

## **Faculty Discipline Policy**

### ***A. Policy Statement***

The University of Texas Permian Basin (“University”) is a university of the first class for many reasons, including the extraordinarily high quality and dedication of its Faculty Members. However, the University, as an employer, may discipline a Faculty Member subsequent to a finding that the Faculty Member engaged in misconduct. This policy establishes the procedures the University will follow in exercising its right to discipline Faculty Members.

The University urges Faculty Members to take advantage of University resources at any point during the disciplinary process. The University also urges administrators, including deans, department chairs, and directors, to contact the Office of Academic Affairs/Provost, or other offices designated by the provost, with questions or concerns regarding a Faculty Member’s conduct, work performance, or other related issues, and to do so as soon as the issue arises.

### ***B. Reason for Policy***

This policy describes the process by which the University may take disciplinary action against a Faculty Member subsequent to a finding that the Faculty Member engaged in misconduct. Additionally, it provides information regarding the rights of the Faculty Member.

Depending on the nature of the Faculty Member’s alleged misconduct, other policies and procedures may govern, in whole or in part, the review of the alleged misconduct, potential Discipline of a Faculty Member, and how Discipline is reviewed. Such policies include, but are not limited to, [\*\*Regents’ Rule 31008\*\*](#) (Termination of a Faculty Member)

### ***C. Scope & Audience***

This policy applies to individuals holding an academic title contained in [\*\*Regents’ Rule 31001\*\*](#) (Section 2), (except for student titles).

### ***D. Definitions (specific to this policy)***

#### **Administrator:**

A department chair, dean, or director who determines that disciplining a Faculty Member may be appropriate.



Academic Affairs	<b>Phone:</b> 432-552-2112	<b>Website:</b> <a href="https://www.utpb.edu/academics/academic-affairs/">https://www.utpb.edu/academics/academic-affairs/</a>
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## ***F. Responsibilities & Procedures***

### **1. Interim Measures**

The president (or designee) may place a Faculty Member on Alternative Work Assignment after determining that it is in the best interest of the institution before or during an investigation, whether internal or external. Such action is an interim measure pending resolution of an investigation or review and does not constitute Discipline.

In cases where termination of a Faculty Member is a possible outcome, the president (or designee) may place a Faculty Member on Suspension with pay, before or during an investigation. Before suspending the Faculty Member, the president (or designee) must determine that:

- a. the alleged misconduct would, if proven, constitute good cause for termination under [Regents' Rule 31008](#) (Termination of a Faculty Member),
- b. the alleged misconduct is supported by credible evidence, and
- c. a Suspension is in the best interest of the institution. Such action is an interim measure and does not constitute Discipline. Unless the president (or designee) determines immediate Suspension is in the best interest of the institution, the president shall consult with the Faculty Senate prior to suspending the Faculty Member.

### **2. When an Administrator Determines that Discipline of a Faculty Member May Be Appropriate**

Requests for extension of the deadlines outlined below, by either the Administrator or Faculty Member, must be directed to the provost (or designee).

Step One: Before imposing any Discipline, the Administrator must contact the Office of the Provost. Working in conjunction with the Office of the Provost, the Administrator must provide a written notice of intent to the Faculty Member, with a copy to the executive vice president and provost, outlining the proposed Discipline and the basis for such action. The Faculty Member will have ten (10) working days to respond, in writing, to the notice of intent. If the Faculty Member does not provide a written response within ten (10) working days, the Administrator may proceed with the proposed Discipline.

Step Two: If the Faculty Member submits a timely written response to the notice of intent, the Administrator must reply within ten (10) working days of receiving such response. The reply must be in writing and must inform the Faculty Member whether the Administrator intends to proceed with the proposed Discipline. The reply must also inform the Faculty Member of the various avenues of remedy.

Step Three: If the Administrator intends to proceed with the proposed Discipline, the Faculty Member may initiate a grievance as provided under HOP Part I-11.1 (Faculty Grievance Procedure). If the Faculty Member initiates a grievance within fifteen (15) working days of receiving the Administrator's reply, imposition of the proposed Discipline will be automatically suspended until the grievance is decided. Instruction on initiating a grievance may be found in HOP Part I-11.1 (Faculty Grievance Procedure).

Step Four: If the Faculty Member fails to initiate a grievance within fifteen (15) days after receiving the Administrator's reply, the Administrator may impose the proposed Discipline. The Faculty Member retains the right to grieve the Discipline as provided under HOP Part I-11.1 (Faculty Grievance Procedure) after the imposition of the Discipline. In such cases, however, the disciplinary action may remain in effect while the grievance is considered.

### **3. When the President and Provost Determines Immediate Discipline of a Faculty Member is in the Best Interest of the Institution**

The president and provost may impose immediate Discipline on a Faculty Member upon determining that immediate Discipline is in the best interest of the institution. Within three (3) working days of taking such action, the president or executive vice president and provost must:

- a. provide the Faculty Member a written explanation for the Discipline imposed, as well as any additional action being contemplated, and
- b. without revealing the Faculty Member's identity, provide a written explanation for the Discipline imposed, as well as any additional action being contemplated, to the Office of General Faculty. The Faculty Member may grieve the discipline as provided under HOP Part I-11.1 (Faculty Grievance Procedure).

### **4. Disputes**

Subject to the limitations provided in HOP Part I-11.1 (Faculty Grievance Procedure), a Faculty Member disciplined under a University, UT System, and/or Board of Regents policy or rule may file a grievance with the President.

#### ***G. Related Information***

**Regents' Rules and Regulations, Rule 31001** – Faculty Appointments and Titles

**Regents' Rules and Regulations, Rule 31008** – Termination of a Faculty Member