

## 211.02 Dismissal for Cause: Regents Policy

A tenured faculty member or a non-tenured faculty member, before the end of his or her contract term, may be dismissed for any of the following reasons provided that the institution has complied with procedural due process requirements:

- conviction or admission of guilt of a felony or of a crime involving moral turpitude during the period of employment—or prior thereto if the conviction or admission of guilt was willfully concealed;
- professional incompetency, neglect of duty, or default of academic integrity in teaching, in research, or in scholarship;
- unlawful manufacture, distribution, sale, use or possession of marijuana, a controlled substance, or other illegal or dangerous drugs as defined by Georgia laws; teaching or working under the influence of alcohol which interferes with the faculty member's performance of duty or his/her responsibilities to the institution or to the profession;
- conviction or admission of guilt in a court proceeding of any criminal drug offense;
- physical or mental incompetency as determined by law or by a medical board of three or more licensed physicians and reviewed by a committee of the faculty;
- false swearing with respect to official documents filed with the institution;
- disruption of any teaching, research, administrative, disciplinary, public service, or other authorized activity;
- such other grounds for dismissal as may be specified in the statutes of the institution.

Each institution, as part of its statutes, may supplement Regents' policies governing causes for dismissal and procedures for dismissal. Each institution should provide for standards governing faculty conduct, including sanctions short of dismissal, and procedures for the implementation of such sanctions. In the imposition of sanctions, the burden of proof lies with the institution (*Board of Regents Policy Manual*, § 8.3.9.1).

## Board of Regents Policy Manual

### 8.3 Additional Policies for Faculty

#### 8.3.9.2 Procedures for Dismissal

These procedures shall apply only to the dismissal of a faculty member with tenure, or a non-tenured faculty member before the end of the term specified in his/her contract.

It is intended that the procedures set forth below shall be considered as minimum standards of due process and shall not be construed as a limitation upon individual standards or procedures, consistent with the Policy Manual and Bylaws of the Board, which a USG institution may elect to adopt for its own improvement or to make adjustment to its own particular circumstances. Such additional standards or procedures shall be incorporated into the statutes of the institution.

The president may at any time remove any faculty member for cause. Cause or grounds for dismissal are set forth in [Section 8.3.9.1 of this Policy Manual](#) and in the approved statutes or bylaws of an institution. Whenever the words "president" or "administration" are used in these procedures, they shall be construed to include the designated representative of the president.

## **Preliminary Procedures**

The dismissal of a tenured faculty member, or a non-tenured faculty member during his/her contract term should be preceded by:

1. Discussion between the faculty member and appropriate administrative officers looking toward a mutual settlement.
2. Informal inquiry by an appropriate faculty committee which may, upon failing to effect an adjustment, advise the president whether dismissal proceedings should be undertaken; its advisory opinion shall not be binding upon the president.
3. A letter to the faculty member forewarning that he/she is about to be terminated for cause and informing him/her that a statement of charges will be forwarded to him/her upon request. The faculty member may also request a formal hearing on the charges before a faculty committee. Failure to request charges or a hearing within a reasonable time shall constitute a waiver of the right to a hearing.
4. A statement of charges, if requested by the faculty member, framed with reasonable particularity by the president or his or her designated representative. Along with the charges, the faculty member shall be advised of the names of the witnesses to be used against him or her together with the nature of their expected testimony.

## **Provision for Hearing Committee**

A dismissal as defined above shall be preceded by statement of charges or causes (grounds for dismissal) if so requested, including a statement that the faculty member concerned shall have the right to be heard by a faculty hearing committee.

The Hearing Committee shall consist of not fewer than three (3) or more than five (5) impartial faculty members appointed by the executive committee (or its equivalent) of the highest legislative body of the faculty, from among the members of the entire faculty, as defined in [Section 8.1.1 of this Policy Manual](#), of the institution.

Members of the Hearing Committee may serve concurrently on other committees of the faculty. The Hearing Committee will meet as a body when it is called into session by the chair of the body that selected them either at his/her discretion, or upon the request of the president or the faculty member who is subject to dismissal.

