliance and prognosis. If the faculty member has refused to participate, or the remedial objective has not been reached during the specified period of time, a recommendation to terminate employment may be made to the President of the University.

GRIEVING PROGRESSIVE DISCIPLINE

Oral Warnings

Should the faculty member disagree with the oral warnings given by the immediate supervisor, s/he may request to meet with his/her appropriate Dean or, if appropriate, the VPAA to appeal the decision.

Written Warnings/Discipline

Should the faculty member disagree with a written warning or punitive action, s/he may elect to file a grievance with the Faculty Grievance Committee, following the procedures outlined in that policy, and bearing in mind that the Grievance Committee is empowered to review errors in procedure and offer the decision-maker its perspective on the issue, not to substitute its judgment for that of the decision-maker.

SUSPENSION OR DISMISSAL PROCEDURES

Exceptions to Progressive Discipline

In most cases, it is expected that faculty members will be entitled to the processes of progressive discipline. However, in the rare event of an egregious breach of professional discipline or illegal activity, the President may elect to initiate suspension or dismissal procedures immediately. There is no obligation for the President or VPAA to suspend the faculty member before moving to dismissal procedures given severe circumstances. However, whether suspension or dismissal is contemplated, the President will meet with the faculty member to discuss the issue in question, and then, if determined to proceed, will convene the Faculty Grievance Committee to review the case at hand before proceeding according to the procedures outlined below. The faculty member must be allowed to continue to work until the process is complete.

Only in an extreme situation, narrowly limited to the event of a faculty member threatening or causing physical harm to him or herself or members of the campus community, the President or VPAA may opt to suspend the faculty member from his/her assigned duties immediately. Unless in direct violation of the law, any such suspension should be with pay. The President should then initiate formal procedures as outlined.

Suspension

Should progressive discipline or special assistance result in no change in the faculty member's actions, the VPAA may opt to recommend to the President the suspension of the faculty member for a specified period of time. Alternately, in rare circumstances of an egregious breach of professional discipline or illegal activity, the President may elect to consider the suspension or dismissal of a faculty member for a specified period.

If the need for suspension is determined, the President will meet with the faculty member to discuss the issue at hand. If, after that meeting, the President resolves to continue with suspension, s/he should send a written communication to the faculty member, stating with

reasonable particularity the basis for suspension and offering, if requested by the faculty member within 7 (seven) days, to convene the Faculty Grievance Committee to consider the matter, to render confidential advice, and thereby to effect a remedy if possible.

If the faculty member elects not to convene the Faculty Grievance Committee within 7 (seven) days, the suspension shall stand. If s/he elects to convene the committee, the faculty member will continue to perform usual assigned duties (unless such continuation would lead to immediate physical harm to the faculty member or other members of the university community) until the committee's findings have been published. Unless in direct violation of the law, any such suspension should be with pay.

Dismissal

Should progressive discipline or special assistance result in no change in the faculty member's actions, the VPAA may opt to recommend to the President the termination of the faculty member's employment.

Before moving to termination, the President must meet with the faculty member to see if any possible remediation might occur or to see if the faculty member can provide any mitigating circumstances that might justify a less drastic course of action.

If the need for dismissal is determined, the President will send a written communication to the faculty member, stating with reasonable particularity the basis for dismissal and stating that the matter has been referred to the Faculty Grievance Committee to consider the matter, to render confidential advice, and thereby to effect a remedy if possible. The Faculty Grievance Committee Chair will immediately contact the faculty member as per the procedures outlined in the Faculty Grievance Policy.

Upon such notice, the faculty member may elect not to continue the Faculty Grievance Committee's hearing; if so, s/he should so notify the Faculty Grievance Committee and the President in writing and the dismissal shall stand.

While awaiting the Committee's findings, the faculty member will continue to perform usual assigned duties (unless such continuation would lead to immediate physical harm to the faculty member or other members of the university community).

The Faculty Grievance Committee shall follow its procedures as outlined in the Faculty Grievance Policy. Once the Committee has made its findings, the Chair will send in writing the Committee's opinion to the President of the University, copied to the faculty member and the VPAA.

If the Committee's decision is that there is no merit to the complaint against the faculty member, they shall recommend discontinuing the proceedings for suspension or dismissal. If the Committee finds that reason exists to question the fitness of the faculty member, they shall recommend either to continue the suspension or dismissal proceedings.

If the President agrees with the Committee's findings, she will notify in writing the Board of Trustees and the faculty member of the findings and her decision to accept. If the President

chooses to reject the Committee's findings, she will provide the Committee and the faculty member a detailed rationale in writing for her decision.

The Committee's recommendation should be taken very seriously by the President, especially in the case of a unanimous vote and clearly, logically written findings. In that case, the administration should consider very carefully the possible repercussions of rejecting the faculty Committee's findings. If the Committee were split in its vote, with both sides making compelling arguments, the President would be more justified in choosing to reject the recommendation.

Note: the Faculty Grievance Committee will only be convened twice (i.e., once for suspension and once for dismissal) in the event that progressive discipline procedures have been instituted and failed, and that a reasonable amount of time has taken place between suspension and dismissal. In this event, the membership of the Committee may be similar or different, a determination of which is made by the Faculty Grievance Committee Chair, after consultation with the Faculty Senate Executive Council. In the rarer event of a serious breach of professional discipline and/or illegal activity, if the President elects to proceed immediately with dismissal procedures (not suspension) after meeting with the faculty member, then the Faculty Grievance Committee will meet only once to appeal the dismissal.

Publicity

Public statements by the faculty member or others about possible or actual termination of employment should be avoided.

Responsibility for Expenses Incurred in Grievance and Appeal

Expenses incurred by the grievant are the responsibility of the individual. These include, but are not limited to, the following:

- Cost of an advisor.
- Travel expenses for advisor, witnesses, or others engaged by petitioner.
- Cost of preparing any documents and copies thereof.

Non-Retaliation

Grievants will not be adversely affected for exercising their right to file a grievance, regardless of outcome. Similarly, neither committee members nor witnesses will suffer adverse effects as a result of their participation in the process. Anyone who violates this mandate can be subject to disciplinary action, up to and including dismissal.

Related Policies

Contractual Agreements with Faculty

Tenure

Non-reappointment of Faculty Member

History of Policy– Progressive Discipline

07/01/89 – Reaffirmed with publication of Faculty Manual

12/12/97 – Addition of informal process approved by the President

07/01/03 – Editorial changes made to reflect academic restructuring

10/12/11 – Revision approved by the President of the University as recommended by the Policy Committee of the University

05/07/14 – Revision approved by the President of the University as recommended by the Policy Committee of the University

MARYWOOD UNIVERSITY
POLICIES AND PROCEDURES MANUAL

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