

FACULTY SENATE EXECUTIVE COUNCIL

***Resolution on the Application of the Disciplinary Action
and Termination for Cause Policy at SIUC***

WHEREAS the Faculty Senate is charged to “initiate, promote, and ensure the enforcement of policies involving academic and intellectual freedom, and to concern itself in all matters of faculty status and welfare;”¹ and

WHEREAS the American Association of University Professors (AAUP) has defined post-tenure review as “a system of periodic evaluation that goes beyond the many traditional forms of continuous evaluation utilized in most colleges and universities... At its most draconian, post-tenure review aims to reopen the question of tenure;”² and

WHEREAS the AAUP stated that post-tenure review “would bring scant benefit, would incur unacceptable costs, not only in money and time but also in dampening of creativity and of collegial relationships, and would threaten academic freedom;”³ and

WHEREAS SIUC’s Disciplinary Action and Termination for Cause Policy (hereinafter “Disciplinary Policy”) “provides guidelines for addressing allegations of misconduct or unsatisfactory job performance.”⁴ The policy further states, “determining if adequate cause for termination exists must be made on a case-by-case basis, such finding shall be related to the behavior and performance of the faculty/staff member in his/her professional capacity and includes such matters as 1) dishonesty or other unethical conduct; 2) demonstrated incompetence, failure to perform reasonable assignments, or neglect of duty; 3) violation of laws or university policies, such as the prohibition against unlawful discrimination, sexual harassment, illegal use of controlled substances, etc.; and 4) abuse of the employee’s position of employment or misuse of university resources;”⁵ and

WHEREAS the University Administration has recently relied on the Disciplinary Policy to place a tenured faculty member on probation – based solely on merit reviews – threatening her tenure and her employment with the University; and

WHEREAS although the Judicial Review Board found that this use of the Disciplinary Policy was egregiously misapplied and resulted in *de facto* post-tenure review, the Chancellor reversed the unanimous decision of the JRB and upheld the supervisor’s unprecedented action;

BE IT RESOLVED THAT the Disciplinary Action and Termination for Cause Policy cannot be used as a means to revoke the tenure of a faculty member whose job performance is judged as below average by his/her supervisor; and

BE IT FURTHER RESOLVED that the Faculty Senate urges the Board of Trustees to take this matter on appeal, to reverse the decision of the Chancellor, and to adopt the recommendation of the Judicial Review Board; and

BE IT FURTHER RESOLVED that the Faculty Senate does not recognize any form of post tenure review – *de facto*, direct, indirect, or otherwise – that places a faculty member’s tenure at risk.

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¹ SIUC Faculty Senate Bylaws I.B.a.ii, accessed March 2, 2009 at <http://www.siu.edu/~policies/policies/opffs.html>.

² American Association for University Professors (1999). Post-Tenure Review: An AAUP Response, p. 2. Retrieved January 13, 2009 at <http://www.aaup.org/AAUP/pubsres/policydocs/contents/PTR.htm>.

³ Ibid, p. 2-3.

⁴ Disciplinary Action and Termination for Cause Policy approved May 26, 1993 by the SIU Board of Policies, accessed January 13, 2009 at <http://www.siu.edu/~policies/policies/discipfa.html>

⁵ Ibid, p. 2-3.