When the Hearing Committee is called into session, it shall elect a chair from among its membership. A member should remove himself/herself from the case, either at the request of a party or on his/her own initiative if he/she deems himself/herself disqualified for bias or interest. Each party shall have a maximum of two (2) challenges without stated cause, provided, however, that all challenges whether with or without cause shall be made in writing and filed with the chair of the Hearing Committee at least five (5) days in advance of the date set for the hearing.

The chair shall have the authority to decide whether a member of the committee is disqualified for cause. If the chair determines that a member is so disqualified or if a committee member removes himself/herself from a case, the replacement shall be made in the same manner as the original committee was selected. If the chair is thus removed, the committee shall elect a new chair after committee replacements have been appointed. A minimum of three (3) members is required for any action to be taken.

### **Dismissal Procedures**

In all instances where a hearing is requested, the following hearing procedures shall apply:

1. Service of notice of the hearing with specific reasons or charges against the faculty member together with the names of the members of the Hearing Committee shall be made in writing at least twenty (20) days prior to the hearing. The faculty member may waive a hearing or he/she may respond to the charges in writing at least five (5) days in advance of the date set for the hearing. If a faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the Hearing Committee shall evaluate all available evidence and rest its recommendation upon the evidence in the record.
2. The Hearing Committee, in consultation with the president and the faculty member, may exercise its judgment as to whether the hearing should be public or private.
3. During the proceedings the faculty member and the administration shall be permitted to have an academic advisor and/or counsel of his/her choice. The Hearing Committee will be permitted to have advisory counsel.
4. At the request of either party or the chair of the Hearing Committee, a representative of a responsible education association shall be permitted to attend as an observer.
5. A tape recording or transcript of the proceedings shall be kept and made available to the faculty member and the administration in the event an appeal is filed.
6. An oath or affirmation shall be administered to all witnesses by any person authorized by law to administer oaths in the State of Georgia.
7. The Hearing Committee may grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
8. The faculty member and the administration shall be afforded a reasonable opportunity to obtain necessary witnesses and documentary or other evidence.
9. The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear but the Committee determines that the interests of justice require the admission of his/her statement, the Committee will identify the witness, disclose his statement and if possible provide for interrogatories.
10. The Hearing Committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible

effort will be made to obtain the most reliable evidence available. All questions relating to admissibility of evidence or other legal matters shall be decided by the chair or presiding officer.

11. The findings of fact and the decision of the Hearing Committee will be based solely on the hearing record.
12. Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers should be avoided until the proceedings have been completed, including consideration by the Board of Regents in the event an appeal is filed. The president and the faculty member will be notified in writing of the decision and recommendation, if any, of the Hearing Committee.
13. If the Committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the president. If the president does not approve the report, he/she should state his/her reasons in writing to the Committee for response before rendering his/her final decision. If the Committee concludes that an academic penalty less than dismissal would be more appropriate than dismissal, it may so recommend with supporting reasons. The president may or may not follow the recommendations of the Committee.
14. After complying with the foregoing procedures, the president shall send an official letter to the faculty member notifying him/her of his/her retention or removal for cause. Such letter shall be delivered to addressee only, with receipt to show to whom and when delivered and address where delivered. The letter shall clearly state any charges which the president has found sustained and shall notify such person that he/she may appeal to the Board of Regents for review. The appeal shall be submitted in writing to the Chancellor within twenty (20) days following the decision of the president. It shall state the decision complained of and the redress desired. The Board or a committee of the Board shall investigate the matter thoroughly and render its decision thereon within sixty (60) days from the date of the receipt of the appeal or from the date of any hearing which may be held thereon.
15. Upon dismissal by the president, the faculty member shall be suspended from employment without pay from the date of the final decision of the president. Should the faculty member be reinstated by action of the Board of Regents, he/she shall be compensated from the date of the suspension.