

UIUC Procedures  
to Implement *Statutes* Governing Dismissal of Non-Tenure-Eligible (NTE) Academic Staff Members  
with Multiple Year Contracts Prior to the End of Their Terms of Appointment

Article X. Section 1(a) of the University *Statutes* authorizes each campus Chancellor, with advice and consent of the Senate, to develop implementing procedures for multi-year contract appointments for NTE academic staff, including procedures for dismissal prior to the end of the contract term. Article IX Section 12 of the *Statutes* states that members of the academic staff<sup>1</sup> with multiple year appointments may be dismissed for cause, and further defines cause as:

1. Failing to perform contractual duties or related activities in a professional manner, whether from incompetence, neglect or willful refusal;
2. Failing to follow all applicable campus or University regulations or policies, and all applicable laws related to the conduct of contractual duties;
3. Acting outside the appropriate exercise of University responsibilities so as to willfully cause or threaten to cause physical harm to, harass or intimidate a visitor or a member of the University community;
4. Willfully or negligently damaging, destroying or misappropriating property owned by the University or any property used in connection with a University function or approved activity; or
5. Being convicted of or pleading guilty to a felony.

The following procedures, which accord with the provisions of Article IX Section 12, are adopted and will be applied by the UIUC campus in cases in which cause may exist to seek dismissal of NTE academic staff members prior to the conclusion of their multi-year contract terms of appointment.

Dismissal for Cause of NTE Academic Staff with Multi-Year Appointments Prior to the End of Their Terms of Appointment

(1) Responsibility of the Unit Executive Officer (UEO)<sup>2</sup> in considering whether cause exists to initiate dismissal proceedings against an NTE academic staff member ("person being charged").

(a) In considering whether cause exists to initiate dismissal proceedings concerning an NTE academic staff member, and before arriving at a determination that such cause exists, the Unit Executive Officer shall consult about the matter with Academic Human Resources.

(b) This consultation and all further deliberations and communications involved in any such proceeding shall be confidential to the extent permitted by law.

(2) Notice to the Staff Member. If the UEO concludes that cause exists for dismissal of an NTE staff member with a multi-year appointment prior to the end of that person's term of appointment, the person being charged with cause for dismissal shall be given notice in writing by the UEO of this determination, the intended date of the termination of employment, the charges of cause, the opportunity for response and a hearing, the process to be followed in these proceedings (including a copy of the document titled "UIUC Procedures to Implement *Statutes* Governing Dismissal of Non-Tenure-Eligible Academic Staff Members with Multiple Year Contracts Prior to the End of Their Terms of Appointment"), the timelines of the process, and the opportunity for an appeal of an adverse decision following the hearing.

<sup>1</sup> Academic staff holding multi-year contracts consists of members of the academic staff with rank or title of as defined in Article X, Section 1(a), Paragraphs (6) and (7) of the University Statutes.

<sup>2</sup> Within a College organized by departments or other sub-units i.e. schools, centers, or programs functioning as a department, the Unit Executive Officer is at the departmental level (Head, Chair, or Director). In a College or other such unit not organized by departments or similar sub-units, the Dean or Director at the College level serves as Unit Executive Officer.

(3) Opportunity for Response, Hearing and Appeal.

(a) Opportunity for hearing. In accordance with Article IX, Section 12 of the University *Statutes*, an NTE staff member who is notified that he/she will be dismissed prior to the end of his/her multiple year appointment shall have an opportunity for a hearing before the Provost or the Provost's designee. A staff member charged with cause for dismissal shall have 10 business days from the time of the receipt of the written notice to respond in writing to the charges to the UEO and to request a hearing with respect to the UEO's determination. If no such request is made within that time, the determination of the UEO shall stand. The request must be made in writing and submitted to the UEO with a copy to the next-level administrative officer.

(b) Provost's designee. For purposes of these procedures, absent any other explicit designation by the Provost, the Provost's designees shall be as follows:

1. In Colleges organized by departments, the Provost's designee to serve as a hearing officer shall be an Associate Dean of the College. The Provost's designee to hear appeals of hearing officers' decisions in Colleges organized by departments shall be the Dean of the College.
2. In Colleges or units not organized by departments, the Provost's designee to serve as a hearing officer shall be an Associate Provost. The Provost shall hear appeals of such hearing officers' decisions.

(c) Hearing officer. The hearing officer shall not be someone having a close professional or personal relationship with the person charged, or be a colleague of the person charged (in the same department or other smallest administrative unit), or have previously acted on another committee by which the case has previously been considered, or be involved in other ways rendering involvement in the consideration of the case inappropriate.

(d) Timeline and confidentiality. The hearing officer shall provide the person charged with a timeline for completion of the dismissal proceedings, and shall conduct the proceedings as expeditiously as is feasible and consistent with due diligence. It is intended that all hearing proceedings shall be kept confidential to the fullest extent possible as provided by law.

(e) Written summary. The hearing officer shall ensure that a confidential written summary of what transpires in the hearing is made. Such summary shall be retained and turned over to the UEO and next-level administrative officer at the conclusion of the hearing officer's deliberations on the case.

(f) Procedure. The hearing officer shall explain in writing to the person charged and the UEO the process to be followed in the consideration of the case, including identification of the person to whom any appeal must be submitted. The hearing officer shall not be bound by technical rules of evidence, but all findings, conclusions and recommendations of the hearing officer shall be supported by and be in accord with substantial evidence. The hearing officer shall give the person charged the opportunity to appear prior to final deliberations to respond to the charges, to address evidence supporting dismissal, and to present further evidence relevant to the charges. The hearing officer shall also give the UEO the same opportunity. On all such occasions the person charged may be accompanied by and consult with an advisor, as may the UEO, subject to ground rules and decisions of the hearing officer. Any such advisor may be present and may function during hearing proceedings in the capacity of advisor only.

(g) Written report. The hearing officer shall prepare and submit a written report to the UEO, the next-level administrative officer, and the person charged which contains findings and a determination as to whether there is cause for dismissal.

(h) Appeal. The person charged or UEO may appeal the hearing officer's determination to the Provost or the Provost's designee for this purpose as identified in subsections (b) and (f) above by submitting a written appeal to the Provost or appropriate designee within 10 business days of receiving that decision. If no such appeal is filed within this period, the hearing officer's determination shall stand. The non-appealing party shall have 10 business days to file a response to the appeal with the Provost or Provost's designee.

(i) Final disposition. The Provost or Provost's designee shall proceed to consider the appeal, giving due consideration to the letter of notice from the UEO, the hearing officer's report, and the written appeal and response, consulting with any of the parties involved as may be appropriate and needful. The Provost or Provost's designee shall notify the person charged and the UEO of his/her decision with respect to the appeal and of the reasons for it (by certified mail if possible), with copy to the hearing officer. No further appeal shall be available; that decision shall be final.